115TH CONGRESS
1ST SESSION

H. R. 1282

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Homeland Security of 2002 to establish Acquisition Review Boards 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 2017”.
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.—The Under Secretary for Management shall serve as chair of the Board. The Secretary shall also ensure participation by other relevant Department officials, including at least two component heads or their designees, as permanent members 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 acquisition 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 functions are provided with the appropriate opportunity 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 performance objectives for each alternative.
“(e) Acquisition Program Baseline Report Requirement.—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 create and approve an acquisition program baseline report regarding such approval, and the Secretary shall—

“(1) within seven days after an acquisition decision memorandum is signed, notify in writing the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such decision; and

“(2) within 60 days after the acquisition decision memorandum is signed, submit to such committees a report stating the rationale for such decision and a plan of action to require an acquisition program baseline for such program.

“(f) 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 au-
authority, held by the Secretary acting through the
Deputy Secretary or Under Secretary for Manage-
ment to—

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

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

“(C) ensure that acquisition program man-
agers have the resources necessary to success-
fully 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 man-
agers, 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 acquisition program, means a predetermined point within each of the acquisition phases at which the acquisition decision authority determines whether such acquisition program shall proceed to the next acquisition phase.

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

“(5) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions 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 practices’, with respect to acquisition, means a knowledge-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 requirements;

“(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 2017 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 further amended by adding after the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.