

## Union Calendar No. 65

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2083

**[Report No. 116-90]**

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.

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### IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2019

Mr. CORREA (for himself, Mr. MAST, Mr. MCGOVERN, Mr. PAPPAS, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

MAY 30, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on April 4, 2019]

# **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Homeland Procurement*  
5 *Reform Act” or the “HOPR Act”.*

6 **SEC. 2. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED**  
7 **TO NATIONAL SECURITY INTERESTS ACCORD-**  
8 **ING TO CERTAIN CRITERIA.**

9 *(a) IN GENERAL.—Subtitle D of title VIII of the*  
10 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is*  
11 *amended by adding at the end the following new section:*

12 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**  
13 **LATED TO NATIONAL SECURITY INTERESTS.**

14 *“(a) REQUIREMENT.—The Secretary shall ensure that*  
15 *any procurement of covered items for a frontline oper-*  
16 *ational component meets the following criteria:*

17 *“(1) To the maximum extent possible, not less*  
18 *than one-third of funds obligated in a specific fiscal*  
19 *year for the procurement of such covered items shall*  
20 *be covered items that are manufactured in part or*  
21 *provided in the United States by entities that qualify*  
22 *as small business concerns (as such term is described*  
23 *under section 3 of the Small Business Act (15 U.S.C.*  
24 *632)).*

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

4                   “(A) *Each first-tier subcontractor and end*  
5 *item manufacturer complies with the contractor*  
6 *code of business ethics and conduct under section*  
7 *3509 of title 41, United States Code, and the*  
8 *Federal Acquisition Regulation.*

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

14                   “(C) *The ability of a first-tier subcontractor*  
15 *to fulfill the terms of the contract is verified.*

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

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

24                   “(B) *report any pilferage or theft of such*  
25 *covered item with such insignia or such insignia*

1           *occurring at any stage before delivery of such*  
2           *covered item with such insignia or such insignia;*  
3           *and*

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

13           “(b) *PRICING.—The Secretary shall ensure that cov-*  
14           *ered 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 date*  
18           *of the enactment of this section and annually thereafter, the*  
19           *Secretary shall provide to the Committee on Homeland Se-*  
20           *curity, the Committee on Oversight and Reform, and the*  
21           *Committee on Appropriations of the House of Representa-*  
22           *tives, and the Committee on Homeland Security and Gov-*  
23           *ernmental Affairs and the Committee on Appropriations of*  
24           *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 paragraph*  
6           *(1) of subsection (a).*

7           “(3) *A description of how the Department en-*  
8           *sure 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 COMPO-*  
12          *NENT DESCRIBED.—In this section, the term ‘Department*  
13          *frontline operational component’ refers to any of the fol-*  
14          *lowing components of the Department:*

15                 “(1) *U.S. Customs and Border Protection.*

16                 “(2) *U.S. Immigration and Customs Enforce-*  
17                 *ment.*

18                 “(3) *The United States Secret Service.*

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

21                 “(5) *The Cybersecurity and Infrastructure Secu-*  
22                 *rity Agency.*

23                 “(6) *The Federal Protective Service.*

24                 “(7) *The Federal Emergency Management Agen-*  
25                 *cy.*

1           “(8) *The Federal Law Enforcement Training*  
2           *Centers.*

3           “(e) *DETERMINATION.—If the Secretary determines*  
4 *that compliance with paragraph (1) of subsection (a) is im-*  
5 *practical, the Secretary shall, not later than 15 days after*  
6 *making such determination, submit to the Committee on*  
7 *Homeland Security of the House of Representatives and*  
8 *Committee on Homeland Security and Governmental Af-*  
9 *airs of the Senate an explanation relating to such deter-*  
10 *mination and specifics regarding what percentage of cov-*  
11 *ered items will be procured by small business concerns.*

12          “(f) *EXCEPTION.—This section shall not apply to the*  
13 *purchase of covered items by the Department to be used by*  
14 *the Department for training purposes.*

15          “(g) *COVERED ITEM DESCRIBED.—In this section, the*  
16 *term ‘covered item’ refers to any of the following with re-*  
17 *spect to a Department frontline operational component:*

18           “(1) *Body armor components intended to provide*  
19 *ballistic protection for an individual, consisting of*  
20 *one or more of the following:*

21                   “(A) *Soft ballistic panels.*

22                   “(B) *Hard ballistic plates.*

23                   “(C) *Concealed armor carriers worn under*  
24 *a uniform.*

1                   “(D) *External armor carriers worn over a*  
2                   *uniform.*

3                   “(2) *Helmets that provide ballistic protection*  
4                   *and other head protection and components.*

5                   “(3) *Protective eyewear.*

6                   “(4) *Rain gear, cold weather gear, other environ-*  
7                   *mental and flame-resistant clothing.*

8                   “(5) *Footwear.*

9                   “(6) *Uniforms.*

10                  “(7) *Bags and packs.*

11                  “(8) *Holsters and tactical pouches.*

12                  “(9) *Patches, insignia, and embellishments.*

13                  “(10) *Respiratory protective masks.*

14                  “(11) *Chemical, biological, radiological, and nu-*  
15                  *clear protective gear.*

16                  “(12) *Hearing protection equipment.*

17                  “(13) *Any other critical safety item as deter-*  
18                  *mined appropriate by the Secretary.*

19                  “(h) *EFFECTIVE DATE.—This section applies with re-*  
20                  *spect to a contract entered into by the Department or any*  
21                  *of its frontline operational components on or after October*  
22                  *1, 2020.*

23                  “(i) *SENSE OF CONGRESS.—It is the sense of Congress*  
24                  *that the Secretary should endeavor to ensure that the major-*  
25                  *ity of covered items for a frontline operational component*



1 *procured by the Department are manufactured in the*  
2 *United States by entities that qualify as small business con-*  
3 *cerns.”.*

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

23       **(c) CLERICAL AMENDMENT.**—*The table of contents in*  
24 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by inserting after the item relating to section 835*

2 *the following new item:*

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



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