

116TH CONGRESS
1ST SESSION

H. R. 2083

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2019

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

AN ACT

To amend the Homeland Security Act of 2002 regarding the procurement of certain items related to national security interests for Department of Homeland Security frontline operational components, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homeland Procure-
3 ment Reform Act” or the “HOPR Act”.

4 **SEC. 2. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED**
5 **TO NATIONAL SECURITY INTERESTS AC-**
6 **CORDING TO CERTAIN CRITERIA.**

7 (a) IN GENERAL.—Subtitle D of title VIII of the
8 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
9 is amended by adding at the end the following new section:
10 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**
11 **LATED TO NATIONAL SECURITY INTERESTS.**

12 “(a) REQUIREMENT.—The Secretary shall ensure
13 that any procurement of covered items for a frontline
14 operational component meets the following criteria:

15 “(1) To the maximum extent possible, not less
16 than one-third of funds obligated in a specific fiscal
17 year for the procurement of such covered items shall
18 be covered items that are manufactured in part or
19 provided in the United States by entities that qualify
20 as small business concerns (as such term is de-
21 scribed under section 3 of the Small Business Act
22 (15 U.S.C. 632)).

23 “(2) Each prime contractor, with respect to the
24 procurement of such covered items, shall ensure, to
25 the maximum extent practicable, the following:

1 “(A) Each first-tier subcontractor and end
2 item manufacturer complies with the contractor
3 code of business ethics and conduct under sec-
4 tion 3509 of title 41, United States Code, and
5 the Federal Acquisition Regulation.

6 “(B) Each first-tier subcontractor and
7 end-item manufacturer is in compliance with a
8 standard identified by the Secretary as appro-
9 priate for quality, such as ISO 9001:2015 of
10 the International Organization for Standardiza-
11 tion.

12 “(C) The ability of a first-tier subcon-
13 tractor to fulfill the terms of the contract is
14 verified.

15 “(3) Each supplier of such a covered item with
16 an insignia (such as any patch, badge, or emblem)
17 and each supplier of such an insignia, if such cov-
18 ered item with such insignia or such insignia, as the
19 case may be, is not produced, applied, or assembled
20 in the United States, shall—

21 “(A) store such covered item with such in-
22 signia or such insignia in a locked area;

23 “(B) report any pilferage or theft of such
24 covered item with such insignia or such insignia
25 occurring at any stage before delivery of such

1 covered item with such insignia or such insignia;
2 nia; and

3 “(C) destroy any defective or unusable covered
4 item with insignia or insignia in a manner
5 established by the Secretary, and maintain
6 records, for 3 years after the creation of such
7 records, of such destruction that include the
8 date of such destruction, a description of the
9 covered item with insignia or insignia destroyed,
10 the quantity of the covered item with insignia
11 or insignia destroyed, and the method of destruction.
12

13 “(b) PRICING.—The Secretary shall ensure that covered
14 items are purchased at a fair and reasonable price,
15 consistent with the procedures and guidelines specified in
16 the Federal Acquisition Regulation.

17 “(c) REPORT.—Not later than 180 days after the
18 date of the enactment of this section and annually thereafter,
19 the Secretary shall provide to the Committee on
20 Homeland Security, the Committee on Oversight and Reform,
21 and the Committee on Appropriations of the House
22 of Representatives, and the Committee on Homeland Security
23 and Governmental Affairs and the Committee on
24 Appropriations of the Senate a report on the following:

1 “(1) Instances in which vendors have failed to
2 meet deadlines for delivery of covered items and cor-
3 rective actions taken by the Department in response
4 to such instances.

5 “(2) The status of efforts to carry out para-
6 graph (1) of subsection (a).

7 “(3) A description of how the Department en-
8 sures the compliance of each prime contractor with
9 the requirements of paragraph (2) of subsection (a)
10 and any instances of non-compliance.

