^{117TH CONGRESS} 2D SESSION H.R.6871

AN ACT

- To amend the Homeland Security Act of 2002 to provide for certain acquisition authorities for the Under Secretary of Management of the Department of Homeland Security, 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 "DHS Acquisition Re-3 form Act".

SEC. 2. ACQUISITION AUTHORITIES FOR THE UNDER SEC-4 5 **RETARY OF MANAGEMENT OF THE DEPART-**6 MENT OF HOMELAND SECURITY. 7 Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended— 8 9 (1) in subsection (a)— (A) in paragraph (2), by inserting "and ac-10 quisition management" after "Procurement"; 11 12 and (B) in paragraph (6), by inserting "(in-13 cluding firearms and other sensitive assets)" 14 after "equipment"; 15 16 (2) by redesignating subsections (d), the first 17 subsection (e) (relating to the system for award 18 management consultation), and the second sub-19 section (e) (relating to the definition of interoperable 20 communications) as subsections (e), (f), and (g), re-21 spectively; and (3) by inserting after subsection (c) the fol-22 23 lowing new subsection: 24 "(d) ACQUISITION AND RELATED RESPONSIBIL-

25 ITIES.—

"(1) IN GENERAL.—Notwithstanding section 1 2 1702(a) of title 41, United States Code, the Under 3 Secretary for Management is the Chief Acquisition Officer of the Department. As Chief Acquisition Of-4 5 ficer, the Under Secretary shall have the authorities 6 and perform the functions specified in section 7 1702(b) of such title, and perform all other func-8 tions and responsibilities delegated by the Secretary 9 or described in this subsection.

10 "(2) FUNCTIONS AND RESPONSIBILITIES.—In 11 addition to the authorities and functions specified in 12 section 1702(b) of title 41, United States Code, the 13 functions and responsibilities of the Under Secretary 14 for Management related to acquisition (as such term 15 is defined in section 131 of such title) include the 16 following:

17 "(A) Advising the Secretary regarding ac-18 quisition management activities, considering 19 risks of failure to achieve cost, schedule, or per-20 formance parameters, to ensure that the De-21 partment achieves its mission through the adoption of widely accepted program management 22 23 best practices (as such term is defined in sec-24 tion 714) and standards and, where appro-25 priate, acquisition innovation best practices.

1	"(B) Leading the Department's acquisition
2	oversight body, the Acquisition Review Board.
3	"(C) Synchronizing interagency coordina-
4	tion relating to acquisition programs and acqui-
5	sition management efforts of the Department.
6	"(D) Exercising the acquisition decision
7	authority (as such term is defined in section
8	714) to approve, pause, modify (including the
9	rescission of approvals of program milestones),
10	or cancel major acquisition programs (as such
11	term is defined in section 714), unless the
12	Under Secretary delegates such authority to a
13	Component Acquisition Executive (as such term
14	is defined in section 714) pursuant to para-
15	graph (3).
16	"(E) Providing additional scrutiny and
17	oversight for an acquisition that is not a major
18	acquisition if—
19	"(i) the acquisition is for a program
20	that is important to the strategic and per-
21	formance plans of the Department;
22	"(ii) the acquisition is for a program
23	with significant program or policy implica-
24	tions; and

"(iii) the Secretary determines that
 such scrutiny and oversight for the acquisi tion is proper and necessary.

"(F) Establishing policies for managing acquisitions across the Department that promote best practices (as such term is defined in section 714).

8 "(G) Establishing policies for acquisition 9 that implement an approach that considers 10 risks of failure to achieve cost, schedule, or per-11 formance parameters that all components of the 12 Department shall comply with, including out-13 lining relevant authorities for program man-14 agers to effectively manage acquisition pro-15 grams (as such term is defined in section 714).

