

Suspend the Rules And Pass the Bill, H. R. 1282, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

115TH CONGRESS
1ST SESSION

H. R. 1282

To amend the Homeland Security Act of 2002 to establish Acquisition Review Boards in the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2017

Mr. GARRETT (for himself and Mr. MCCAUL) introduced the following bill;
which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to establish Acquisition Review Boards in 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 Acquisition Re-
5 view Board Act of 2017”.

1 **SEC. 2. ACQUISITION REVIEW BOARD.**

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

5 **“SEC. 836. ACQUISITION REVIEW BOARD.**

6 “(a) IN GENERAL.—The Secretary shall establish an
7 Acquisition Review Board (in this section referred to as
8 the ‘Board’) to—

9 “(1) strengthen accountability and uniformity
10 within the Department acquisition review process;

11 “(2) review major acquisition programs; and

12 “(3) review the use of best practices.

13 “(b) COMPOSITION.—The Under Secretary for Man-
14 agement shall serve as chair of the Board. The Secretary
15 shall also ensure participation by other relevant Depart-
16 ment officials, including at least two component heads or
17 their designees, as permanent members of the Board.

18 “(c) MEETINGS.—The Board shall meet regularly for
19 purposes of ensuring all acquisitions processes proceed in
20 a timely fashion to achieve mission readiness. The Board
21 shall convene at the Secretary’s discretion and at any
22 time—

23 “(1) a major acquisition program—

24 “(A) requires authorization to proceed
25 from one acquisition decision event to another
26 throughout the acquisition life cycle;

1 “(B) is in breach of its approved require-
2 ments; or

3 “(C) requires additional review, as deter-
4 mined by the Under Secretary for Management;

5 or

6 “(2) a non-major acquisition program requires
7 review, as determined by the Under Secretary for
8 Management.

9 “(d) RESPONSIBILITIES.—The responsibilities of the
10 Board are as follows:

11 “(1) Determine whether a proposed acquisition
12 has met the requirements of key phases of the acqui-
13 sition life cycle framework and is able to proceed to
14 the next phase and eventual full production and de-
15 ployment.

16 “(2) Oversee whether a proposed acquisition’s
17 business strategy, resources, management, and ac-
18 countability is executable and is aligned to strategic
19 initiatives.

20 “(3) Support the person with acquisition deci-
21 sion authority for an acquisition in determining the
22 appropriate direction for such acquisition at key ac-
23 quisition decision events.

24 “(4) Conduct systematic reviews of acquisitions
25 to ensure that such acquisitions are progressing in

1 compliance with the approved documents for their
2 current acquisition phases.

3 “(5) Review the acquisition documents of each
4 major acquisition program, including the acquisition
5 program baseline and documentation reflecting con-
6 sideration of tradeoffs among cost, schedule, and
7 performance objectives, to ensure the reliability of
8 underlying data.

9 “(6) Ensure that practices are adopted and im-
10 plemented to require consideration of trade-offs
11 among cost, schedule, and performance objectives as
12 part of the process for developing requirements for
13 major acquisition programs prior to the initiation of
14 the second acquisition decision event, including, at a
15 minimum, the following practices:

16 “(A) Department officials responsible for
17 acquisition, budget, and cost estimating func-
18 tions are provided with the appropriate oppor-
19 tunity to develop estimates and raise cost and
20 schedule matters before performance objectives
21 are established for capabilities when feasible.

22 “(B) Full consideration is given to possible
23 trade-offs among cost, schedule, and perform-
24 ance objectives for each alternative.

1 “(e) ACQUISITION PROGRAM BASELINE REPORT RE-
2 QUIREMENT.—If the person exercising acquisition decision
3 authority over a major acquisition program approves such
4 program to proceed into the planning phase before such
5 program has a Department-approved acquisition program
6 baseline, the Under Secretary for Management shall cre-
7 ate and approve an acquisition program baseline report
8 regarding such approval, and the Secretary shall—

9 “(1) within seven days after an acquisition deci-
10 sion memorandum is signed, notify in writing the
11 Committee on Homeland Security of the House of
12 Representatives and the Committee on Homeland
13 Security and Governmental Affairs of the Senate of
14 such decision; and

15 “(2) within 60 days after the acquisition deci-
16 sion memorandum is signed, submit to such commit-
17 tees a report stating the rationale for such decision
18 and a plan of action to require an acquisition pro-
19 gram baseline for such program.

20 “(f) REPORT.—The Under Secretary for Manage-
21 ment shall provide information to the Committee on
22 Homeland Security of the House of Representatives and
23 the Committee on Homeland Security and Governmental
24 Affairs of the Senate on an annual basis through fiscal

1 year 2022 on the activities of the Board for the prior fiscal
2 year that includes information relating to the following:

3 “(1) For each meeting of the Board, any acqui-
4 sition decision memoranda.

