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

To amend the Homeland Security Act of 2002 to establish the Acquisition Review Board in the Department of Homeland Security, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS Acquisition Review Board Act of 2019”.

SEC. 2. ACQUISITION REVIEW BOARD.

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

“SEC. 836. ACQUISITION REVIEW BOARD.

“(a) In general.—The Secretary shall establish an Acquisition Review Board (in this section referred to as the ‘Board’) to—

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

“(2) review major acquisition programs; and

“(3) review the use of best practices.

“(b) Composition.—

“(1) Chair.—The Under Secretary for Management shall serve as chair of the Board.

“(2) Participation.—The Secretary shall ensure participation by other relevant Department officials with responsibilities related to acquisitions as permanent members of the Board.
“(3) OVERSIGHT.—The Under Secretary for Management shall designate a full time employee of the Department to oversee the operations of the Board.

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

“(1) a major acquisition program—

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

“(B) is in breach of its approved requirements; or

“(C) requires additional review, as determined by the Under Secretary for Management; or

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

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

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

“(2) Oversee whether a proposed acquisition’s business strategy, resources, management, and accountability is executable and is aligned to strategic initiatives.

“(3) Support the person with acquisition decision authority for an acquisition in determining the appropriate direction for such acquisition at key acquisition decision events.

“(4) Conduct systematic reviews of acquisitions to ensure that such acquisitions are progressing in compliance with the approved documents for their current acquisition phases.

“(5) Review the acquisition documents of each major acquisition program, including the acquisition program baseline and documentation reflecting consideration of tradeoffs among cost, schedule, and performance objectives, to ensure the reliability of underlying data.

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

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

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

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

“(1) within 7 days after an acquisition decision
memorandum is signed, notify in writing the Com-
mittee on Homeland Security of the House of Rep-
resentatives and the Committee on Homeland Secu-
rity and Governmental Affairs of the Senate of such
decision; and

“(2) within 60 days after the acquisition deci-
sion memorandum is signed, submit to such commit-
tees a written explanation of the rationale for such
decision and a plan of action to address acquisition
program baseline requirements for such program.

“(f) REPORT.—The Under Secretary for Manage-
ment shall provide information to the Committee on
Homeland Security of the House of Representatives and
the Committee on Homeland Security and Governmental
Affairs of the Senate on an annual basis through fiscal
year 2024 on the activities of the Board for the prior fiscal
year that includes information relating to the following:

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

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

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

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

“(g) DEFINITIONS.—In this section:
“(1) ACQUISITION.—The term ‘acquisition’ has the meaning given such term in section 131 of title 41, United States Code.

“(2) ACQUISITION DECISION AUTHORITY.—The term ‘acquisition decision authority’ means the authority, held by the Secretary acting through the Deputy Secretary or Under Secretary for Management to—

“(A) ensure compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives;

“(B) review (including approving, pausing, modifying, or cancelling) an acquisition program through the life cycle of such program;

“(C) ensure that acquisition program managers have the resources necessary to successfully execute an approved acquisition program;

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

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

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

“(4) ACQUISITION DECISION MEMORANDUM.—
The term ‘acquisition decision memorandum’, with
respect to an acquisition, means the official acquisi-
tion decision event record that includes a docu-
mented record of decisions, exit criteria, and as-
signed actions for such acquisition, as determined by
the person exercising acquisition decision authority
for such acquisition.

“(5) ACQUISITION PROGRAM.—The term ‘acqui-
sition program’ means the process by which the De-
partment acquires, with any appropriated amounts,
by contract for purchase or lease, property or serv-
ices (including construction) that support the mis-
sions and goals of the Department.

“(6) Acquisition Program Baseline.—The
term ‘acquisition program baseline’, with respect to
an acquisition program, means a summary of the
cost, schedule, and performance parameters, ex-
pressed in standard, measurable, quantitative terms,
which must be met in order to accomplish the goals
of such program.

“(7) Best Practices.—The term ‘best prac-
tices’, with respect to acquisition, means a knowl-
edge-based approach to capability development that
includes—

“(A) identifying and validating needs;

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

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

“(D) developing realistic cost assessments
and schedules;

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

“(F) demonstrating technology, design,
and manufacturing maturity;
“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

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

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the Department’s mission and business operations.

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2019 constant dollars) over its life cycle cost.”.

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

“Sec. 836. Acquisition Review Board.”.