

Amendments  
to  
H.R. 903

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 903  
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Rights for the Trans-  
3 portation Security Administration Workforce Act of  
4 2021” or the “Rights for the TSA Workforce Act of  
5 2021”.

**6 SEC. 2. DEFINITIONS.**

7       For purposes of this Act—

8           (1) the term “adjusted basic pay” means—

9                   (A) the rate of pay fixed by law or admin-  
10                   istrative action for the position held by a cov-  
11                   ered employee before any deductions; and

12                   (B) any regular, fixed supplemental pay-  
13                   ment for non-overtime hours of work creditable  
14                   as basic pay for retirement purposes, including  
15                   any applicable locality payment and any special  
16                   rate supplement;

1           (2) the term “Administrator” means the Ad-  
2           ministrator of the Transportation Security Adminis-  
3           tration;

4           (3) the term “appropriate congressional com-  
5           mittees” means the Committees on Homeland Secu-  
6           rity and Oversight and Reform of the House of Rep-  
7           resentatives and the Committees on Commerce,  
8           Science, and Transportation and Homeland Security  
9           and Governmental Affairs of the Senate;

10          (4) the term “conversion date” means the date  
11          as of which subparagraphs (A) through (F) of sec-  
12          tion 3(c)(1) take effect;

13          (5) the term “covered employee” means an em-  
14          ployee who holds a covered position;

15          (6) the term “covered position” means a posi-  
16          tion within the Transportation Security Administra-  
17          tion;

18          (7) the term “COVID–19 national emergency”  
19          means the national emergency declared by the Presi-  
20          dent under the National Emergencies Act (50  
21          U.S.C. 1601 et seq.) on March 13, 2020, with re-  
22          spect to the coronavirus;

23          (8) the term “employee” has the meaning given  
24          such term by section 2105 of title 5, United States  
25          Code;

1 (9) the term “Secretary” means the Secretary  
2 of Homeland Security;

3 (10) the term “TSA personnel management  
4 system” means any personnel management system  
5 established or modified under—

6 (A) section 111(d) of the Aviation and  
7 Transportation Security Act (49 U.S.C. 44935  
8 note); or

9 (B) section 114(n) of title 49, United  
10 States Code; and

11 (11) the term “2019 Determination” means the  
12 publication, entitled “Determination on Transpor-  
13 tation Security Officers and Collective Bargaining”,  
14 issued on July 13, 2019, by Administrator David P.  
15 Pekoske, as modified, or any superseding subsequent  
16 determination.

17 **SEC. 3. CONVERSION OF TSA PERSONNEL.**

18 (a) RESTRICTIONS ON CERTAIN PERSONNEL AU-  
19 THORITIES.—

20 (1) IN GENERAL.—Notwithstanding any other  
21 provision of law, and except as provided in para-  
22 graph (2), effective as of the date of the enactment  
23 of this Act—

24 (A) any TSA personnel management sys-  
25 tem in use for covered employees and covered

1 positions on the day before such date of enact-  
2 ment, and any TSA personnel management pol-  
3 icy, letters, guideline, or directive in effect on  
4 such day may not be modified;

5 (B) no TSA personnel management policy,  
6 letter, guideline, or directive that was not estab-  
7 lished before such date issued pursuant to sec-  
8 tion 111(d) of the Aviation and Transportation  
9 Security Act (49 U.S.C. 44935 note) or section  
10 114(n) of title 49, United States Code, may be  
11 established; and

12 (C) any authority to establish or adjust a  
13 human resources management system under  
14 chapter 97 of title 5, United States Code, shall  
15 terminate with respect to covered employees  
16 and covered positions.

17 (2) EXCEPTIONS.—

18 (A) PAY.—Notwithstanding paragraph  
19 (1)(A), the limitation in that paragraph shall  
20 not apply to any TSA personnel management  
21 policy, letters, guideline, or directive related to  
22 annual adjustments to pay schedules and local-  
23 ity-based comparability payments in order to  
24 maintain parity with such adjustments author-

1            ized under section 5303, 5304, 5304a and 5318  
2            of title 5, United States Code; and

3            (B)     ADDITIONAL     POLICY.—Notwith-  
4            standing paragraph (1)(B), new TSA personnel  
5            management policy may be issued if—

6                    (i) such policy is needed to resolve a  
7                    matter not specifically addressed in policy  
8                    in effect on the date of enactment of this  
9                    Act; and

10                    (ii) the Secretary provides such policy,  
11                    with an explanation of its necessity, to the  
12                    appropriate congressional committees not  
13                    later than 7 days of issuance.