"(H) Ensuring that each major acquisition 16 17 program has a Department-approved acquisi-18 tion program baseline (as such term is defined 19 in section 714), pursuant to the Department's 20 acquisition management policy that is traceable 21 to the life-cycle cost estimate of the program, 22 integrated master schedule, and operational re-23 quirements.

24 "(I) Assisting the heads of components25 and Component Acquisition Executives in ef-

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1	forts to comply with Federal law, the Federal
2	Acquisition Regulation, and Department acqui-
3	sition management directives.
4	"(J) Ensuring that grants and financial
5	assistance are provided only to individuals and
6	organizations that are not suspended or
7	debarred.
8	"(K) Distributing guidance throughout the
9	Department to ensure that contractors involved
10	in acquisitions, particularly contractors that ac-
11	cess the Department's information systems and
12	technologies, adhere to relevant Department
13	policies related to physical and information se-
14	curity as identified by the Under Secretary.
15	"(L) Overseeing the Component Acquisi-
16	tion Executive organizational structure to en-
17	sure Component Acquisition Executives have
18	sufficient capabilities and comply with Depart-
19	ment acquisition policies.
20	"(M) Developing and managing a profes-
21	sional acquisition workforce to ensure the goods

and services acquired by the Department meet

the needs of the mission and are at the best

value for the expenditure of public resources.

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1	"(3) Delegation of certain acquisition
2	DECISION AUTHORITY.—The Under Secretary for
3	Management may delegate acquisition decision au-
4	thority, in writing, to the relevant Component Acqui-
5	sition Executive for a major capital asset, service, or
6	hybrid acquisition program that has a life-cycle cost
7	estimate of at least \$300,000,000 but not more than
8	\$1,000,000,000, based on fiscal year 2022 constant
9	dollars, if—
10	"(A) the component concerned possesses
11	working policies, processes, and procedures that
12	are consistent with Department acquisition pol-
13	icy;
14	"(B) the Component Acquisition Executive
15	concerned has adequate, experienced, and dedi-
16	cated professional employees with program
17	management training; and
18	"(C) each major acquisition program has a
19	Department-approved acquisition program base-
20	line, and it is meeting agreed-upon cost, sched-
21	ule, and performance thresholds.".

1SEC. 3. OFFICE OF TEST AND EVALUATION OF THE DE-2PARTMENT OF HOMELAND SECURITY.

3 (a) IN GENERAL.—Title III of the Homeland Secu4 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
5 adding at the end the following new section:

6 "SEC. 323. OFFICE OF TEST AND EVALUATION.

7 "(a) ESTABLISHMENT OF OFFICE.—There is estab8 lished in the Directorate of Science and Technology of the
9 Department an Office of Test and Evaluation (in this sec10 tion referred to as the 'Office'). The Office shall—

"(1) serve as the principal advisory office for
test and evaluation support across the Department;
and

14 "(2) serve as the test and evaluation liaison
15 with—

16 "(A) Federal agencies and foreign, State,
17 local, Tribal, and territorial governments;

18 "(B) the private sector;

19 "(C) institutions of higher education; and
20 "(D) other relevant entities.

21 "(b) DIRECTOR.—The Office shall be led by a Direc22 tor. The Director shall oversee the duties specified in sub23 section (a) and carry out the following responsibilities:

24 "(1) Serve as a member of the Department's25 Acquisition Review Board.

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1	((2) Establish and update, as necessary, test
2	and evaluation policies, procedures, and guidance for
3	the Department.
4	"(3) Ensure, in coordination with the Chief Ac-
5	quisition Officer, the Joint Requirements Council,
6	the Under Secretary for Science and Technology,
7	and relevant component heads, that acquisition pro-
8	grams (as such term is defined in section 714)—
9	"(A) complete reviews of operational re-
10	quirements to ensure such requirements—
11	"(i) are informed by threats, including
12	physical and cybersecurity threats;
13	"(ii) are operationally relevant; and
14	"(iii) are measurable, testable, and
15	achievable within the constraints of cost
16	and schedule;
17	"(B) complete independent testing and
18	evaluation of a system or service throughout de-
19	velopment of such system or service;
20	"(C) complete operational testing and eval-
21	uation that includes all system components and
22	incorporates operators into such testing and
23	evaluation to ensure that a system or service
24	satisfies the mission requirements in the oper-