5 “(2) Results of the systematic reviews con-
6 ducted pursuant to paragraph (4) of subsection (d).

7 “(3) Results of acquisition document reviews re-
8 quired pursuant to paragraph (5) of subsection (d).

9 “(4) Activities to ensure that practices are
10 adopted and implemented throughout the Depart-
11 ment pursuant to paragraph (6) of subsection (d).

12 “(g) DEFINITIONS.—In this section:

13 “(1) ACQUISITION.—The term ‘acquisition’ has
14 the meaning given such term in section 131 of title
15 41, United States Code.

16 “(2) ACQUISITION DECISION AUTHORITY.—The
17 term ‘acquisition decision authority’ means the au-
18 thority, held by the Secretary acting through the
19 Deputy Secretary or Under Secretary for Manage-
20 ment to—

21 “(A) ensure compliance with Federal law,
22 the Federal Acquisition Regulation, and De-
23 partment acquisition management directives;

1 “(B) review (including approving, pausing,
2 modifying, or cancelling) an acquisition pro-
3 gram through the life cycle of such program;

4 “(C) ensure that acquisition program man-
5 agers have the resources necessary to success-
6 fully execute an approved acquisition program;

7 “(D) ensure good acquisition program
8 management of cost, schedule, risk, and system
9 performance of the acquisition program at
10 issue, including assessing acquisition program
11 baseline breaches and directing any corrective
12 action for such breaches; and

13 “(E) ensure that acquisition program man-
14 agers, on an ongoing basis, monitor cost, sched-
15 ule, and performance against established base-
16 lines and use tools to assess risks to an acquisi-
17 tion program at all phases of the life cycle of
18 such program to avoid and mitigate acquisition
19 program baseline breaches.

20 “(3) ACQUISITION DECISION EVENT.—The term
21 ‘acquisition decision event’, with respect to an acqui-
22 sition program, means a predetermined point within
23 each of the acquisition phases at which the acquisi-
24 tion decision authority determines whether such ac-

1 quisition program shall proceed to the next acquisi-
2 tion phase.

3 “(4) ACQUISITION DECISION MEMORANDUM.—

4 The term ‘acquisition decision memorandum’, with
5 respect to an acquisition, means the official acquisi-
6 tion decision event record that includes a docu-
7 mented record of decisions, exit criteria, and as-
8 signed actions for such acquisition, as determined by
9 the person exercising acquisition decision authority
10 for such acquisition.

11 “(5) ACQUISITION PROGRAM.—The term ‘acqui-

12 sition program’ means the process by which the De-
13 partment acquires, with any appropriated amounts,
14 by contract for purchase or lease, property or serv-
15 ices (including construction) that support the mis-
16 sions and goals of the Department.

17 “(6) ACQUISITION PROGRAM BASELINE.—The

18 term ‘acquisition program baseline’, with respect to
19 an acquisition program, means a summary of the
20 cost, schedule, and performance parameters, ex-
21 pressed in standard, measurable, quantitative terms,
22 which must be met in order to accomplish the goals
23 of such program.

24 “(7) BEST PRACTICES.—The term ‘best prac-

25 tices’, with respect to acquisition, means a knowl-

1 edge-based approach to capability development that
2 includes—

3 “(A) identifying and validating needs;

4 “(B) assessing alternatives to select the
5 most appropriate solution;

6 “(C) clearly establishing well-defined re-
7 quirements;

8 “(D) developing realistic cost assessments
9 and schedules;

10 “(E) securing stable funding that matches
11 resources to requirements;

12 “(F) demonstrating technology, design,
13 and manufacturing maturity;

14 “(G) using milestones and exit criteria or
15 specific accomplishments that demonstrate
16 progress;

17 “(H) adopting and executing standardized
18 processes with known success across programs;

19 “(I) establishing an adequate workforce
20 that is qualified and sufficient to perform nec-
21 essary functions; and

22 “(J) integrating the capabilities described
23 in subparagraphs (A) through (I) into the De-
24 partment’s mission and business operations.

1 “(8) MAJOR ACQUISITION PROGRAM.—The term
2 ‘major acquisition program’ means a Department
3 acquisition program that is estimated by the Sec-
4 retary to require an eventual total expenditure of at
5 least \$300,000,000 (based on fiscal year 2017 con-
6 stant dollars) over its life cycle cost.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of the Homeland Security Act of 2002 (6
9 U.S.C. 101 et seq.) is further amended by adding after
10 the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.

Amend the title so as to read: “A bill to amend the
Homeland Security Act of 2002 to establish Acquisition
Review Board in the Department of Homeland Security,
and for other purposes.”.