

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. PETERS

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 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) Footwear provided as part of a uni-  
13 form.

14 “(B) Uniforms.

15 “(C) Holsters and tactical pouches.

16 “(D) Patches, insignia, and embellish-  
17 ments.

18 “(E) Chemical, biological, radiological, and  
19 nuclear protective gear.

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

23 “(i) Soft ballistic panels.

24 “(ii) Hard ballistic plates.

25 “(iii) Concealed armor carriers worn  
26 under a uniform.

1                   “(iv) External armor carriers worn  
2                   over a uniform.

3                   “(G) Any other item as determined appro-  
4                   priate by the Secretary.

5                   “(2) FRONTLINE OPERATIONAL COMPONENT.—  
6                   The term ‘frontline operational component’ means  
7                   any of the following organizations of the Depart-  
8                   ment:

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

10                  “(B) U.S. Immigration and Customs En-  
11                  forcement.

12                  “(C) The United States Secret Service.

13                  “(D) The Transportation Security Admin-  
14                  istration.

15                  “(E) The Coast Guard.

16                  “(F) The Federal Protective Service.

17                  “(G) The Federal Emergency Management  
18                  Agency.

19                  “(H) The Federal Law Enforcement  
20                  Training Centers.

21                  “(I) The Cybersecurity and Infrastructure  
22                  Security Agency.

23                  “(b) REQUIREMENTS.—

24                  “(1) IN GENERAL.—The Secretary shall ensure  
25                  that any procurement of a covered item for a front-

1 line operational component meets the following cri-  
2 teria:

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

11 “(B) Each contractor with respect to the  
12 procurement of such a covered item, including  
13 the end-item manufacturer of such a covered  
14 item—

15 “(i) is an entity registered with the  
16 System for Award Management (or suc-  
17 cessor system) administered by the General  
18 Services Administration; and

19 “(ii) is in compliance with ISO  
20 9001:2015 of the International Organiza-  
21 tion for Standardization (or successor  
22 standard) or a standard determined appro-  
23 priate by the Secretary to ensure the qual-  
24 ity of products and adherence to applicable  
25 statutory and regulatory requirements.

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

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

10           “(ii) report any pilferage or theft of  
11 such covered item with such insignia or  
12 such insignia occurring at any stage before  
13 delivery of such covered item with such in-  
14 signia or such insignia; and

15           “(iii) destroy any such defective or  
16 unusable covered item with insignia or in-  
17 signia in a manner established by the Sec-  
18 retary, and maintain records, for three  
19 years after the creation of such records, of  
20 such destruction that include the date of  
21 such destruction, a description of the cov-  
22 ered item with insignia or insignia de-  
23 stroyed, the quantity of the covered item  
24 with insignia or insignia destroyed, and the  
25 method of destruction.

1 “(2) WAIVER.—

2 “(A) IN GENERAL.—In the case of a na-  
3 tional emergency declared by the President  
4 under the National Emergencies Act (50 U.S.C.  
5 1601 et seq.) or a major disaster declared by  
6 the President under section 401 of the Robert  
7 T. Stafford Disaster Relief and Emergency As-  
8 sistance Act (42 U.S.C. 5170), the Secretary  
9 may waive a requirement in subparagraph (A),  
10 (B) or (C) of paragraph (1) if the Secretary de-  
11 termines there is an insufficient supply of a  
12 covered item that meets the requirement.

13 “(B) NOTICE.—Not later than 60 days  
14 after the date on which the Secretary deter-  
15 mines a waiver under subparagraph (A) is nec-  
16 essary, the Secretary shall provide to the Com-  
17 mittee on Homeland Security and Govern-  
18 mental Affairs and the Committee on Appro-  
19 priations of the Senate and the Committee on  
20 Homeland Security, the Committee on Over-  
21 sight and Reform, and the Committee on Ap-  
22 propriations of the House of Representatives  
23 notice of such determination, which shall in-  
24 clude—

1                   “(i) identification of the national  
2                   emergency declared by the President;

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

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

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

15           “(d) REPORT.—Not later than 1 year after the date  
16           of enactment of this section and annually thereafter, the  
17           Secretary shall provide to the Committee on Homeland Se-  
18           curity, the Committee on Oversight and Reform, and the  
19           Committee on Appropriations of the House of Representa-  
20           tives, and the Committee on Homeland Security and Gov-  
21           ernmental Affairs and the Committee on Appropriations  
22           of the Senate a briefing on instances in which vendors  
23           have failed to meet deadlines for delivery of covered items  
24           and corrective actions taken by the Department in re-  
25           sponse to such instances.

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

6       (b) STUDY.—

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

17           (2) REQUIREMENTS.—The study conducted  
18 under paragraph (1) shall—

19           (A) be informed by a Department-wide  
20 survey of employees from across the Depart-  
21 ment who receive uniform allowances that seeks  
22 to ascertain what, if any, improvements could  
23 be made to the current uniform allowances and  
24 what, if any, impacts current allowances have  
25 had on employee morale and retention;

1 (B) assess the adequacy of the most recent  
2 increase made to the uniform allowance for first  
3 year employees; and

4 (C) consider increasing by 50 percent, at  
5 minimum, the annual allowance for all other  
6 employees.

7 (c) ADDITIONAL REPORT.—

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

15 (A) the Committee on Homeland Security  
16 and Governmental Affairs and the Committee  
17 on Appropriations of the Senate; and

18 (B) the Committee on Homeland Security,  
19 the Committee on Oversight and Reform, and  
20 the Committee on Appropriations of the House  
21 of Representatives.

22 (2) CONTENTS.—The report required under  
23 paragraph (1) shall include—

24 (A) a review of the compliance of the De-  
25 partment of Homeland Security with the re-

1           quirements under section 604 of title VI of divi-  
2           sion A of the American Recovery and Reinvest-  
3           ment Act of 2009 (6 U.S.C. 453b) to buy cer-  
4           tain items related to national security interests  
5           from sources in the United States; and

6                   (B) an assessment of the capacity of the  
7           Department of Homeland Security to procure  
8           the following items from domestic sources:

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

12                           (ii) Helmets that provide ballistic pro-  
13                           tection and other head protection and com-  
14                           ponents.

15                           (iii) Rain gear, cold weather gear, and  
16                           other environmental and flame resistant  
17                           clothing.

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

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