1	ational environment of such system or service
2	as intended in the acquisition program baseline;
3	"(D) use independent verification and vali-
4	dation of test and evaluation implementation
5	and results, as appropriate; and
6	"(E) document whether such programs
7	meet all operational requirements.
8	"(4) Provide oversight of test and evaluation
9	activities for major acquisition programs throughout
10	the acquisition life cycle by—
11	"(A) approving program test and evalua-
12	tion master plans, plans for individual test and
13	evaluation events, and other related documenta-
14	tion, determined appropriate by the Director;
15	"(B) approving which independent test and
16	evaluation agent or third-party tester is selected
17	for each program; and
18	"(C) providing an independent assessment
19	to the acquisition decision authority (as such
20	term is defined in section 714) that assesses a
21	program's progress in meeting operational re-
22	quirements and operational effectiveness, suit-
23	ability, and resilience to inform production and
24	deployment decisions.

"(5) Determine if testing of a system or service
 conducted by other Federal agencies, entities, or in stitutions of higher education are relevant and suffi cient in determining whether such system or service
 performs as intended.

6 "(c) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than one year 7 8 after the date of the enactment of this section and 9 annually thereafter, the Director of the Office shall 10 submit to the Secretary, the Under Secretary for 11 Management, component heads, and the Committee 12 on Homeland Security of the House of Representa-13 tives and the Committee on Homeland Security and 14 Governmental Affairs a report relating to the test 15 and evaluation activities of the major acquisition 16 programs of the Department for the previous fiscal 17 year.

18 "(2) ELEMENTS.—Each report required under19 paragraph (1) shall include the following:

20 "(A) An assessment of—

21 "(i) test and evaluation activities con22 ducted for each major acquisition program
23 with respect to demonstrating operational
24 requirements and operational effectiveness,

1	suitability, and resilience for each such
2	program;
3	"(ii) any waivers of, or deviations
4	from, approved program test and evalua-
5	tion master plans referred to in subsection
6	(b)(3)(A);
7	"(iii) any concerns raised by the inde-
8	pendent test and evaluation agent or third-
9	party tester selected and approved under
10	subsection $(b)(3)(B)$ relating to such waiv-
11	ers or deviations; and
12	"(iv) any actions that have been taken
13	or are planned to be taken to address such
14	concerns.
15	"(B) Recommendations with respect to re-
16	sources, facilities, and levels of funding made
17	available for test and evaluation activities re-
18	ferred to in subparagraph (A).
19	"(3) FORM.—Each report required under para-
20	graph (1) shall be submitted in unclassified form but
21	may include a classified annex.
22	"(d) Relationship to Under Secretary for
23	Science and Technology.—
24	"(1) IN GENERAL.—The Under Secretary for
25	Management and the Under Secretary for Science

