

Union Calendar No. 96

117TH CONGRESS
1ST SESSION

H. R. 2915

[Report No. 117–135]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2021

Mr. CORREA (for himself, Mr. MAST, Mr. MCGOVERN, Mr. PAPPAS, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

OCTOBER 5, 2021

Additional sponsors: Mr. BLUMENAUER, Mr. FITZPATRICK, Mrs. RODGERS of Washington, Mr. MELJER, and Ms. SLOTKIN

OCTOBER 5, 2021

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 April 30, 2021]

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 Procurement*
 5 *Reform Act” or the “HOPR Act”.*

6 **SEC. 2. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED**
 7 **TO NATIONAL SECURITY INTERESTS ACCORD-**
 8 **ING TO CERTAIN CRITERIA.**

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

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

14 *“(a) DEFINITIONS.—In this section:*

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

17 *“(A) Footwear provided as part of a uni-*
 18 *form.*

19 *“(B) Uniforms.*

20 *“(C) Holsters and tactical pouches.*

21 *“(D) Patches, insignia, and embellishments.*

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

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

4 “(i) *Soft ballistic panels.*

5 “(ii) *Hard ballistic plates.*

6 “(iii) *Concealed armor carriers worn*
7 *under a uniform.*

8 “(iv) *External armor carriers worn*
9 *over a uniform.*

10 “(G) *Any other item of clothing or protec-*
11 *tive equipment as determined appropriate by the*
12 *Secretary.*

13 “(2) *FRONTLINE OPERATIONAL COMPONENT.—*
14 *The term ‘frontline operational component’ means*
15 *any of the following organizations of the Department:*

16 “(A) *U.S. Customs and Border Protection.*

17 “(B) *U.S. Immigration and Customs En-*
18 *forcement.*

19 “(C) *The United States Secret Service.*

20 “(D) *The Transportation Security Adminis-*
21 *tration.*

22 “(E) *The Coast Guard.*

23 “(F) *The Federal Protective Service.*

24 “(G) *The Federal Emergency Management*
25 *Agency.*

1 “(H) *The Federal Law Enforcement Train-*
2 *ing Centers.*

3 “(I) *The Cybersecurity and Infrastructure*
4 *Security Agency.*

5 “(b) *REQUIREMENTS.—*

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

10 “(A) *To the maximum extent possible, not*
11 *less than one-third of funds obligated in a spe-*
12 *cific fiscal year for the procurement of such cov-*
13 *ered items shall be covered items that are manu-*
14 *factured or supplied in the United States by en-*
15 *tities that qualify as small business concerns, as*
16 *such term is described under section 3 of the*
17 *Small Business Act (15 U.S.C. 632).*

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

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

1 “(ii) is in compliance with ISO
2 9001:2015 of the International Organiza-
3 tion for Standardization (or successor
4 standard) or a standard determined appro-
5 priate by the Secretary to ensure the quality
6 of products and adherence to applicable
7 statutory and regulatory requirements.

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

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

17 “(ii) report any pilferage or theft of
18 such covered item with such insignia or
19 such insignia occurring at any stage before
20 delivery of such covered item with such in-
21 signia or such insignia; and

22 “(iii) destroy any such defective or un-
23 usable covered item with insignia or insig-
24 nia in a manner established by the Sec-
25 retary, and maintain records, for three

1 *years after the creation of such records, of*
2 *such destruction that include the date of*
3 *such destruction, a description of the cov-*
4 *ered item with insignia or insignia de-*
5 *stroyed, the quantity of the covered item*
6 *with insignia or insignia destroyed, and the*
7 *method of destruction.*

8 “(2) *WAIVER.*—

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

20 “(B) *NOTICE.*—*Not later than 60 days after*
21 *the date on which the Secretary determines a*
22 *waiver under subparagraph (A) is necessary, the*
23 *Secretary shall provide to the Committee on*
24 *Homeland Security and Governmental Affairs*
25 *and the Committee on Appropriations of the*

1 *Senate and the Committee on Homeland Secu-*
2 *rity, the Committee on Oversight and Reform,*
3 *and the Committee on Appropriations of the*
4 *House of Representatives notice of such deter-*
5 *mination, which shall include—*

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

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

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

17 “(c) *PRICING.—The Secretary shall ensure that covered*
18 *items are purchased at a fair and reasonable price, con-*
19 *sistent with the procedures and guidelines specified in the*
20 *Federal Acquisition Regulation.*

21 “(d) *REPORT.—Not later than 1 year after the date*
22 *of enactment of this section and annually thereafter, the*
23 *Secretary shall provide to the Committee on Homeland Se-*
24 *curity, the Committee on Oversight and Reform, and the*
25 *Committee on Appropriations of the House of Representa-*

1 *tives, and the Committee on Homeland Security and Gov-*
 2 *ernmental Affairs and the Committee on Appropriations of*
 3 *the Senate a briefing on instances in which vendors have*
 4 *failed to meet deadlines for delivery of covered items and*
 5 *corrective actions taken by the Department in response to*
 6 *such instances.*

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

11 (b) *STUDY.*—

12 (1) *IN GENERAL.*—*Not later than 18 months*
 13 *after the date of enactment of this Act, the Secretary*
 14 *of Homeland Security shall submit to the Committee*
 15 *on Homeland Security and Governmental Affairs of*
 16 *the Senate and the Committee on Homeland Security*
 17 *of the House of Representatives a study of the ade-*
 18 *quacy of uniform allowances provided to employees of*
 19 *frontline operational components (as defined in sec-*
 20 *tion 836 of the Homeland Security Act of 2002, as*
 21 *added by subsection (a)).*

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

24 (A) *be informed by a Department-wide sur-*
 25 *vey of employees from across the Department of*

1 *Homeland Security who receive uniform allow-*
2 *ances that seeks to ascertain what, if any, im-*
3 *provements could be made to the current uniform*
4 *allowances and what, if any, impacts current al-*
5 *lowances have had on employee morale and re-*
6 *tention;*

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 after*
15 *the date of enactment of this Act, the Secretary of*
16 *Homeland Security shall provide a report with rec-*
17 *ommendations on how the Department of Homeland*
18 *Security could procure additional items from domes-*
19 *tic sources and bolster the domestic supply chain for*
20 *items related to national security to—*

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

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

1 *Committee on Appropriations of the House of*
2 *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 certain*
10 *items related to national security interests from*
11 *sources in the United States.*

12 (B) *An assessment of the capacity of the De-*
13 *partment of Homeland Security to procure the*
14 *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 in*
25 *section 1(b) of the Homeland Security Act of 2002 (Public*

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

“Sec. 836. Requirements to buy certain items related to national security interests.”.

Union Calendar No. 96

117TH CONGRESS
1ST Session

H. R. 2915

[Report No. 117-135]

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.

OCTOBER 5, 2021

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