

Union Calendar No. 32

115TH CONGRESS
1ST SESSION

H. R. 1282

[Report No. 115–57]

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

MARCH 23, 2017

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 1, 2017]

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”.*

6 **SEC. 2. ACQUISITION REVIEW BOARD.**

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

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

11 *“(a) IN GENERAL.—The Secretary shall establish an*
 12 *Acquisition Review Board (in this section referred to as the*
 13 *‘Board’) to—*

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

16 *“(2) review major acquisition programs; and*

17 *“(3) review the use of best practices.*

18 *“(b) COMPOSITION.—The Under Secretary for Man-*
 19 *agement shall serve as chair of the Board. The Secretary*
 20 *shall also ensure participation by other relevant Depart-*
 21 *ment officials, including at least two component heads or*
 22 *their designees, as permanent members of the Board.*

23 *“(c) MEETINGS.—The Board shall meet regularly for*
 24 *purposes of ensuring all acquisitions processes proceed in*
 25 *a timely fashion to achieve mission readiness. The Board*

1 *shall convene at the Secretary's discretion and at any*
2 *time—*

3 *“(1) a major acquisition program—*

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

7 *“(B) is in breach of its approved require-*
8 *ments; or*

9 *“(C) requires additional review, as deter-*
10 *mined by the Under Secretary for Management;*
11 *or*

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

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

17 *“(1) Determine whether a proposed acquisition*
18 *has met the requirements of key phases of the acquisi-*
19 *tion life cycle framework and is able to proceed to the*
20 *next phase and eventual full production and deploy-*
21 *ment.*

22 *“(2) Oversee whether a proposed acquisition's*
23 *business strategy, resources, management, and ac-*
24 *countability is executable and is aligned to strategic*
25 *initiatives.*

1 “(3) Support the person with acquisition deci-
2 sion authority for an acquisition in determining the
3 appropriate direction for such acquisition at key ac-
4 quisition decision events.

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

9 “(5) Review the acquisition documents of each
10 major acquisition program, including the acquisition
11 program baseline and documentation reflecting con-
12 sideration of tradeoffs among cost, schedule, and per-
13 formance objectives, to ensure the reliability of under-
14 lying data.

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

22 “(A) Department officials responsible for
23 acquisition, budget, and cost estimating func-
24 tions are provided with the appropriate oppor-
25 tunity to develop estimates and raise cost and

1 *schedule matters before performance objectives*
2 *are established for capabilities when feasible.*

3 “(B) *Full consideration is given to possible*
4 *trade-offs among cost, schedule, and performance*
5 *objectives for each alternative.*

6 “(e) *ACQUISITION PROGRAM BASELINE REPORT RE-*
7 *QUIREMENT.—If the person exercising acquisition decision*
8 *authority over a major acquisition program approves such*
9 *program to proceed into the planning phase before such pro-*
10 *gram has a Department-approved acquisition program*
11 *baseline, the Under Secretary for Management shall create*
12 *and approve an acquisition program baseline report re-*
13 *garding such approval, and the Secretary shall—*

14 “(1) *within seven days after an acquisition deci-*
15 *sion memorandum is signed, notify in writing the*
16 *Committee on Homeland Security of the House of*
17 *Representatives and the Committee on Homeland Se-*
18 *curity and Governmental Affairs of the Senate of such*
19 *decision; and*

20 “(2) *within 60 days after the acquisition deci-*
21 *sion memorandum is signed, submit to such commit-*
22 *tees a report stating the rationale for such decision*
23 *and a plan of action to require an acquisition pro-*
24 *gram baseline for such program.*

1 “(f) *REPORT.*—*The Under Secretary for Management*
2 *shall provide information to the Committee on Homeland*
3 *Security of the House of Representatives and the Committee*
4 *on Homeland Security and Governmental Affairs of the*
5 *Senate on an annual basis through fiscal year 2022 on the*
6 *activities of the Board for the prior fiscal year that includes*
7 *information relating to the following:*

