

116TH CONGRESS  
1ST SESSION

# S. 1055

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.

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IN THE SENATE OF THE UNITED STATES

APRIL 4, 2019

Mrs. SHAHEEN (for herself and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

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,*

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.**

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

7 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**  
8 **LATED TO NATIONAL SECURITY INTERESTS.**

9 “(a) REQUIREMENT.—The Secretary shall ensure  
10 that any procurement of a covered item for a frontline  
11 operational component meets the following criteria:

12 “(1) To the maximum extent possible, not less  
13 than one-third of funds obligated in a specific fiscal  
14 year for the procurement of such covered items shall  
15 be covered items that are manufactured in the  
16 United States by entities that qualify as small busi-  
17 ness concerns, as such term is described under sec-  
18 tion 3 of the Small Business Act (15 U.S.C. 632).

19 “(2) Each contractor and first-tier subcon-  
20 tractor with respect to the procurement of such a  
21 covered item, including the end-item manufacturer  
22 of such a covered item—

23 “(A) is an entity registered with the Sys-  
24 tem for Award Management (or successor sys-  
25 tem) administered by the General Services Ad-  
26 ministration; and

1           “(B) is in compliance with ISO 9001:2015  
2           of the International Organization for Standard-  
3           ization (or successor standard); and

4           “(3) Each supplier of such a covered item with  
5           an insignia (such as any patch, badge, or emblem)  
6           and each supplier of such an insignia, if such cov-  
7           ered item with such insignia or such insignia, as the  
8           case may be, is not produced, applied, or assembled  
9           in the United States, shall—

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

12           “(B) report any pilferage or theft of such  
13           covered item with such insignia or such insignia  
14           occurring at any stage before delivery of such  
15           covered item with such insignia or such insig-  
16           nia; and

17           “(C) destroy any such defective or unus-  
18           able covered item with insignia or insignia in a  
19           manner established by the Secretary, and main-  
20           tain records, for three years after the creation  
21           of such records, of such destruction that include  
22           the date of such destruction, a description of  
23           the covered item with insignia or insignia de-  
24           stroyed, the quantity of the covered item with

1           insignia or insignia destroyed, and the method  
2           of destruction.

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

7           “(c) REPORT.—Not later than 180 days after the  
8           date of the enactment of this section and annually there-  
9           after, the Secretary shall provide to the Committee on  
10          Homeland Security, the Committee on Oversight and Re-  
11          form, and the Committee on Appropriations of the House  
12          of Representatives, and the Committee on Homeland Se-  
13          curity and Governmental Affairs and the Committee on  
14          Appropriations of the Senate a report on instances in  
15          which vendors have failed to meet deadlines for delivery  
16          of covered items and corrective actions taken by the De-  
17          partment in response to such instances.

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

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

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

25                  “(3) The United States Secret Service.

1           “(4) The Transportation Security Administra-  
2           tion.

3           “(5) The Cybersecurity and Infrastructure Se-  
4           curity Agency.

5           “(6) The Federal Protective Service.

6           “(7) The Federal Emergency Management  
7           Agency.

8           “(8) The Federal Law Enforcement Training  
9           Centers.

10          “(e) COVERED ITEM DESCRIBED.—In this section,  
11 the term ‘covered item’ refers to any of the following with  
12 respect to a Department frontline operational component:

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

16                   “(A) Soft ballistic panels.

17                   “(B) Hard ballistic plates.

18                   “(C) Concealed armor carriers worn under  
19           a uniform.

20                   “(D) External armor carriers worn over a  
21           uniform.

22           “(2) Helmets that provide ballistic protection  
23           and other head protection and components.

24           “(3) Protective eyewear.

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

3           “(5) Footwear.

4           “(6) Uniforms.

5           “(7) Bags and packs.

6           “(8) Holsters and tactical pouches.

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

8           “(10) Respiratory protective masks.

9           “(11) Chemical, biological, radiological, and nu-  
10          clear protective gear.

11          “(12) Hearing protection equipment.

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

14          “(f) EFFECTIVE DATE.—This section applies with re-  
15          spect to a contract entered into by the Department or any  
16          of its frontline operational components on or after October  
17          1, 2020.”.

18          (b) STUDY.—Not later than one year after the date  
19          of the enactment of this Act, the Secretary of Homeland  
20          Security shall submit to the Committee on Homeland Se-  
21          curity of the House of Representatives and the Committee  
22          on Homeland Security and Governmental Affairs of the  
23          Senate a study of the adequacy of allowances provided to  
24          employees of Department of Homeland Security frontline  
25          operational components. Such study shall be informed by

1 a Department-wide survey of employees from across the  
2 Department who receive uniform allowances that seeks to  
3 ascertain what, if any, improvements could be made to the  
4 current uniform allowances and what, if any, impacts cur-  
5 rent allowances have had on employee morale and reten-  
6 tion. Such study shall also consider increasing by 25 per-  
7 cent, at minimum, the uniform allowance for first year em-  
8 ployees and by 50 percent, at minimum, the annual allow-  
9 ance for all other employees.

10 (c) CLERICAL AMENDMENT.—The table of contents  
11 in section 1(b) of the Homeland Security Act of 2002 is  
12 amended by inserting after the item relating to section  
13 835 the following new item:

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

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