

**Suspend the Rules and Pass the Bill, H. R. 1249, With an
Amendment**

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

115TH CONGRESS
1ST SESSION

H. R. 1249

To amend the Homeland Security Act of 2002 to require a multiyear acquisition strategy of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2017

Mr. FITZPATRICK (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 require a multiyear acquisition strategy of 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 Multiyear Acqui-
5 sition Strategy Act of 2017”.

1 **SEC. 2. MULTIYEAR ACQUISITION STRATEGY.**

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. MULTIYEAR ACQUISITION STRATEGY.**

6 “(a) MULTIYEAR ACQUISITION STRATEGY RE-
7 QUIRED.—

8 “(1) IN GENERAL.—Not later than one year
9 after the date of the enactment of this section, the
10 Secretary shall submit to the appropriate congres-
11 sional committees and the Comptroller General of
12 the United States a multiyear acquisition strategy to
13 guide the overall direction of the acquisitions of the
14 Department while allowing flexibility to deal with
15 ever-changing threats and risks, and to help indus-
16 try better understand, plan, and align resources to
17 meet the future acquisition needs of the Depart-
18 ment. Such strategy shall be updated and included
19 in each Future Years Homeland Security Program
20 required under section 874.

21 “(2) FORM.—The strategy required under para-
22 graph (1) shall be submitted in unclassified form but
23 may include a classified annex for any sensitive or
24 classified information if necessary. The Secretary
25 shall publish such strategy in an unclassified format
26 that is publicly available.

1 “(b) CONSULTATION.—In developing the strategy re-
2 quired under subsection (a), the Secretary shall, as the
3 Secretary determines appropriate, consult with head-
4 quarters, components, employees in the field, and individ-
5 uals from industry and the academic community.

6 “(c) CONTENTS OF STRATEGY.—The strategy shall
7 include the following:

8 “(1) PRIORITIZED LIST.—A systematic and in-
9 tegrated prioritized list developed by the Under Sec-
10 retary for Management in coordination with all of
11 the Component Acquisition Executives of Depart-
12 ment major acquisition programs that Department
13 and component acquisition investments seek to ad-
14 dress, including the expected security and economic
15 benefit of the program or system that is the subject
16 of acquisition and an analysis of how the security
17 and economic benefit derived from such program or
18 system will be measured.

19 “(2) INVENTORY.—A plan to develop a reliable
20 Department-wide inventory of investments and real
21 property assets to help the Department—

22 “(A) plan, budget, schedule, and acquire
23 upgrades of its systems and equipment; and

24 “(B) plan for the acquisition and manage-
25 ment of future systems and equipment.

1 “(3) FUNDING GAPS.—A plan to address fund-
2 ing gaps between funding requirements for major ac-
3 quisition programs and known available resources,
4 including, to the maximum extent practicable, ways
5 of leveraging best practices to identify and eliminate
6 overpayment for items to—

7 “(A) prevent wasteful purchasing;

8 “(B) achieve the greatest level of efficiency
9 and cost savings by rationalizing purchases;

10 “(C) align pricing for similar items; and

11 “(D) utilize purchase timing and econo-
12 mies of scale.

13 “(4) IDENTIFICATION OF CAPABILITIES.—An
14 identification of test, evaluation, modeling, and sim-
15 ulation capabilities that will be required to—

16 “(A) support the acquisition of tech-
17 nologies to meet the needs of such strategy;

18 “(B) leverage to the greatest extent pos-
19 sible emerging technological trends and re-
20 search and development trends within the pub-
21 lic and private sectors; and

22 “(C) identify ways to ensure that appro-
23 priate technology is acquired and integrated
24 into the Department’s operating doctrine to im-
25 prove mission performance.

1 “(5) FOCUS ON FLEXIBLE SOLUTIONS.—An as-
2 sessment of ways the Department can improve its
3 ability to test and acquire innovative solutions to
4 allow needed incentives and protections for appro-
5 priate risk-taking in order to meet its acquisition
6 needs with resiliency, agility, and responsiveness to
7 assure homeland security and facilitate trade.

8 “(6) FOCUS ON INCENTIVES TO SAVE TAX-
9 PAYER DOLLARS.—An assessment of ways the De-
10 partment can develop incentives for program man-
11 agers and senior Department acquisition officials
12 to—

13 “(A) prevent cost overruns;

14 “(B) avoid schedule delays; and

15 “(C) achieve cost savings in major acquisi-
16 tion programs.