8 “(1) *For each meeting of the Board, any acquisi-*
9 *tion decision memoranda.*

10 “(2) *Results of the systematic reviews conducted*
11 *pursuant to paragraph (4) of subsection (d).*

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

14 “(4) *Activities to ensure that practices are*
15 *adopted and implemented throughout the Department*
16 *pursuant to paragraph (6) of subsection (d).*

17 “(g) *DEFINITIONS.*—*In this section:*

18 “(1) *ACQUISITION.*—*The term ‘acquisition’ has*
19 *the meaning given such term in section 131 of title*
20 *41, United States Code.*

21 “(2) *ACQUISITION DECISION AUTHORITY.*—*The*
22 *term ‘acquisition decision authority’ means the au-*
23 *thority, held by the Secretary acting through the Dep-*
24 *uty Secretary or Under Secretary for Management*
25 *to—*

1 “(A) ensure compliance with Federal law,
2 the Federal Acquisition Regulation, and Depart-
3 ment acquisition management directives;

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

7 “(C) ensure that acquisition program man-
8 agers have the resources necessary to successfully
9 execute an approved acquisition program;

10 “(D) ensure good acquisition program man-
11 agement of cost, schedule, risk, and system per-
12 formance of the acquisition program at issue, in-
13 cluding assessing acquisition program baseline
14 breaches and directing any corrective action for
15 such breaches; and

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

23 “(3) ACQUISITION DECISION EVENT.—The term
24 ‘acquisition decision event’, with respect to an acqui-
25 sition program, means a predetermined point within

1 each of the acquisition phases at which the acquisi-
2 tion decision authority determines whether such ac-
3 quisition program shall proceed to the next acquisi-
4 tion phase.

5 “(4) *ACQUISITION DECISION MEMORANDUM.*—
6 The term ‘acquisition decision memorandum’, with
7 respect to an acquisition, means the official acquisi-
8 tion decision event record that includes a documented
9 record of decisions, exit criteria, and assigned actions
10 for such acquisition, as determined by the person ex-
11 ercising acquisition decision authority for such acqui-
12 sition.

13 “(5) *ACQUISITION PROGRAM.*—The term ‘acquisi-
14 tion program’ means the process by which the Depart-
15 ment acquires, with any appropriated amounts, by
16 contract for purchase or lease, property or services
17 (including construction) that support the missions
18 and goals of the Department.

19 “(6) *ACQUISITION PROGRAM BASELINE.*—The
20 term ‘acquisition program baseline’, with respect to
21 an acquisition program, means a summary of the
22 cost, schedule, and performance parameters, expressed
23 in standard, measurable, quantitative terms, which
24 must be met in order to accomplish the goals of such
25 program.

1 “(7) *BEST PRACTICES*.—The term ‘best prac-
2 *tices*’, with respect to acquisition, means a knowledge-
3 *based approach to capability development that in-*
4 *cludes—*

5 “(A) *identifying and validating needs;*

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

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

10 “(D) *developing realistic cost assessments*
11 *and schedules;*

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

14 “(F) *demonstrating technology, design, and*
15 *manufacturing maturity;*

16 “(G) *using milestones and exit criteria or*
17 *specific accomplishments that demonstrate*
18 *progress;*

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

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

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

4 “(8) MAJOR ACQUISITION PROGRAM.—The term
5 ‘major acquisition program’ means a Department ac-
6 quisition program that is estimated by the Secretary
7 to require an eventual total expenditure of at least
8 \$300,000,000 (based on fiscal year 2017 constant dol-
9 lars) over its life cycle cost.”.

10 (b) CLERICAL AMENDMENT.—The table of contents in
11 section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.
12 101 et seq.) is further amended by adding after the item
13 relating to section 835 the following new item:

 “Sec. 836. Acquisition Review Board.”.

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