

## Calendar No. 402

117TH CONGRESS  
2D SESSION**H. R. 4363****[Report No. 117-120]**

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**IN THE SENATE OF THE UNITED STATES**

SEPTEMBER 30, 2021

Received, read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

JUNE 9, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**AN ACT**

To establish a daily public reporting requirement for covered contract awards of the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS Contract Report-  
5 ing Act of 2021”.

1 **SEC. 2. DAILY PUBLIC REPORT OF COVERED CONTRACT**

2 **AWARDS.**

3 (a) **DAILY REPORT.**—

4 (1) **IN GENERAL.**—The Secretary shall post,  
5 maintain, and update in accordance with paragraph  
6 (2), on a publicly available website of the Depart-  
7 ment, a daily report of all covered contract awards.  
8 Each reported covered contract award shall include  
9 information relating to—

10 (A) the contract number, modification  
11 number, or delivery order number;

12 (B) the contract type;

13 (C) the amount obligated for such award;

14 (D) the total contract value for such  
15 award, including all options;

16 (E) the description of the purpose for such  
17 award;

18 (F) the number of proposals or bids re-  
19 ceived;

20 (G) the name and address of the vendor,  
21 and whether such vendor is considered a small  
22 business;

23 (H) the period and each place of perform-  
24 ance for such award;

25 (I) whether such award is multiyear;

1           ~~(J)~~ whether such award requires a small  
2           business subcontracting plan; and

3           ~~(K)~~ the contracting office and the point of  
4           contact for such office.

5           ~~(2)~~ UPDATE.—Updates referred to in para-  
6           graph ~~(1)~~ shall occur not later than two business  
7           days after the date on which the covered contract is  
8           authorized or modified.

9           ~~(3)~~ SUBSCRIBING TO ALERTS.—The website re-  
10          ferred to in paragraph ~~(1)~~ shall provide the option  
11          to subscribe to an automatic notification of the pub-  
12          lication of each report required under such para-  
13          graph.

14          ~~(4)~~ EFFECTIVE DATE.—Paragraph ~~(1)~~ shall  
15          take effect on the date that is 180 days after the  
16          date of the enactment of this section.

17          ~~(b)~~ UNDEFINITIZED CONTRACT ACTION OR DEFINI-  
18          TIZED AMOUNT.—If a covered contract award reported  
19          pursuant to subsection ~~(a)~~ includes an undefinitized con-  
20          tract action, the Secretary shall—

21                 ~~(1)~~ report the estimated total contract value for  
22                 such award and the amount obligated upon award;  
23                 and

24                 ~~(2)~~ once such award is definitized, update the  
25                 total contract value and amount obligated.

1       (e) EXEMPTION.—Each report required under sub-  
2 section (a) shall not include covered contract awards relat-  
3 ing to classified products, programs, or services.

4       (d) DEFINITIONS.—In this section:

5           (1) COVERED CONTRACT AWARD.—The term  
6 “covered contract award”—

7           (A) means a contract action of the Depart-  
8 ment with the total authorized dollar amount of  
9 \$4,000,000 or greater, including unexercised  
10 options; and

11           (B) includes—

12           (i) contract awards governed by the  
13 Federal Acquisition Regulation;

14           (ii) modifications to a contract award  
15 that increase the total value, expand the  
16 scope of work, or extend the period of per-  
17 formance;

18           (iii) orders placed on a multiple award  
19 or multiple-agency contract that includes  
20 delivery or quantity terms that are indefi-  
21 nite;

22           (iv) other transaction authority agree-  
23 ments; and

24           (v) contract awards made with other  
25 than full and open competition.

1           (2) ~~DEFINITIZED AMOUNT.~~—The term “defini-  
2           tized amount” means the final amount of a covered  
3           contract award after agreement between the Depart-  
4           ment and the contractor at issue.

5           (3) ~~DEPARTMENT.~~—The term “Department”  
6           means the Department of Homeland Security.

7           (4) ~~SECRETARY.~~—The term “Secretary” means  
8           the Secretary of Homeland Security.

9           (5) ~~SMALL BUSINESS.~~—The term “small busi-  
10          ness” means an entity that qualifies as a small busi-  
11          ness concern, as such term is described under sec-  
12          tion 3 of the Small Business Act (15 U.S.C. 632).

13          (6) ~~TOTAL CONTRACT VALUE.~~—The term “total  
14          contract value” means the total amount of funds ex-  
15          pected to be provided to the contractor at issue  
16          under the terms of the contract through the full pe-  
17          riod of performance.

18          (7) ~~UNDEFINITIZED CONTRACT ACTION.~~—The  
19          term “undefinitized contract action” means any con-  
20          tract action for which the contract terms, specifica-  
21          tions, or price is not established prior to the start  
22          of the performance of a covered contract award.

