

117TH CONGRESS
1ST SESSION

S. 1009

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 SENATE OF THE UNITED STATES

MARCH 25, 2021

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

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:

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

9 “(a) DEFINITIONS.—In this section:

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

12 “(A) Body armor components intended to
 13 provide ballistic protection for an individual,
 14 consisting of 1 or more of the following:

15 “(i) Soft ballistic panels.

16 “(ii) Hard ballistic plates.

17 “(iii) Concealed armor carriers worn
 18 under a uniform.

19 “(iv) External armor carriers worn
 20 over a uniform.

21 “(B) Helmets that provide ballistic protec-
 22 tion and other head protection and components.

23 “(C) Protective eyewear.

24 “(D) Rain gear, cold weather gear, other
 25 environmental and flame-resistant clothing.

26 “(E) Footwear.

1 “(F) Uniforms.

2 “(G) Bags and packs.

3 “(H) Holsters and tactical pouches.

4 “(I) Patches, insignia, and embellishments.

5 “(J) Respiratory protective masks.

6 “(K) Chemical, biological, radiological, and
7 nuclear protective gear.

8 “(L) Hearing protection equipment.

9 “(M) Powered air purifying respirators
10 and required filters.

11 “(N) Disposable and reusable surgical and
12 isolation gowns.

13 “(O) Protective eyewear.

14 “(P) Gloves.

15 “(Q) Face shields.

16 “(R) Head and foot coverings.

17 “(S) Sanitizing and disinfecting wipes.

18 “(T) Privacy curtains.

19 “(U) Beds and bedding.

20 “(V) Testing swabs.

21 “(W) Gauze and bandages.

22 “(X) Tents and tarpaulins.

23 “(Y) Any other critical safety item as de-
24 termined appropriate by the Secretary.

1 “(2) FRONTLINE OPERATIONAL COMPONENT.—

2 The term ‘frontline operational component’ means
3 any of the following components of the Department:

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

5 “(B) U.S. Immigration and Customs En-
6 forcement.

7 “(C) The United States Secret Service.

8 “(D) The Transportation Security Admin-
9 istration.

10 “(E) The Cybersecurity and Infrastructure
11 Security Agency.

12 “(F) The Federal Protective Service.

13 “(G) The Federal Emergency Management
14 Agency.

15 “(H) The Federal Law Enforcement
16 Training Centers.

17 “(b) REQUIREMENTS.—

18 “(1) IN GENERAL.—The Secretary shall ensure
19 that any procurement of a covered item for a front-
20 line operational component meets the following cri-
21 teria:

22 “(A) To the maximum extent possible, not
23 less than one-third of funds obligated in a spe-
24 cific fiscal year for the procurement of such
25 covered items shall be covered items that are

1 manufactured in the United States by entities
2 that qualify as small business concerns, as such
3 term is described under section 3 of the Small
4 Business Act (15 U.S.C. 632).

5 “(B) Each contractor and first-tier subcon-
6 tractor with respect to the procurement of such
7 a covered item, including the end-item manufac-
8 turer of such a covered item—

9 “(i) is an entity registered with the
10 System for Award Management (or suc-
11 cessor system) administered by the General
12 Services Administration; and

13 “(ii) is in compliance with ISO
14 9001:2015 of the International Organiza-
15 tion for Standardization (or successor
16 standard).

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

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

1 “(ii) report any pilferage or theft of
2 such covered item with such insignia or
3 such insignia occurring at any stage before
4 delivery of such covered item with such in-
5 signia or such insignia; and

6 “(iii) destroy any such defective or
7 unusable covered item with insignia or in-
8 signia in a manner established by the Sec-
9 retary, and maintain records, for three
10 years after the creation of such records, of
11 such destruction that include the date of
12 such destruction, a description of the cov-
13 ered item with insignia or insignia de-
14 stroyed, the quantity of the covered item
15 with insignia or insignia destroyed, and the
16 method of destruction.

17 “(2) WAIVER.—

18 “(A) IN GENERAL.—In the case of a na-
19 tional emergency declared by the President
20 under the National Emergencies Act (50 U.S.C.
21 1601 et seq.), the Secretary may waive a re-
22 quirement in subparagraph (B) or (C) of para-
23 graph (1) if the Secretary determines there is
24 an insufficient supply of a covered item that
25 meets the requirement.

1 “(B) NOTICE.—If the Secretary deter-
2 mines a waiver under subparagraph (A) is nec-
3 essary, the Secretary shall provide to the Com-
4 mittee on Homeland Security and Govern-
5 mental Affairs and the Committee on Appro-
6 priations of the Senate and the Committee on
7 Homeland Security, the Committee on Over-
8 sight and Reform, and the Committee on Ap-
9 propriations of the House of Representatives
10 notice of such determination, which shall in-
11 clude—

12 “(i) identification of the national
13 emergency declared by the President;

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

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

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

1 “(d) REPORT.—Not later than 180 days after the
2 date of enactment of this section and annually thereafter,
3 the Secretary shall provide to the Committee on Homeland
4 Security, the Committee on Oversight and Reform, and
5 the Committee on Appropriations of the House of Rep-
6 resentatives, and the Committee on Homeland Security
7 and Governmental Affairs and the Committee on Appro-
8 priations of the Senate a report on instances in which ven-
9 dors have failed to meet deadlines for delivery of covered
10 items and corrective actions taken by the Department in
11 response to such instances.

12 “(e) EFFECTIVE DATE.—This section applies with
13 respect to a contract entered into by the Department or
14 any frontline operational component on or after October
15 1, 2021.”.

16 (b) STUDY.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary of
19 Homeland Security shall submit to the Committee
20 on Homeland Security and Governmental Affairs of
21 the Senate and the Committee on Homeland Secu-
22 rity of the House of Representatives a study of the
23 adequacy of allowances provided to employees of
24 frontline operational components (as defined in sec-

1 tion 836 of the Homeland Security Act of 2002, as
2 added by subsection (a)).

3 (2) REQUIREMENTS.—The study conducted
4 under paragraph (1) shall—

5 (A) be informed by a Department-wide
6 survey of employees from across the Depart-
7 ment who receive uniform allowances that seeks
8 to ascertain what, if any, improvements could
9 be made to the current uniform allowances and
10 what, if any, impacts current allowances have
11 had on employee morale and retention; and

12 (B) consider increasing by 25 percent, at
13 minimum, the uniform allowance for first year
14 employees and by 50 percent, at minimum, the
15 annual allowance for all other employees.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002
18 (Public Law 107–296; 116 Stat. 2135) is amended by in-
19 serting after the item relating to section 835 the following:

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

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