11 “(d) DEPARTMENT FRONTLINE OPERATIONAL COM-
12 PONENT DESCRIBED.—In this section, the term ‘Depart-
13 ment frontline operational component’ refers to any of the
14 following components of the Department:

15 “(1) United States Customs and Border Protec-
16 tion.

17 “(2) United States Immigration and Customs
18 Enforcement.

19 “(3) The United States Secret Service.

20 “(4) The Transportation Security Administra-
21 tion.

22 “(5) The Cybersecurity and Infrastructure Se-
23 curity Agency.

24 “(6) The Federal Protective Service.

1 “(7) The Federal Emergency Management
2 Agency.

3 “(8) The Federal Law Enforcement Training
4 Centers.

5 “(e) DETERMINATION.—If the Secretary determines
6 that compliance with paragraph (1) of subsection (a) is
7 impractical, the Secretary shall, not later than 15 days
8 after making such determination, submit to the Com-
9 mittee on Homeland Security of the House of Representa-
10 tives and Committee on Homeland Security and Govern-
11 mental Affairs of the Senate an explanation relating to
12 such determination and specifics regarding what percent-
13 age of covered items will be procured by small business
14 concerns.

15 “(f) EXCEPTION.—This section shall not apply to the
16 purchase of covered items by the Department to be used
17 by the Department for training purposes.

18 “(g) COVERED ITEM DESCRIBED.—In this section,
19 the term ‘covered item’ refers to any of the following with
20 respect to a Department frontline operational component:

21 “(1) Body armor components intended to pro-
22 vide ballistic protection for an individual, consisting
23 of one or more of the following:

24 “(A) Soft ballistic panels.

25 “(B) Hard ballistic plates.

1 “(C) Concealed armor carriers worn under
2 a uniform.

3 “(D) External armor carriers worn over a
4 uniform.

5 “(2) Helmets that provide ballistic protection
6 and other head protection and components.

7 “(3) Protective eyewear.

8 “(4) Rain gear, cold weather gear, other envi-
9 ronmental and flame-resistant clothing.

10 “(5) Footwear.

11 “(6) Uniforms.

12 “(7) Bags and packs.

13 “(8) Holsters and tactical pouches.

14 “(9) Patches, insignia, and embellishments.

15 “(10) Respiratory protective masks.

16 “(11) Chemical, biological, radiological, and nu-
17 clear protective gear.

18 “(12) Hearing protection equipment.

19 “(13) Any other critical safety item as deter-
20 mined appropriate by the Secretary.

21 “(h) EFFECTIVE DATE.—This section applies with
22 respect to a contract entered into by the Department or
23 any of its frontline operational components on or after Oc-
24 tober 1, 2020.

1 “(i) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary should endeavor to ensure that
3 the majority of covered items for a frontline operational
4 component procured by the Department are manufactured
5 in the United States by entities that qualify as small busi-
6 ness concerns.”.

7 (b) STUDY.—Not later than 1 year after the date of
8 the enactment of this Act, the Secretary of Homeland Se-
9 curity shall submit to the Committee on Homeland Secu-
10 rity of the House of Representatives and the Committee
11 on Homeland Security and Governmental Affairs of the
12 Senate a study of the adequacy of allowances provided to
13 employees of Department of Homeland Security frontline
14 operational components (as such term is described in sec-
15 tion 836 of the Homeland Security Act of 2002, as added
16 by subsection (a)). Such study shall be informed by a De-
17 partment-wide survey of employees from across the De-
18 partment who receive uniform allowances that seeks to as-
19 certain what, if any, improvements could be made to the
20 current uniform allowances and what, if any, impacts cur-
21 rent allowances have had on employee morale and reten-
22 tion. Such study shall also consider increasing by 25 per-
23 cent, at minimum, the uniform allowance for first year em-
24 ployees and by 50 percent, at minimum, the annual allow-
25 ance for all other employees.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 835 the following new item:

“Sec. 836. Requirements to buy certain items related to national security inter-
ests.”.

Passed the House of Representatives June 10, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.