1	and Technology shall coordinate in matters related
2	to Department-wide acquisitions so that investments
3	of the Directorate of Science and Technology are
4	able to support current and future requirements of
5	the components of the Department.
6	"(2) RULE OF CONSTRUCTION.—Nothing in
7	this subsection may be construed as affecting or di-
8	minishing the authority of the Under Secretary for
9	Science and Technology.".
10	(b) 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	322 the following new item:
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_	"Sec. 323. Office of Test and Evaluation.".
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	"Sec. 323. Office of Test and Evaluation.".
14	"Sec. 323. Office of Test and Evaluation.".SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL
14 15	"Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME-
14 15 16	"Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME- LAND SECURITY.
14 15 16 17	 "Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME- LAND SECURITY. Paragraph (2) of section 702(b) of the Homeland Se-
14 15 16 17 18	 "Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME- LAND SECURITY. Paragraph (2) of section 702(b) of the Homeland Se- curity Act of 2002 (6 U.S.C. 342(b)) is amended by—
14 15 16 17 18 19	 "Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME- LAND SECURITY. Paragraph (2) of section 702(b) of the Homeland Se- curity Act of 2002 (6 U.S.C. 342(b)) is amended by— (1) redesignating subparagraph (I) as subpara-
14 15 16 17 18 19 20	 "Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME- LAND SECURITY. Paragraph (2) of section 702(b) of the Homeland Se- curity Act of 2002 (6 U.S.C. 342(b)) is amended by— (1) redesignating subparagraph (I) as subpara- graph (J); and
14 15 16 17 18 19 20 21	 "Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME- LAND SECURITY. Paragraph (2) of section 702(b) of the Homeland Se- curity Act of 2002 (6 U.S.C. 342(b)) is amended by— (1) redesignating subparagraph (I) as subpara- graph (J); and (2) inserting after subparagraph (H) the fol-
 14 15 16 17 18 19 20 21 22 	 "Sec. 323. Office of Test and Evaluation.". SEC. 4. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOME- LAND SECURITY. Paragraph (2) of section 702(b) of the Homeland Se- curity Act of 2002 (6 U.S.C. 342(b)) is amended by— (1) redesignating subparagraph (I) as subpara- graph (J); and (2) inserting after subparagraph (H) the fol- lowing new subparagraph:

1	planned costs are in accordance with budget es-
2	timates and are affordable, or can be ade-
3	quately funded, over the life cycle of such pro-
4	grams and activities.".
5	SEC. 5. ACQUISITION AUTHORITIES FOR CHIEF INFORMA-
6	TION OFFICER OF THE DEPARTMENT OF
7	HOMELAND SECURITY.
8	Section 703 of the Homeland Security Act of 2002
9	(6 U.S.C. 343) is amended—
10	(1) by redesignating subsection (b) as sub-
11	section (c); and
12	(2) by inserting after subsection (a) the fol-
13	lowing new subsection:
14	"(b) Acquisition Responsibilities.—In addition
15	to the responsibilities specified in section 11315 of title
16	40, United States Code, the acquisition responsibilities of
17	the Chief Information Officer, in consultation with the
18	Under Secretary for Management, shall include the fol-
19	lowing:
20	"(1) Overseeing the management of the Home-
21	land Security Enterprise Architecture and ensuring
22	that, before each acquisition decision event (as such
23	term is defined in section 714), approved informa-
24	tion technology acquisitions comply with any depart-
25	mental information technology management require-