14            (C)     EMERGING THREATS TO TRANSPOR-  
15            TATION SECURITY DURING TRANSITION PE-  
16            RIOD.—Notwithstanding paragraph (1), any  
17            TSA personnel management policy, letter,  
18            guideline, or directive related to an emerging  
19            threat to transportation security, including na-  
20            tional emergencies or disasters and public  
21            health threats to transportation security, may  
22            be modified or established until the effective  
23            date in subsection (c)(1). The Secretary shall  
24            provide to the appropriate congressional com-  
25            mittees any modification or establishment of

1           such a TSA personnel management policy, let-  
2           ter, guideline, or directive, with an explanation  
3           of its necessity, not later than 7 days of such  
4           modification or establishment.

5           (b) PERSONNEL AUTHORITIES DURING TRANSITION  
6 PERIOD.—Any TSA personnel management system in use  
7 for covered employees and covered positions on the day  
8 before the date of enactment of this Act and any TSA  
9 personnel management policy, letter, guideline, or direc-  
10 tive in effect on the day before the date of enactment of  
11 this Act shall remain in effect until the conversion date.

12          (c) TRANSITION TO TITLE 5.—

13           (1) IN GENERAL.—Except as provided in para-  
14           graph (2), effective as of the date determined by the  
15           Secretary, but in no event later than December 31,  
16           2022—

17           (A) the TSA personnel management sys-  
18           tem shall cease to be in effect;

19           (B) section 114(n) of title 49, United  
20           States Code, is repealed;

21           (C) section 111(d) of the Aviation and  
22           Transportation Security Act (49 U.S.C. 44935  
23           note) is repealed;

1 (D) any TSA personnel management pol-  
2 icy, letter, guideline, and directive, including the  
3 2019 Determination, shall cease to be effective;

4 (E) any human resources management sys-  
5 tem established or adjusted under chapter 97 of  
6 title 5, United States Code, with respect to cov-  
7 ered employees or covered positions shall cease  
8 to be effective; and

9 (F) covered employees and covered posi-  
10 tions shall be subject to the provisions of title  
11 5, United States Code.

12 (2) CHAPTERS 71 AND 77 OF TITLE 5.—Not  
13 later than 90 days after the date of enactment of  
14 this Act—

15 (A) chapter 71 and chapter 77 of title 5,  
16 United States Code, shall apply to covered em-  
17 ployees carrying out screening functions pursu-  
18 ant to section 44901 of title 49, United States  
19 Code; and

20 (B) any policy, letter, guideline, or direc-  
21 tive issued under section 111(d) of the Aviation  
22 and Transportation Security Act (49 U.S.C.  
23 44935 note) related to matters otherwise cov-  
24 ered by such chapter 71 or 77 shall cease to be  
25 in effect.



1 (d) SAFEGUARDS ON GRIEVANCES AND APPEALS.—

2 (1) IN GENERAL.—In carrying out this Act, the  
3 Secretary shall take such actions as are necessary to  
4 provide an opportunity to each covered employee  
5 with a grievance or appeal pending within Transpor-  
6 tation Security Administration on the date of the en-  
7 actment of this Act or initiated during the transition  
8 period described in subsection (c) to have such griev-  
9 ance or appeal removed to proceedings pursuant to  
10 title 5, United States Code, or continued within the  
11 Administration.

12 (2) AUTHORITY.—With respect to any griev-  
13 ance or appeal continued within the Administration  
14 pursuant to paragraph (1), the Administration may  
15 consider and finally adjudicate such grievance or ap-  
16 peal notwithstanding any other provision of this Act.

17 **SEC. 4. TRANSITION RULES.**

18 (a) NONREDUCTION IN PAY AND COMPENSATION.—  
19 Under pay conversion rules as the Secretary may prescribe  
20 to carry out this Act, a covered employee converted from  
21 a TSA personnel management system to the provisions of  
22 title 5, United States Code, pursuant to section 3(c)(1)(F)  
23 shall not be subject to any reduction in either the rate  
24 of adjusted basic pay payable or law enforcement avail-  
25 ability pay payable to such covered employee.

