

116TH CONGRESS  
1ST SESSION

# H. R. 2083

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## AN ACT

To amend the Homeland Security Act of 2002 regarding the procurement of certain items related to national security interests for Department of Homeland Security frontline operational components, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homeland Procure-  
3 ment Reform Act” or the “HOPR Act”.

4 **SEC. 2. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED**  
5 **TO NATIONAL SECURITY INTERESTS AC-**  
6 **CORDING TO CERTAIN CRITERIA.**

7 (a) IN GENERAL.—Subtitle D of title VIII of the  
8 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)  
9 is amended by adding at the end the following new section:  
10 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**  
11 **LATED TO NATIONAL SECURITY INTERESTS.**

12 “(a) REQUIREMENT.—The Secretary shall ensure  
13 that any procurement of covered items for a frontline  
14 operational component meets the following criteria:

15 “(1) To the maximum extent possible, not less  
16 than one-third of funds obligated in a specific fiscal  
17 year for the procurement of such covered items shall  
18 be covered items that are manufactured in part or  
19 provided in the United States by entities that qualify  
20 as small business concerns (as such term is de-  
21 scribed under section 3 of the Small Business Act  
22 (15 U.S.C. 632)).

23 “(2) Each prime contractor, with respect to the  
24 procurement of such covered items, shall ensure, to  
25 the maximum extent practicable, the following:

1           “(A) Each first-tier subcontractor and end  
2           item manufacturer complies with the contractor  
3           code of business ethics and conduct under sec-  
4           tion 3509 of title 41, United States Code, and  
5           the Federal Acquisition Regulation.

6           “(B) Each first-tier subcontractor and  
7           end-item manufacturer is in compliance with a  
8           standard identified by the Secretary as appro-  
9           priate for quality, such as ISO 9001:2015 of  
10          the International Organization for Standardiza-  
11          tion.

12          “(C) The ability of a first-tier subcon-  
13          tractor to fulfill the terms of the contract is  
14          verified.

15          “(3) Each supplier of such a covered item with  
16          an insignia (such as any patch, badge, or emblem)  
17          and each supplier of such an insignia, if such cov-  
18          ered item with such insignia or such insignia, as the  
19          case may be, is not produced, applied, or assembled  
20          in the United States, shall—

21                 “(A) store such covered item with such in-  
22                 signia or such insignia in a locked area;

23                 “(B) report any pilferage or theft of such  
24                 covered item with such insignia or such insignia  
25                 occurring at any stage before delivery of such

1 covered item with such insignia or such insignia;  
2 and

3 “(C) destroy any defective or unusable covered  
4 item with insignia or insignia in a manner  
5 established by the Secretary, and maintain  
6 records, for 3 years after the creation of such  
7 records, of such destruction that include the  
8 date of such destruction, a description of the  
9 covered item with insignia or insignia destroyed,  
10 the quantity of the covered item with insignia  
11 or insignia destroyed, and the method of de-  
12 struction.

13 “(b) PRICING.—The Secretary shall ensure that cov-  
14 ered items are purchased at a fair and reasonable price,  
15 consistent with the procedures and guidelines specified in  
16 the Federal Acquisition Regulation.

17 “(c) REPORT.—Not later than 180 days after the  
18 date of the enactment of this section and annually there-  
19 after, the Secretary shall provide to the Committee on  
20 Homeland Security, the Committee on Oversight and Re-  
21 form, and the Committee on Appropriations of the House  
22 of Representatives, and the Committee on Homeland Se-  
23 curity and Governmental Affairs and the Committee on  
24 Appropriations of the Senate a report on the following:

1           “(1) Instances in which vendors have failed to  
2 meet deadlines for delivery of covered items and cor-  
3 rective actions taken by the Department in response  
4 to such instances.

5           “(2) The status of efforts to carry out para-  
6 graph (1) of subsection (a).

7           “(3) A description of how the Department en-  
8 sures the compliance of each prime contractor with  
9 the requirements of paragraph (2) of subsection (a)  
10 and any instances of non-compliance.