1	ments, security protocols, and the Homeland Secu-
2	rity Enterprise Architecture, and in any case in
3	which information technology acquisitions do not so
4	comply, making recommendations to the Depart-
5	ment's Acquisition Review Board regarding such
6	noncompliance.
7	"(2) Providing recommendations to the Acquisi-
8	tion Review Board regarding information technology
9	programs and developing information technology ac-
10	quisition strategic guidance.".
11	SEC. 6. ACQUISITION AUTHORITIES FOR UNDER SEC-
12	RETARY OF STRATEGY, POLICY, AND PLANS
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12	OF THE DEPARTMENT OF HOMELAND SECU-
	OF THE DEPARTMENT OF HOMELAND SECU-
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13 14	RITY.
13 14 15	RITY. Subsection (c) of section 709 of the Homeland Secu-
13 14 15 16	RITY. Subsection (c) of section 709 of the Homeland Security Act of 2002 (6 U.S.C. 349) is amended by—
13 14 15 16 17	RITY. Subsection (c) of section 709 of the Homeland Secu- rity Act of 2002 (6 U.S.C. 349) is amended by— (1) redesignating paragraphs (4) through (7) as
 13 14 15 16 17 18 	RITY. Subsection (c) of section 709 of the Homeland Secu- rity Act of 2002 (6 U.S.C. 349) is amended by— (1) redesignating paragraphs (4) through (7) as (5) through (8), respectively; and
 13 14 15 16 17 18 19 	RITY. Subsection (c) of section 709 of the Homeland Secu- rity Act of 2002 (6 U.S.C. 349) is amended by— (1) redesignating paragraphs (4) through (7) as (5) through (8), respectively; and (2) inserting after paragraph (3) the following
 13 14 15 16 17 18 19 20 	RITY. Subsection (c) of section 709 of the Homeland Secu- rity Act of 2002 (6 U.S.C. 349) is amended by— (1) redesignating paragraphs (4) through (7) as (5) through (8), respectively; and (2) inserting after paragraph (3) the following new paragraph:
 13 14 15 16 17 18 19 20 21 	RITY. Subsection (c) of section 709 of the Homeland Secu- rity Act of 2002 (6 U.S.C. 349) is amended by— (1) redesignating paragraphs (4) through (7) as (5) through (8), respectively; and (2) inserting after paragraph (3) the following new paragraph: "(4) ensure acquisition programs (as such term
 13 14 15 16 17 18 19 20 21 22 	RITY. Subsection (c) of section 709 of the Homeland Secu- rity Act of 2002 (6 U.S.C. 349) is amended by— (1) redesignating paragraphs (4) through (7) as (5) through (8), respectively; and (2) inserting after paragraph (3) the following new paragraph: "(4) ensure acquisition programs (as such term is defined in section 714) support the DHS Quad-

1 SEC. 7. ACQUISITION AUTHORITIES FOR PROGRAM AC-2 COUNTABILITY AND RISK MANAGEMENT 3 (PARM) OF THE DEPARTMENT OF HOMELAND 4 SECURITY. 5 (a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by 6 7 adding at the end the following new section: 8 "SEC. 714. PROGRAM ACCOUNTABILITY AND RISK MANAGE-9 **MENT OFFICE.** 10 "(a) ESTABLISHMENT OF OFFICE.—There is established in the Management Directorate of the Department 11 a Program Accountability and Risk Management office. 12 Such office shall— 13 "(1) provide consistent accountability, stand-14 15 ardization, and transparency of major acquisition 16 programs of the Department; "(2) serve as the central oversight function for 17 18 all Department major acquisition programs; and "(3) provide review and analysis of Department 19 20 acquisition programs, as appropriate. 21 "(b) EXECUTIVE DIRECTOR.—The Program Ac-22 countability and Risk Management office shall be led by 23 an Executive Director. The Executive Director shall over-24 see the duties specified in subsection (a), report directly to the Under Secretary for Management, and carry out 25 26 the following responsibilities:

1	"(1) Regularly monitor the performance of De-
2	partment major acquisition programs between acqui-
3	sition decision events to identify problems with cost,
4	performance, or schedule that components may need
5	to address to prevent cost overruns, performance
6	issues, or schedule delays.
7	"(2) Assist the Under Secretary for Manage-
8	ment in managing the Department's acquisition pro-
9	grams, acquisition workforce, and related activities
10	of the Department.
11	"(3) Conduct oversight of individual acquisition
12	programs to implement Department acquisition pro-
13	gram policy, procedures, and guidance, with a pri-
14	ority on ensuring the data the office collects and
15	maintains from Department components is accurate
16	and reliable.
17	"(4) Serve as the focal point and coordinator
18	for the acquisition life-cycle review process and as
19	the executive secretariat for the Department's Ac-
20	quisition Review Board.
21	"(5) Advise the persons having acquisition deci-
22	sion authority to—
23	"(A) make acquisition decisions consistent
24	with all applicable laws; and

"(B) establish clear lines of authority, ac-1 2 countability, and responsibility for acquisition 3 decision-making within the Department. "(6) Develop standardized certification stand-4 5 ards, in consultation with the Component Acquisi-6 tion Executives, for all acquisition program man-7 agers. 8 "(7) Assess the results of major acquisition pro-9 grams' post-implementation reviews, and identify op-10 portunities to improve performance throughout the 11 acquisition process. 12 "(8) Provide technical support and assistance 13 to Department acquisition programs and acquisition 14 personnel, and coordinate with the Chief Procure-15 ment Officer regarding workforce training and devel-16 opment activities.