1 (b) PRESERVATION OF OTHER RIGHTS.—In the case  
2 of each covered employee as of the conversion date, the  
3 Secretary shall take any actions necessary to ensure  
4 that—

5 (1) any annual leave, sick leave, or other paid  
6 leave accrued, accumulated, or otherwise available to  
7 a covered employee immediately before the conver-  
8 sion date shall remain available to the employee  
9 until used, notwithstanding any limitation on accu-  
10 mulated leave under chapter 63 of title 5, United  
11 States Code; and

12 (2) part-time personnel carrying out screening  
13 functions under section 44901 of title 49, United  
14 States Code, continue to pay Federal Employees  
15 Health Benefits premiums on the same basis as full-  
16 time Transportation Security Administration em-  
17 ployees.

18 **SEC. 5. CONSULTATION REQUIREMENT.**

19 (a) EXCLUSIVE REPRESENTATIVE.—

20 (1) IN GENERAL.—

21 (A) Beginning on the date chapter 71 of  
22 title 5, United States Code, begins to apply to  
23 covered employees pursuant to section 3(c)(2),  
24 the labor organization certified by the Federal  
25 Labor Relations Authority on June 29, 2011,

1 or any successor labor organization, shall be  
2 treated as the exclusive representative of full-  
3 and part-time non-supervisory Transportation  
4 Security Administration personnel carrying out  
5 screening functions under section 44901 of title  
6 49, United States Code, and shall be the exclu-  
7 sive representative for such personnel under  
8 chapter 71 of title 5, United States Code, with  
9 full rights under such chapter.

10 (B) Nothing in this subsection shall be  
11 construed to prevent covered employees from  
12 selecting an exclusive representative other than  
13 the labor organization described under para-  
14 graph (1) for purposes of collective bargaining  
15 under such chapter 71.

16 (2) NATIONAL LEVEL.—Notwithstanding any  
17 provision of such chapter 71, collective bargaining  
18 for any unit of covered employees shall occur at the  
19 national level, but may be supplemented by mutual  
20 consent of the parties by local level bargaining and  
21 local level agreements.

22 (3) CURRENT AGREEMENT.—Any collective bar-  
23 gaining agreement covering such personnel in effect  
24 on the date of enactment of this Act shall remain in  
25 effect until a collective bargaining agreement is en-

1       tered into under such chapter 71, unless the Admin-  
2       istrator and exclusive representative mutually agree  
3       to revisions to such agreement.

4       (b) **CONSULTATION PROCESS.**—Not later than seven  
5       days after the date of the enactment of this Act, the Sec-  
6       retary shall consult with the exclusive representative for  
7       the personnel described in subsection (a) under chapter  
8       71 of title 5, United States Code, on the formulation of  
9       plans and deadlines to carry out the conversion of full-  
10      and part-time non-supervisory Transportation Security  
11      Administration personnel carrying out screening functions  
12      under section 44901 of title 49, United States Code, under  
13      this Act. Prior to the date such chapter 71 begins to apply  
14      pursuant to section 3(c)(2), the Secretary shall provide (in  
15      writing) to such exclusive representative the plans for how  
16      the Secretary intends to carry out the conversion of such  
17      personnel under this Act, including with respect to such  
18      matters as—

- 19               (1) the anticipated conversion date; and  
20               (2) measures to ensure compliance with sections  
21      3 and 4.

22      (c) **REQUIRED AGENCY RESPONSE.**—If any views or  
23      recommendations are presented under subsection (b) by  
24      the exclusive representative, the Secretary shall consider  
25      the views or recommendations before taking final action

1 on any matter with respect to which the views or rec-  
2 ommendations are presented and provide the exclusive  
3 representative a written statement of the reasons for the  
4 final actions to be taken.