17 “(7) FOCUS ON ADDRESSING DELAYS AND BID
18 PROTESTS.—An assessment of ways the Department
19 can improve the acquisition process to minimize cost
20 overruns in—

21 “(A) requirements development;

22 “(B) procurement announcements;

23 “(C) requests for proposals;

24 “(D) evaluation of proposals;

25 “(E) protests of decisions and awards; and

1 “(F) the use of best practices.

2 “(8) FOCUS ON IMPROVING OUTREACH.—An
3 identification and assessment of ways to increase op-
4 portunities for communication and collaboration with
5 industry, small and disadvantaged businesses, intra-
6 government entities, university centers of excellence,
7 accredited certification and standards development
8 organizations, and national laboratories to ensure
9 that the Department understands the market for
10 technologies, products, and innovation that is avail-
11 able to meet its mission needs and to inform the De-
12 partment’s requirements-setting process before en-
13 gaging in an acquisition, including—

14 “(A) methods designed especially to engage
15 small and disadvantaged businesses, a cost-ben-
16 efit analysis of the tradeoffs that small and dis-
17 advantaged businesses provide, information re-
18 lating to barriers to entry for small and dis-
19 advantaged businesses, and information relating
20 to unique requirements for small and disadvan-
21 taged businesses; and

22 “(B) within the Department Vendor Com-
23 munication Plan and Market Research Guide,
24 instructions for interaction by acquisition pro-
25 gram managers with such entities to—

1 “(i) prevent misinterpretation of ac-
2 quisition regulations; and

3 “(ii) permit, within legal and ethical
4 boundaries, interacting with such entities
5 with transparency.

6 “(9) COMPETITION.—A plan regarding competi-
7 tion under subsection (d).

8 “(10) ACQUISITION WORKFORCE.—A plan re-
9 garding the Department acquisition workforce under
10 subsection (e).

11 “(d) COMPETITION PLAN.—The strategy required
12 under subsection (a) shall also include a plan to address
13 actions to ensure competition, or the option of competi-
14 tion, for major acquisition programs. Such plan may in-
15 clude assessments of the following measures in appro-
16 priate cases if such measures are cost effective:

17 “(1) Competitive prototyping.

18 “(2) Dual-sourcing.

19 “(3) Unbundling of contracts.

20 “(4) Funding of next-generation prototype sys-
21 tems or subsystems.

22 “(5) Use of modular, open architectures to en-
23 able competition for upgrades.

24 “(6) Acquisition of complete technical data
25 packages.

1 “(7) Periodic competitions for subsystem up-
2 grades.

3 “(8) Licensing of additional suppliers, including
4 small businesses.

5 “(9) Periodic system or program reviews to ad-
6 dress long-term competitive effects of program deci-
7 sions.

8 “(e) ACQUISITION WORKFORCE PLAN.—

9 “(1) ACQUISITION WORKFORCE.—The strategy
10 required under subsection (a) shall also include a
11 plan to address Department acquisition workforce
12 accountability and talent management that identifies
13 the acquisition workforce needs of each component
14 performing acquisition functions and develops op-
15 tions for filling such needs with qualified individuals,
16 including a cost-benefit analysis of contracting for
17 acquisition assistance.

18 “(2) ADDITIONAL MATTERS COVERED.—The
19 acquisition workforce plan under this subsection
20 shall address ways to—

21 “(A) improve the recruitment, hiring,
22 training, and retention of Department acquisi-
23 tion workforce personnel, including contracting
24 officer’s representatives, in order to retain high-
25 ly qualified individuals who have experience in

1 the acquisition life cycle, complex procurements,
2 and management of large programs;

3 “(B) empower program managers to have
4 the authority to manage their programs in an
5 accountable and transparent manner as such
6 managers work with the acquisition workforce;

7 “(C) prevent duplication within Depart-
8 ment acquisition workforce training and certifi-
9 cation requirements through leveraging already-
10 existing training within the Federal Govern-
11 ment, academic community, or private industry;

12 “(D) achieve integration and consistency
13 with Government-wide training and accredita-
14 tion standards, acquisition training tools, and
15 training facilities;

16 “(E) designate the acquisition positions
17 that will be necessary to support the Depart-
18 ment acquisition requirements, including in the
19 fields of—

20 “(i) program management;

21 “(ii) systems engineering;

22 “(iii) procurement, including con-
23 tracting;

24 “(iv) test and evaluation;

25 “(v) life cycle logistics;

1 “(vi) cost estimating and program fi-
2 nancial management; and

3 “(vii) additional disciplines appro-
4 priate to Department mission needs;

5 “(F) strengthen the performance of con-
6 tracting officers’ representatives (as defined in
7 subpart 1.602–2 and subpart 2.101 of the Fed-
8 eral Acquisition Regulation), including by—

9 “(i) assessing the extent to which
10 such representatives are certified and re-
11 ceive training that is appropriate;

12 “(ii) assessing what training is most
13 effective with respect to the type and com-
14 plexity of assignment; and

15 “(iii) implementing actions to improve
16 training based on such assessments; and

17 “(G) identify ways to increase training for
18 relevant investigators and auditors of the De-
19 partment to examine fraud in major acquisition
20 programs, including identifying opportunities to
21 leverage existing Government and private sector
22 resources in coordination with the Inspector
23 General of the Department.