"(9) Assist, as appropriate, with the preparation of the Future Years Homeland Security Program, and make such information available to the
congressional homeland security committees.

21 "(10) In coordination with the Component Ac22 quisition Executives, maintain the Master Acquisi23 tion Oversight List, updated quarterly, that shall
24 serve as an inventory of all major acquisition pro-

1	grams and non-major acquisition programs within
2	the Department, including for each such program—
3	"(A) the component sponsoring the acqui-
4	sition;
5	"(B) the name of the acquisition;
6	"(C) the acquisition level as determined by
7	the anticipated life-cycle cost of the program
8	and other criteria pursuant to the Department-
9	level acquisition policy;
10	"(D) the acquisition decision authority for
11	the acquisition; and
12	"(E) the current acquisition phase.
13	"(c) Responsibilities of Components.—Each
14	head of a component shall comply with Federal law, the
15	Federal Acquisition Regulation, and Department acquisi-
16	tion management directives established by the Under Sec-
17	retary for Management. For each major acquisition pro-
18	gram, each head of a component shall—
19	((1) establish an organizational structure for
20	conducting acquisitions within the component, to be
21	managed by a Component Acquisition Executive;
22	((2)) obtain the resources necessary to operate
23	such an organizational structure that are aligned
24	with the number, type, size, and complexity of the
25	acquisition programs of the component; and

"(3) oversee sustainment of capabilities de ployed by major acquisition programs and non-major
 acquisition programs after all planned deployments
 are completed until such capabilities are retired or
 replaced.

6 "(d) RESPONSIBILITIES OF COMPONENT ACQUISI7 TION EXECUTIVES.—Each Component Acquisition Execu8 tive shall—

9 "(1) establish and implement policies and guid-10 ance for managing and conducting oversight for 11 major acquisition programs and non-major acquisi-12 tion programs within the component at issue that 13 comply with Federal law, the Federal Acquisition 14 Regulation, and Department acquisition manage-15 ment directives established by the Under Secretary 16 for Management;

17 "(2) for each major acquisition program—

18 "(A) define baseline requirements and doc19 ument changes to such requirements, as appro20 priate;

21 "(B) establish a complete life cycle cost es22 timate with supporting documentation that is
23 consistent with cost estimating best practices as
24 identified by the Comptroller General of the
25 United States;

1	"(C) verify each life cycle cost estimate
2	against independent cost estimates or assess-
3	ments, as appropriate, and reconcile any dif-
4	ferences;
5	"(D) complete a cost-benefit analysis with
6	supporting documentation; and
7	"(E) develop and maintain a schedule that
8	is consistent with scheduling best practices as
9	identified by the Comptroller General of the
10	United States, including, in appropriate cases,
11	an integrated master schedule;
12	"(3) ensure that all acquisition program docu-
13	mentation provided by the component demonstrates
14	the knowledge required for successful program exe-
15	cution prior to final approval and is complete, accu-
16	rate, timely, and valid;
17	((4) in such cases where it is appropriate, exer-
18	cise the acquisition decision authority to approve,
19	pause, modify (including the rescission of approvals
20	of program milestones), or cancel major acquisition
21	programs or non-major acquisition programs when
22	delegated by the Under Secretary for Management
23	pursuant to section $701(d)(3)$; and
24	((5) review, oversee, and direct activities be-
25	tween acquisition decision events for major acquisi-

