

115TH CONGRESS
2D SESSION

H. R. 5574

To prohibit the use of funds appropriated or otherwise available to Department of Homeland Security frontline operational components for the procurement of certain items that do not meet specified criteria, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2018

Mr. TAYLOR (for himself, Mr. CORREA, Mr. GAETZ, Ms. TENNEY, Mr. MAST, Mr. BERGMAN, Ms. SHEA-PORTER, and Mr. MOOLENAAR) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To prohibit the use of funds appropriated or otherwise available to Department of Homeland Security frontline operational components for the procurement of certain items that do not meet specified criteria, 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; EXCEP-**
4 **TIONS.**

5 (a) **REQUIREMENT.**—In order to ensure that certain
6 components of the Department of Homeland Security pro-
7 cure certain critical equipment of the quality and innova-
8 tion necessary to carry out effectively their security, en-
9 forcement, and investigative missions, except as provided
10 in subsections (d) through (g), the Secretary of Homeland
11 Security shall ensure that funds appropriated or otherwise
12 available to the Department of Homeland Security front-
13 line operational components described in subsection (b)
14 are used for the procurement of an item described in sub-
15 section (c) only if the item meets the following criteria:

16 (1) In the case of any unit or agency insignia
17 included with the item, including any patch, badge,
18 emblem, or other insignia, that is not produced, ap-
19 plied, or assembled in the United States, the sup-
20 plier of the item must agree to—

21 (A) store the item in a locked area;

22 (B) report any pilferage or theft of the in-
23 signia occurring at any stage before delivery of
24 the item to the Government; and

25 (C) destroy any defective or unusable item
26 with which the insignia is included in a manner

1 established by the Secretary, and maintain
2 records of such destruction that include the de-
3 struction date, a description of the item de-
4 stroyed, the quantity of the item destroyed, and
5 the method of destruction.

6 (2) In the case of a uniform produced or assem-
7 bled outside the United States, the uniform includes
8 passive radio frequency identification (RFID), or
9 any other such technologies that may be used for
10 tracking and control of the uniform.

11 (3) Each contractor and first-tier subcontractor
12 for the item, including the end-item manufacturer—

13 (A) is an entity registered with the System
14 for Award Management administered by the
15 General Services Administration; and

16 (B) is in compliance with ISO 9001:2015
17 of the International Organization for Standard-
18 ization.

19 (b) COVERED COMPONENTS.—A frontline operational
20 component referred to in subsection (a) is any of the fol-
21 lowing:

22 (1) U.S. Customs and Border Protection.

23 (2) U.S. Immigration and Customs Enforce-
24 ment.

1 (3) The Transportation Security Administra-
2 tion.

3 (4) The Coast Guard.

4 (5) The Secret Service.

5 (c) COVERED ITEMS.—An item referred to in sub-
6 section (a) is any of the following:

7 (1) Body armor components intended to provide
8 ballistic protection for an individual, consisting of
9 one or more of the following:

10 (A) Soft ballistic panels.

11 (B) Hard ballistic plates.

12 (C) Concealed armor carriers worn under
13 the uniform.

14 (D) External armor carriers worn over the
15 uniform.

16 (2) Helmets that provide ballistic protection
17 and other head protection and components.

18 (3) Protective eyewear.

19 (4) Rain gear, cold weather gear, other environ-
20 mental and flame-resistant clothing.

21 (5) Footwear.

22 (6) Uniforms.

23 (7) Bags and packs.

24 (8) Holsters and tactical pouches.

25 (9) Patches, insignia, and embellishments.

1 (10) Respiratory protective masks.

2 (11) Chemical, biological, radiological, and nu-
3 clear protective gear.

4 (12) Hearing protection equipment.

5 (13) Any other critical safety item as deter-
6 mined appropriate by the Secretary of Homeland Se-
7 curity.

8 (d) MAXIMUM UNIFORM ALLOWANCE FOR CERTAIN
9 PERSONNEL.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2)—

12 (A) the maximum uniform allowance set
13 forth in section 591.103 of title 5, Code of Fed-
14 eral Regulations, shall not apply to an agent of
15 any frontline operational components described
16 in subsection (b); and

17 (B) notwithstanding section of 504 of the
18 Department of Homeland Security Appropria-
19 tions Act, 2004 (6 U.S.C. 453a), the maximum
20 uniform allowance for an agent of such a com-
21 ponent shall be \$1,200.

22 (2) FIRST YEAR OF EMPLOYMENT.—For the
23 first year of employment of an individual as an
24 agent of any frontline operational component de-
25 scribed in subsection (b), the Secretary may estab-

1 lish a maximum uniform allowance that is not more
2 than \$800 greater than the amount set forth in
3 paragraph (1)(B).

4 (e) AVAILABILITY EXCEPTION.—Subsection (a) does
5 not apply to the extent that the Secretary of Homeland
6 Security determines that satisfactory quality and suffi-
7 cient quantity of any item described in subsection (c) can-
8 not be procured as and when needed at United States
9 market prices.

10 (f) EXCEPTION FOR CERTAIN PROCUREMENTS.—
11 Subsection (a) does not apply to the following:

12 (1) Any procurements by a vessel in foreign
13 waters.

14 (2) Any procurement in response to a situation
15 covered by a presidential disaster declaration.

16 (g) GEOGRAPHIC COVERAGE.—In this section, the
17 term “United States” includes the territories and posses-
18 sions of the United States.

19 (h) NOTIFICATION REQUIRED WITHIN 7 DAYS
20 AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS AP-
21 PLIED.—Not later than 7 days after the date of the award
22 of contract for the procurement of an item described in
23 subsection (c) for which an exception set forth in sub-
24 section (e) or (f) is applied, the Secretary of Homeland
25 Security shall publish notification of such application the

1 internet site maintained by the General Services Adminis-
2 tration known as FedBizOps.gov (or any successor site).

3 (i) TRAINING DURING FISCAL YEAR 2019.—

4 (1) IN GENERAL.—The Secretary of Homeland
5 Security shall ensure that each member of the acqui-
6 sition workforce of the Department of Homeland Se-
7 curity who participates personally and substantially
8 in the acquisition of items described in subsection
9 (c) on a regular basis receives training in fiscal year
10 2019 on the requirements of this section and the
11 regulations implementing this section.

12 (2) INCLUSION OF INFORMATION IN NEW
13 TRAINING PROGRAMS.—The Secretary shall ensure
14 that any training program for such acquisition work-
15 force developed or implemented after the date of the
16 enactment of this Act includes comprehensive infor-
17 mation on the requirements of this section.

18 (j) CONSISTENCY WITH INTERNATIONAL AGREE-
19 MENTS.—This section shall be applied in a manner con-
20 sistent with United States obligations under international
21 agreements.

22 (k) EFFECTIVE DATE.—This section applies with re-
23 spect to contracts entered into by the Department of

1 Homeland Security or any of its component agencies on
2 or after October 1, 2018.

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