

**Suspend the Rules and Pass the Bill, H.R. 2083, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

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

# H. R. 2083

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

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## 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 Procure-  
5 ment Reform Act” or the “HOPR Act”.

1 **SEC. 2. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED**  
2 **TO NATIONAL SECURITY INTERESTS AC-**  
3 **CORDING TO CERTAIN CRITERIA.**

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

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

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

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

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

23 “(A) Each first-tier subcontractor and end  
24 item manufacturer complies with the contractor  
25 code of business ethics and conduct under sec-

1           tion 3509 of title 41, United States Code, and  
2           the Federal Acquisition Regulation.

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

9           “(C) The ability of a first-tier subcon-  
10          tractor to fulfill the terms of the contract is  
11          verified.

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

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

20                 “(B) report any pilferage or theft of such  
21                 covered item with such insignia or such insignia  
22                 occurring at any stage before delivery of such  
23                 covered item with such insignia or such insig-  
24                 nia; and

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

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

15          “(c) REPORT.—Not later than 180 days after the  
16       date of the enactment of this section and annually there-  
17       after, the Secretary shall provide to the Committee on  
18       Homeland Security, the Committee on Oversight and Re-  
19       form, and the Committee on Appropriations of the House  
20       of Representatives, and the Committee on Homeland Se-  
21       curity and Governmental Affairs and the Committee on  
22       Appropriations of the Senate a report on the following:

23               “(1) Instances in which vendors have failed to  
24       meet deadlines for delivery of covered items and cor-

1       rective actions taken by the Department in response  
2       to such instances.

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

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

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

13               “(1) U.S. Customs and Border Protection.

14               “(2) U.S. Immigration and Customs Enforce-  
15       ment.

16               “(3) The United States Secret Service.

17               “(4) The Transportation Security Administra-  
18       tion.

19               “(5) The Cybersecurity and Infrastructure Se-  
20       curity Agency.

21               “(6) The Federal Protective Service.

22               “(7) The Federal Emergency Management  
23       Agency.

24               “(8) The Federal Law Enforcement Training  
25       Centers.

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

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

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

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

20                           “(A) Soft ballistic panels.

21                           “(B) Hard ballistic plates.

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

24                           “(D) External armor carriers worn over a  
25 uniform.

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

3           “(3) Protective eyewear.

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

6           “(5) Footwear.

7           “(6) Uniforms.

8           “(7) Bags and packs.

9           “(8) Holsters and tactical pouches.

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

11          “(10) Respiratory protective masks.

12          “(11) Chemical, biological, radiological, and nu-  
13          clear protective gear.

14          “(12) Hearing protection equipment.

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

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

21          “(i) SENSE OF CONGRESS.—It is the sense of Con-  
22          gress that the Secretary should endeavor to ensure that  
23          the majority of covered items for a frontline operational  
24          component procured by the Department are manufactured

1 in the United States by entities that qualify as small busi-  
2 ness concerns.”.

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

22 (c) CLERICAL AMENDMENT.—The table of contents  
23 in section 1(b) of the Homeland Security Act of 2002 is  
24 amended by inserting after the item relating to section  
25 835 the following new item:



“Sec. 836. Requirements to buy certain items related to national security interests.”.