1	tion programs within the component for which the
2	Under Secretary for Management is the acquisition
3	decision authority.
4	"(e) DEFINITIONS.—In this section:
5	"(1) Acquisition.—The term 'acquisition' has
6	the meaning given such term in section 131 of title
7	41, United States Code.
8	"(2) Acquisition decision authority.—The
9	term 'acquisition decision authority' means the au-
10	thority, in addition to the authorities and functions
11	specified in subsection (b) of section 1702 of title
12	41, United States Code, held by the Secretary acting
13	through the Under Secretary for Management to—
14	"(A) ensure compliance with Federal law,
15	the Federal Acquisition Regulation, and De-
16	partment acquisition management directives;
17	"(B) review (including approving, pausing,
18	modifying, or canceling) an acquisition program
19	throughout the life cycle of such program;
20	"(C) ensure that acquisition program man-
21	agers have the resources necessary to success-
22	fully execute an approved acquisition program;
23	"(D) ensure appropriate acquisition pro-
24	gram management of cost, schedule, risk, and
25	system or service performance of the acquisition

1	program at issue, including assessing acquisi-
2	tion program baseline breaches and directing
3	any corrective action for such breaches;
4	"(E) ensure that acquisition program man-
5	agers, on an ongoing basis, monitor cost, sched-
6	ule, and performance against established base-
7	lines and use tools to assess risks to an acquisi-
8	tion program at all phases of the life-cycle of
9	such program; and
10	"(F) establish policies and procedures for
11	major acquisition programs of the Department.
12	"(3) Acquisition decision event.—The term
13	'acquisition decision event', with respect to an acqui-
14	sition program, means a predetermined point within
15	the acquisition life-cycle at which the acquisition de-
16	cision authority determines whether such acquisition
17	program shall proceed to the next acquisition phase.
18	"(4) ACQUISITION PROGRAM.—The term 'acqui-
19	sition program' means the conceptualization, initi-
20	ation, design, development, test, contracting, produc-
21	tion, deployment, logistics support, modification, or
22	disposal of systems, supplies, or services (including
23	construction) to satisfy the Department's needs.
24	"(5) ACQUISITION PROGRAM BASELINE.—The
25	term 'acquisition program baseline', with respect to

1	an acquisition program, means the cost, schedule,
2	and performance parameters, expressed in standard,
3	measurable, quantitative terms, which must be met
4	to accomplish the goals of such program.
5	"(6) BEST PRACTICES.—The term 'best prac-
6	tices', with respect to acquisition, means a knowl-
7	edge-based approach to capability development, pro-
8	curement, and support that includes the following:
9	"(A) Identifying and validating needs.
10	"(B) Assessing alternatives to select the
11	most appropriate solution.
12	"(C) Establishing well-defined require-
13	ments.
14	"(D) Developing realistic cost assessments
15	and schedules that account for the entire life-
16	cycle of an acquisition.
17	"(E) Demonstrating technology, design,
18	and manufacturing maturity before initiating
19	production.
20	"(F) Using milestones and exit criteria or
21	specific accomplishments that demonstrate the
22	attainment of knowledge to support progress
23	throughout the acquisition phases.

1	"(G) Regularly assessing and managing
2	risks to achieve requirements and cost and
3	schedule goals.
4	"(H) To the maximum extent possible,
5	adopting and executing standardized processes.
6	"(I) Establishing a workforce that is quali-
7	fied to perform necessary acquisition roles.
8	"(J) Integrating into the Department's
9	mission and business operations the capabilities
10	described in subparagraphs (A) through (I).
11	"(7) BREACH.—The term 'breach', with respect
12	to a major acquisition program, means a failure to
13	meet any cost, schedule, or performance threshold
14	specified in the most recently approved acquisition
15	program baseline.
16	"(8) Congressional Homeland Security
17	COMMITTEES.—The term 'congressional homeland
18	security committees' means—
19	"(A) the Committee on Homeland Security
20	of the House of Representatives and the Com-
21	mittee on Homeland Security and Govern-
22	mental Affairs of the Senate; and
23	"(B) the Committee on Appropriations of
24	the House of Representatives and the Com-
25	mittee on Appropriations of the Senate.

