

DHS Border Services Contracts Review Act

[Public Law 118–171]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 118–171. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS Border Services Contracts Review Act”.

SEC. 2. ASSESSMENT OF CONTRACTS FOR COVERED SERVICES BY THE DEPARTMENT OF HOMELAND SECURITY.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Management of the Department of Homeland Security, in consultation with appropriate officials of the Department, shall submit to the appropriate congressional committees a report regarding active contracts for covered services of the Department awarded on or before—

(A) September 30, 2023; or

(B) the date of the enactment of this Act, whichever occurs later.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) The criteria used by the Department of Homeland Security to determine whether contractor personnel were necessary to assist the Department in carrying out its mission along the United States land border with Mexico.

(B) An analysis of the purpose, quantity, and location of contractor personnel to perform covered services of the Department with respect to effectively—

(i) addressing mission needs along such border; and

(ii) enhancing the capability of Department personnel to perform primary mission responsibilities, including the number of Department personnel not removed from their primary mission responsibilities by reason of the performance of covered services by contractor personnel.

(C) An assessment with respect to the benefits of contractor personnel performing covered services, including whether the performance of such services by contractor personnel is more efficient or effective than the performance of such services by Department employees.

(D) An assessment of opportunities to increase the efficiency of the Department with respect to contracting, including whether Department-wide contract vehicles for covered services would be the most cost effective option for the performance of covered services.

(E) A strategy to improve the procurement and delivery of covered services through contracts during the five-year period beginning on the date of the enactment of this Act to—

(i) achieve the best value for the Department through the use of full and open competition; and

(ii) ensure no lapse in the performance of such services.

(F) Recommendations based on findings resulting from the analysis and assessments required in subparagraphs (B) through (D).

(G) Any other information relating to contracts for covered services that the Under Secretary for Management determines appropriate.

(b) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Under Secretary for Management shall submit with the report required under subsection (a) a plan to implement the recommendations and strategy contained in such report to enhance coordination, minimize overlap, and increase cost effectiveness among contracts for covered services.

(2) BRIEFING.—Not later than 180 days after the date on which the Under Secretary for Management submits the report required under subsection (a) and the plan required under paragraph (1) and every 180 days thereafter until such plan is fully implemented, the Under Secretary, or the designee of the Under Secretary, shall provide to the appropriate congressional committees a briefing with respect to the status of such implementation.

(c) PROHIBITION ON FUNDING.—No funds are authorized to be appropriated to carry out this section. This section shall be carried out using amounts otherwise authorized to be made available for such purposes.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) CONTRACT FOR COVERED SERVICES.—The term “contract for covered services” means a contract (with a total contract value of \$50,000,000 or more in 2023 constant dollars, inclusive of contract options) relating to the procurement of covered services for the Department of Homeland Security.

(3) COVERED SERVICES.—The term “covered services” means, with respect to the United States land border with Mexico, any service, including related to border security, provided by a contractor to be used by the Department.