11          “(d) DEPARTMENT FRONTLINE OPERATIONAL COM-  
12 PONENT DESCRIBED.—In this section, the term ‘Depart-  
13 ment frontline operational component’ refers to any of the  
14 following components of the Department:

15           “(1) United States Customs and Border Protec-  
16 tion.

17           “(2) United States Immigration and Customs  
18 Enforcement.

19           “(3) The United States Secret Service.

20           “(4) The Transportation Security Administra-  
21 tion.

22           “(5) The Cybersecurity and Infrastructure Se-  
23 curity Agency.

24           “(6) The Federal Protective Service.

1           “(7) The Federal Emergency Management  
2 Agency.

3           “(8) The Federal Law Enforcement Training  
4 Centers.

5           “(e) DETERMINATION.—If the Secretary determines  
6 that compliance with paragraph (1) of subsection (a) is  
7 impractical, the Secretary shall, not later than 15 days  
8 after making such determination, submit to the Com-  
9 mittee on Homeland Security of the House of Representa-  
10 tives and Committee on Homeland Security and Govern-  
11 mental Affairs of the Senate an explanation relating to  
12 such determination and specifics regarding what percent-  
13 age of covered items will be procured by small business  
14 concerns.

15           “(f) EXCEPTION.—This section shall not apply to the  
16 purchase of covered items by the Department to be used  
17 by the Department for training purposes.

18           “(g) COVERED ITEM DESCRIBED.—In this section,  
19 the term ‘covered item’ refers to any of the following with  
20 respect to a Department frontline operational component:

21           “(1) Body armor components intended to pro-  
22 vide ballistic protection for an individual, consisting  
23 of one or more of the following:

24                   “(A) Soft ballistic panels.

25                   “(B) Hard ballistic plates.

1           “(C) Concealed armor carriers worn under  
2 a uniform.

3           “(D) External armor carriers worn over a  
4 uniform.

5           “(2) Helmets that provide ballistic protection  
6 and other head protection and components.

7           “(3) Protective eyewear.

8           “(4) Rain gear, cold weather gear, other envi-  
9 ronmental and flame-resistant clothing.

10          “(5) Footwear.

11          “(6) Uniforms.

12          “(7) Bags and packs.

13          “(8) Holsters and tactical pouches.

14          “(9) Patches, insignia, and embellishments.

15          “(10) Respiratory protective masks.

16          “(11) Chemical, biological, radiological, and nu-  
17 clear protective gear.

18          “(12) Hearing protection equipment.

19          “(13) Any other critical safety item as deter-  
20 mined appropriate by the Secretary.

21          “(h) EFFECTIVE DATE.—This section applies with  
22 respect to a contract entered into by the Department or  
23 any of its frontline operational components on or after Oc-  
24 tober 1, 2020.

1       “(i) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that the Secretary should endeavor to ensure that  
3 the majority of covered items for a frontline operational  
4 component procured by the Department are manufactured  
5 in the United States by entities that qualify as small busi-  
6 ness concerns.”.

7       (b) STUDY.—Not later than 1 year after the date of  
8 the enactment of this Act, the Secretary of Homeland Se-  
9 curity shall submit to the Committee on Homeland Secu-  
10 rity of the House of Representatives and the Committee  
11 on Homeland Security and Governmental Affairs of the  
12 Senate a study of the adequacy of allowances provided to  
13 employees of Department of Homeland Security frontline  
14 operational components (as such term is described in sec-  
15 tion 836 of the Homeland Security Act of 2002, as added  
16 by subsection (a)). Such study shall be informed by a De-  
17 partment-wide survey of employees from across the De-  
18 partment who receive uniform allowances that seeks to as-  
19 certain what, if any, improvements could be made to the  
20 current uniform allowances and what, if any, impacts cur-  
21 rent allowances have had on employee morale and reten-  
22 tion. Such study shall also consider increasing by 25 per-  
23 cent, at minimum, the uniform allowance for first year em-  
24 ployees and by 50 percent, at minimum, the annual allow-  
25 ance for all other employees.



1           (c) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 is  
3 amended by inserting after the item relating to section  
4 835 the following new item:

“Sec. 836. Requirements to buy certain items related to national security inter-  
ests.”.

Passed the House of Representatives June 10, 2019.

Attest:

*Clerk.*

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