"(9) COMPONENT ACQUISITION EXECUTIVE.— 1 2 The term 'Component Acquisition Executive' means 3 the senior acquisition official within a component 4 who is designated in writing by the Under Secretary 5 for Management, in consultation with the component 6 head, with authority and responsibility for leading a 7 process and staff to provide acquisition and program 8 management oversight, policy, and guidance to en-9 sure that statutory, regulatory, and higher level pol-10 icy requirements are fulfilled, including compliance 11 with Federal law, the Federal Acquisition Regula-12 tion, and Department acquisition management direc-13 tives established by the Under Secretary.

14 "(10) LIFE-CYCLE COST.—The term 'life-cycle
15 cost' means the total cost to the Government of ac16 quiring, operating, supporting, and (if applicable)
17 disposing of the items being acquired.

18 "(11) MAJOR ACQUISITION PROGRAM.—The
19 term 'major acquisition program' means a Depart20 ment capital asset, services, or hybrid acquisition
21 program that is estimated by the Secretary to re22 quire an eventual total expenditure of at least
23 \$300,000,000 (based on fiscal year 2022 constant
24 dollars) over its life cycle or a program identified by

the Chief Acquisition Officer as a program of special
 interest.".

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 710 the following new item:

"Sec. 714. Program Accountability and Risk Management office.".

7 SEC. 8. ACQUISITION DOCUMENTATION.

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

12 "SEC. 837. ACQUISITION DOCUMENTATION.

13 "For each major acquisition program (as such term
14 is defined in section 714), the Secretary, acting through
15 the Under Secretary for Management, shall require the
16 head of each relevant component or office of the Depart17 ment to—

"(1) maintain acquisition documentation that is
complete, accurate, timely, and valid, and that includes—

21 "(A) operational requirements that are
22 validated consistent with departmental policy;

23 "(B) a complete life-cycle cost estimate
24 with supporting documentation;

1	"(C) verification of such life-cycle cost esti-
2	mate against independent cost estimates, and
3	reconciliation of any differences;
4	"(D) a cost-benefit analysis with sup-
5	porting documentation;
6	"(E) an integrated master schedule with
7	supporting documentation;
8	"(F) plans for conducting systems engi-
9	neering reviews and test and evaluation activi-
10	ties throughout development to support produc-
11	tion and deployment decisions;
12	"(G) an acquisition plan that outlines the
13	procurement approach, including planned con-
14	tracting vehicles;
15	"(H) a logistics and support plan for oper-
16	ating and maintaining deployed capabilities
17	until such capabilities are disposed of or retired;
18	and
19	"(I) an acquisition program baseline that
20	is traceable to the operational requirements of
21	the program required under subparagraphs (A),
22	(B), and (E);
23	"(2) prepare cost estimates and schedules for
24	major acquisition programs pursuant to subpara-
25	graphs (B) and (E) of paragraph (1) in a manner

1	consistent with best practices as identified by the
2	Comptroller General of the United States; and
3	"(3) ensure any revisions to the acquisition doc-
4	umentation maintained pursuant to paragraph (1)
5	are reviewed and approved in accordance with de-
6	partmental policy.".
7	(b) Clerical Amendment.—The table of contents
8	in section 1(b) of the Homeland Security Act of 2002 is
9	amended by adding after the item relating to section 836,
10	as added by section 3 of this Act, the following new item:
	"Sec. 837. Acquisition documentation.".

Passed the House of Representatives May 17, 2022. Attest:

Clerk.

¹¹⁷^{TH CONGRESS} H. R. 6871

AN ACT

To amend the Homeland Security Act of 2002 to provide for certain acquisition authorities for the Under Secretary of Management of the Department of Homeland Security, and for other purposes.