

(Pub. L. 107-296, title VIII, § 835, Nov. 25, 2002, 116 Stat. 2227; Pub. L. 108-7, div. L, § 101(2), Feb. 20, 2003, 117 Stat. 528; Pub. L. 108-334, title V, § 523, Oct. 18, 2004, 118 Stat. 1320.)

Editorial Notes

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-334, § 523(1), inserted before period at end “, or any subsidiary of such an entity”.

Subsec. (b)(1). Pub. L. 108-334, § 523(2), inserted “before, on, or” after “completes”.

Subsec. (c)(1)(B). Pub. L. 108-334, § 523(3), struck out “which is after November 25, 2002, and” after “beginning on the date”.

Subsec. (d). Pub. L. 108-334, § 523(4), substituted “national” for “homeland”.

2003—Subsec. (d). Pub. L. 108-7 struck out “, or to prevent the loss of any jobs in the United States or prevent the Government from incurring any additional costs that otherwise would not occur” before period at end.

§ 396. Lead system integrator; financial interests

(a) In general

With respect to contracts entered into after July 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) Exception

An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) Construction

Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) Regulations update

Not later than July 1, 2007, the Secretary of Homeland Security shall update the acquisition

regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the term “lead system integrator”, modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

(Pub. L. 110-28, title VI, § 6405, May 25, 2007, 121 Stat. 176.)

Editorial Notes

CODIFICATION

Section was enacted as part of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 397. Requirements to buy certain items related to national security interests

(a) Definitions

In this section:

(1) Covered item

The term “covered item” means any of the following:

(A) Footwear provided as part of a uniform.

(B) Uniforms.

(C) Holsters and tactical pouches.

(D) Patches, insignia, and embellishments.

(E) Chemical, biological, radiological, and nuclear protective gear.

(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

(i) Soft ballistic panels.

(ii) Hard ballistic plates.

(iii) Concealed armor carriers worn under a uniform.

(iv) External armor carriers worn over a uniform.

(G) Any other item of clothing or protective equipment as determined appropriate by the Secretary.

(2) Frontline operational component

The term “frontline operational component” means any of the following entities of the Department:

(A) U.S. Customs and Border Protection.

(B) U.S. Immigration and Customs Enforcement.

(C) The United States Secret Service.

(D) The Transportation Security Administration.

(E) The Federal Protective Service.

(F) The Federal Emergency Management Agency.

(G) The Federal Law Enforcement Training Centers.

(H) The Cybersecurity and Infrastructure Security Agency.