23 **SECTION 1. SHORT TITLE.**

24           *This Act may be cited as the “DHS Contract Report-*  
25 *ing Act of 2021”.*

1 **SEC. 2. DAILY PUBLIC REPORT OF COVERED CONTRACT**

2 **AWARDS.**

3 (a) *DAILY CONTRACT REPORTING REQUIREMENTS.*—

4 (1) *REPORT.*—

5 (A) *IN GENERAL.*—*The Secretary shall post,*  
6 *maintain, and update in accordance with para-*  
7 *graph (2), on a publicly available website of the*  
8 *Department, a daily report of all covered con-*  
9 *tract awards.*

10 (B) *CONTENTS.*—*Each report under this*  
11 *paragraph shall include, for each covered con-*  
12 *tract award, information relating to—*

13 (i) *the contract number, modification*  
14 *number, or delivery order number;*

15 (ii) *the contract type;*

16 (iii) *the amount obligated for the*  
17 *award;*

18 (iv) *the total contract value for the*  
19 *award, including all options;*

20 (v) *the description of the purpose for*  
21 *the award;*

22 (vi) *the number of proposals or bids re-*  
23 *ceived;*

24 (vii) *the name and address of the ven-*  
25 *dor, and whether the vendor is a small busi-*  
26 *ness;*

1                   (viii) the period and primary place of  
2                   performance for the award;

3                   (ix) whether the award is multiyear;

4                   and

5                   (x) the contracting office.

6                   (2) *UPDATE.*—The Secretary shall make updates  
7                   referred to in paragraph (1) not later than 5 business  
8                   days after the date on which a covered contract is au-  
9                   thorized or modified.

10                  (3) *EFFECTIVE DATE.*—Paragraph (1) shall take  
11                  effect on the date that is 180 days after the date of  
12                  enactment of this Act.

13                  (b) *UNDEFINITIZED CONTRACT ACTION OR DEFINI-*  
14                  *TIZED AMOUNT.*—If a covered contract award reported  
15                  under subsection (a) includes an undefinitized contract ac-  
16                  tion, the Secretary shall—

17                   (1) report the estimated total contract value for  
18                   the award and the amount obligated upon award;  
19                   and

20                   (2) once there is a definitized amount for the  
21                   award, update the total contract value and amount  
22                   obligated.

23                  (c) *EXEMPTION.*—Each report required under sub-  
24                  section (a) shall not include covered contract awards for  
25                  which synopsis was exempted under section 5.202(a)(1) of

1 *the Federal Acquisition Regulation, or any successor there-*  
2 *to.*

3 (d) *DEFINITIONS.—In this section:*

4 (1) *COVERED CONTRACT AWARD.—The term*  
5 *“covered contract award”—*

6 (A) *means a contract action of the Depart-*  
7 *ment with a total contract value of not less than*  
8 *\$4,000,000, including unexercised options; and*

9 (B) *includes—*

10 (i) *contract awards governed by the*  
11 *Federal Acquisition Regulation;*

12 (ii) *modifications to a contract award*  
13 *that increase the total value, expand the*  
14 *scope of work, or extend the period of per-*  
15 *formance;*

16 (iii) *orders placed on a multiple-award*  
17 *or multiple-agency contract that includes*  
18 *delivery or quantity terms that are indefi-*  
19 *nite;*

20 (iv) *other transaction authority agree-*  
21 *ments; and*

22 (v) *contract awards made with other*  
23 *than full and open competition.*

24 (2) *DEFINITIZED AMOUNT.—The term “defini-*  
25 *tized amount” means the final amount of a covered*



1 *contract award after agreement between the Depart-*  
2 *ment and the contractor at issue.*

3 (3) *DEPARTMENT.*—*The term “Department”*  
4 *means the Department of Homeland Security.*

5 (4) *SECRETARY.*—*The term “Secretary” means*  
6 *the Secretary of Homeland Security.*

7 (5) *SMALL BUSINESS.*—*The term “small busi-*  
8 *ness” means an entity that qualifies as a small busi-*  
9 *ness concern, as defined under section 3 of the Small*  
10 *Business Act (15 U.S.C. 632).*

11 (6) *TOTAL CONTRACT VALUE.*—*The term “total*  
12 *contract value” means the total amount of funds ex-*  
13 *pected to be provided to the contractor at issue under*  
14 *the terms of the contract through the full period of*  
15 *performance.*

16 (7) *UNDEFINITIZED CONTRACT ACTION.*—*The*  
17 *term “undefinitized contract action” means any con-*  
18 *tract action for which the contract terms, specifica-*  
19 *tions, or price is not established prior to the start of*  
20 *the performance of the covered contract award.*

21 (e) *SUNSET.*—*This section shall cease to have force or*  
22 *effect on the date that is 5 years after the date of enactment*  
23 *of this Act.*

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117<sup>TH</sup> CONGRESS  
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