

Calendar No. 578

117TH CONGRESS
2^D SESSION

H. R. 2915

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2021

Received

DECEMBER 5, 2022

Read twice and placed on the calendar

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:

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

12 “(a) DEFINITIONS.—In this section:

13 “(1) COVERED ITEM.—The term ‘covered item’
14 means any of the following:

15 “(A) Footwear provided as part of a uni-
16 form.

17 “(B) Uniforms.

18 “(C) Holsters and tactical pouches.

19 “(D) Patches, insignia, and embellish-
20 ments.

21 “(E) Chemical, biological, radiological, and
22 nuclear protective gear.

23 “(F) Body armor components intended to
24 provide ballistic protection for an individual,
25 consisting of 1 or more of the following:

26 “(i) Soft ballistic panels.

1 “(ii) Hard ballistic plates.

2 “(iii) Concealed armor carriers worn
3 under a uniform.

4 “(iv) External armor carriers worn
5 over a uniform.

6 “(G) Any other item of clothing or protec-
7 tive equipment as determined appropriate by
8 the Secretary.

9 “(2) FRONTLINE OPERATIONAL COMPONENT.—
10 The term ‘frontline operational component’ means
11 any of the following organizations of the Depart-
12 ment:

13 “(A) U.S. Customs and Border Protection.

14 “(B) U.S. Immigration and Customs En-
15 forcement.

16 “(C) The United States Secret Service.

17 “(D) The Transportation Security Admin-
18 istration.

19 “(E) The Coast Guard.

20 “(F) The Federal Protective Service.

21 “(G) The Federal Emergency Management
22 Agency.

23 “(H) The Federal Law Enforcement
24 Training Centers.

1 “(I) The Cybersecurity and Infrastructure
2 Security Agency.

3 “(b) REQUIREMENTS.—

4 “(1) IN GENERAL.—The Secretary shall ensure
5 that any procurement of a covered item for a front-
6 line operational component meets the following cri-
7 teria:

8 “(A) To the maximum extent possible, not
9 less than one-third of funds obligated in a spe-
10 cific fiscal year for the procurement of such
11 covered items shall be covered items that are
12 manufactured or supplied in the United States
13 by entities that qualify as small business con-
14 cerns, as such term is described under section
15 3 of the Small Business Act (15 U.S.C. 632).

16 “(B) Each contractor with respect to the
17 procurement of such a covered item, including
18 the end-item manufacturer of such a covered
19 item—

20 “(i) is an entity registered with the
21 System for Award Management (or suc-
22 cessor system) administered by the General
23 Services Administration; and

24 “(ii) is in compliance with ISO
25 9001:2015 of the International Organiza-

tion for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

“(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

“(i) store such covered item with such insignia or such insignia in a locked area;

“(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

“(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of

1 such destruction, a description of the cov-
2 ered item with insignia or insignia de-
3 stroyed, the quantity of the covered item
4 with insignia or insignia destroyed, and the
5 method of destruction.

6 “(2) WAIVER.—

7 “(A) IN GENERAL.—In the case of a na-
8 tional emergency declared by the President
9 under the National Emergencies Act (50 U.S.C.
10 1601 et seq.) or a major disaster declared by
11 the President under section 401 of the Robert
12 T. Stafford Disaster Relief and Emergency As-
13 sistance Act (42 U.S.C. 5170), the Secretary
14 may waive a requirement in subparagraph (A),
15 (B) or (C) of paragraph (1) if the Secretary de-
16 termines there is an insufficient supply of a
17 covered item that meets the requirement.

18 “(B) NOTICE.—Not later than 60 days
19 after the date on which the Secretary deter-
20 mines a waiver under subparagraph (A) is nec-
21 essary, the Secretary shall provide to the Com-
22 mittee on Homeland Security and Govern-
23 mental Affairs and the Committee on Appro-
24 priations of the Senate and the Committee on
25 Homeland Security, the Committee on Over-

sight and Reform, and the Committee on Appropriations of the House of Representatives notice of such determination, which shall include—

“(i) identification of the national emergency or major disaster declared by the President;

“(ii) identification of the covered item for which the Secretary intends to issue the waiver; and

“(iii) a description of the demand for the covered item and corresponding lack of supply from contractors able to meet the criteria described in subparagraph (B) or (C) of paragraph (1).

“(c) PRICING.—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

“(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security and Gov-

1 ernmental Affairs and the Committee on Appropriations
2 of the Senate a briefing on instances in which vendors
3 have failed to meet deadlines for delivery of covered items
4 and corrective actions taken by the Department in re-
5 sponse to such instances.

6 “(e) EFFECTIVE DATE.—This section applies with
7 respect to a contract entered into by the Department or
8 any frontline operational component on or after the date
9 that is 180 days after the date of enactment of this sec-
10 tion.”.

11 (b) STUDY.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this Act, the Sec-
14 retary of Homeland Security shall submit to the
15 Committee on Homeland Security and Governmental
16 Affairs of the Senate and the Committee on Home-
17 land Security of the House of Representatives a
18 study of the adequacy of uniform allowances pro-
19 vided to employees of frontline operational compo-
20 nents (as defined in section 836 of the Homeland
21 Security Act of 2002, as added by subsection (a)).

22 (2) REQUIREMENTS.—The study conducted
23 under paragraph (1) shall—

24 (A) be informed by a Department-wide
25 survey of employees from across the Depart-

1 ment of Homeland Security who receive uni-
2 form allowances that seeks to ascertain what, if
3 any, improvements could be made to the cur-
4 rent uniform allowances and what, if any, im-
5 pacts current allowances have had on employee
6 morale and retention;

7 (B) assess the adequacy of the most recent
8 increase made to the uniform allowance for first
9 year employees; and

10 (C) consider increasing by 50 percent, at
11 minimum, the annual allowance for all other
12 employees.

13 (c) ADDITIONAL REPORT.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, the Sec-
16 retary of Homeland Security shall provide a report
17 with recommendations on how the Department of
18 Homeland Security could procure additional items
19 from domestic sources and bolster the domestic sup-
20 ply chain for items related to national security to—

21 (A) the Committee on Homeland Security
22 and Governmental Affairs and the Committee
23 on Appropriations of the Senate; and

24 (B) the Committee on Homeland Security,
25 the Committee on Oversight and Reform, and

1 the Committee on Appropriations of the House
2 of Representatives.

3 (2) CONTENTS.—The report required under
4 paragraph (1) shall include the following:

5 (A) A review of the compliance of the De-
6 partment of Homeland Security with the re-
7 quirements under section 604 of title VI of divi-
8 sion A of the American Recovery and Reinvest-
9 ment Act of 2009 (6 U.S.C. 453b) to buy cer-
10 tain items related to national security interests
11 from sources in the United States.

12 (B) An assessment of the capacity of the
13 Department of Homeland Security to procure
14 the following items from domestic sources:

15 (i) Personal protective equipment and
16 other items necessary to respond to a pan-
17 demic such as that caused by COVID–19.

18 (ii) Helmets that provide ballistic pro-
19 tection and other head protection and com-
20 ponents.

21 (iii) Rain gear, cold weather gear, and
22 other environmental and flame resistant
23 clothing.

24 (d) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of the Homeland Security Act of 2002

1 (Public Law 107–296; 116 Stat. 2135) is amended by in-
2 serting after the item relating to section 835 the following:

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

Passed the House of Representatives November 16,
2021.

Attest:

CHERYL L. JOHNSON,

Clerk.

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