24 “(f) DEFINITIONS.—In this section:

1 “(1) ACQUISITION.—The term ‘acquisition’ has
2 the meaning given such term in section 131 of title
3 41, United States Code.

4 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term ‘appropriate congressional com-
6 mittees’ means—

7 “(A) the Committee on Homeland Security
8 of the House of Representatives and the Com-
9 mittee on Homeland Security and Govern-
10 mental Affairs of the Senate; and

11 “(B) the Committee on Appropriations of
12 the House of Representatives and the Com-
13 mittee on Appropriations of the Senate.

14 “(3) BEST PRACTICES.—The term ‘best prac-
15 tices’, with respect to acquisition, means—

16 “(A) a knowledge-based approach to capa-
17 bility development that includes identifying and
18 validating needs;

19 “(B) assessing alternatives to select the
20 most appropriate solution;

21 “(C) clearly establishing well-defined re-
22 quirements;

23 “(D) developing realistic cost assessments
24 and schedules;

1 “(E) securing stable funding that matches
2 resources to requirements;

3 “(F) demonstrating technology, design,
4 and manufacturing maturity;

5 “(G) using milestones and exit criteria or
6 specific accomplishments that demonstrate
7 progress;

8 “(H) adopting and executing standardized
9 processes with known success across programs;

10 “(I) establishing an adequate workforce
11 that is qualified and sufficient to perform nec-
12 essary functions; and

13 “(J) integrating into the mission and busi-
14 ness operations of the Department of Homeland
15 Security the capabilities described in subpara-
16 graphs (A) through (I).

17 “(4) COMPONENT ACQUISITION EXECUTIVE.—

18 The term ‘Component Acquisition Executive’ means
19 the senior acquisition official within a component
20 who is designated in writing by the Under Secretary
21 for Management, in consultation with the component
22 head, with authority and responsibility for leading a
23 process and staff to provide acquisition and program
24 management oversight, policy, and guidance to en-
25 sure that statutory, regulatory, and higher level pol-

1 icy requirements are fulfilled, including compliance
2 with Federal law, the Federal Acquisition Regula-
3 tion, and Department acquisition management direc-
4 tives established by the Under Secretary for Man-
5 agement.

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

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 835 the following new item:

 “Sec. 836. Multiyear acquisition strategy.”.

16 **SEC. 3. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**
17 **OF MULTIYEAR ACQUISITION STRATEGY.**

18 (a) REVIEW.—After submission of the first multiyear
19 acquisition strategy in accordance with section 836 of the
20 Homeland Security Act of 2002 (as added by section 2
21 of this Act) after the date of the enactment of this Act,
22 the Comptroller General of the United States shall con-
23 duct a review of such plan within 180 days to analyze the
24 viability of such plan’s effectiveness in the following:

1 (1) Complying with the requirements of such
2 section 836.

3 (2) Establishing clear connections between De-
4 partment of Homeland Security objectives and ac-
5 quisition (as such term is defined in such section)
6 priorities.

7 (3) Demonstrating that Department acquisition
8 policy reflects program management best practices
9 (as such term is defined in such section) and stand-
10 ards.

11 (4) Ensuring competition or the option of com-
12 petition for major acquisition programs (as such
13 term is defined in such section).

14 (5) Considering potential cost savings through
15 using already-existing technologies when developing
16 acquisition program requirements.

17 (6) Preventing duplication within Department
18 acquisition workforce training requirements through
19 leveraging already-existing training within the Fed-
20 eral Government, academic community, or private
21 industry.

22 (7) Providing incentives for acquisition program
23 managers to reduce acquisition and procurement
24 costs through the use of best practices and dis-
25 ciplined program management.

1 (b) REPORT.—The Comptroller General of the
2 United States shall submit to the Committee on Homeland
3 Security and the Committee on Appropriations of the
4 House of Representatives and the Committee on Home-
5 land Security and Governmental Affairs and the Com-
6 mittee on Appropriations of the Senate a report on the
7 review conducted under this section. Such report shall be
8 submitted in unclassified form but may include a classified
9 annex.