5 **SEC. 6. NO RIGHT TO STRIKE.**

6 Nothing in this Act may be considered—

7 (1) to repeal or otherwise affect—

8 (A) section 1918 of title 18, United States  
9 Code (relating to disloyalty and asserting the  
10 right to strike against the Government); or

11 (B) section 7311 of title 5, United States  
12 Code (relating to loyalty and striking); or

13 (2) to otherwise authorize any activity which is  
14 not permitted under either provision of law cited in  
15 paragraph (1).

16 **SEC. 7. PROPOSAL ON HIRING AND CONTRACTING RE-**  
17 **STRICTIONS.**

18 Not later than one year after the date of enactment  
19 of this Act, the Secretary shall submit a plan to the appro-  
20 priate congressional committees on a proposal to uni-  
21 formly apply, for the purposes of hiring and for author-  
22 izing or entering into any contract for service, the restric-  
23 tions in section 70105(c) of title 46, United States Code,  
24 and section 44936 of title 49, United States Code.

1 **SEC. 8. COMPTROLLER GENERAL REVIEWS.**

2 (a) REVIEW OF RECRUITMENT.—Not later than one  
3 year after the date of the enactment of this Act, the Comp-  
4 troller General shall submit to Congress a report on the  
5 efforts of the Transportation Security Administration re-  
6 garding recruitment, including recruitment efforts relating  
7 to veterans and the dependents of veterans and members  
8 of the Armed Forces and the dependents of such members.  
9 Such report shall also include recommendations regarding  
10 how the Administration may improve such recruitment ef-  
11 forts.

12 (b) REVIEW OF IMPLEMENTATION.—Not later than  
13 60 days after the conversion date, the Comptroller General  
14 shall commence a review of the implementation of this Act.  
15 The Comptroller General shall submit to Congress a re-  
16 port on its review no later than one year after such conver-  
17 sion date.

18 **SEC. 9. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) the Transportation Security Administra-  
21 tion's personnel system provides insufficient benefits  
22 and workplace protections to the workforce that se-  
23 cures the nation's transportation systems and that  
24 the Transportation Security Administration's work-  
25 force should be provided protections and benefits  
26 under title 5, United States Code; and



- 1 provided proper guidance regarding prevention and protec-
- 2 tions against the COVID-19 National Emergency, includ-
- 3 ing appropriate resources.

Amend the title so as to read: “A bill to enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration, and for other purposes.”.





**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 903  
OFFERED BY MRS. WATSON COLEMAN OF NEW  
JERSEY**

Page 2, after line 9, insert the following (and redesignate subsequent paragraphs accordingly):

1           (4) the term “at-risk employee” means a  
2           Transportation Security Officer, Federal Air Mar-  
3           shal, canine handler, or any other employee of the  
4           Transportation Security Administration carrying out  
5           duties that require substantial contact with the pub-  
6           lic during the COVID–19 national emergency;

Page 3, line 10, strike “and”.

Page 3, after line 10, insert the following (and redesignate paragraph (11) on page 3, line 11, as paragraph (13)):

7           (12) the term “TSA” means the Transportation  
8           Security Administration; and

Page 5, line 1, insert a comma after “5304a”.

Page 7, after line 25, insert the following:

1           (3) ASSISTANCE OF OTHER AGENCIES.—Not  
2 later than 180 days after the date of enactment of  
3 this Act or December 31, 2022, whichever is ear-  
4 lier—

5           (A) the Office of Personnel Management  
6 shall establish a position series and classifica-  
7 tion standard for the positions of Transpor-  
8 tation Security Officer, Federal Air Marshal,  
9 Transportation Security Inspector, and other  
10 positions requested by the Administrator; and

11           (B) the Department of Agriculture’s Na-  
12 tional Finance Center shall make necessary  
13 changes to its Financial Management Services  
14 and Human Resources Management Services to  
15 ensure payroll, leave, and other personnel proc-  
16 essing systems for TSA personnel are commen-  
17 surate with chapter 53 of title 5, United States  
18 Code, and provide functions as needed to imple-  
19 ment this Act.

Page 8, strike lines 2 through 11, and insert the fol-  
lowing:

20           (1) IN GENERAL.—Each covered employee with  
21 a grievance or appeal pending within TSA on the  
22 date of the enactment of this Act or initiated during  
23 the transition period described in subsection (c) shall

1        have the right to have such grievance or appeal re-  
2        moved to proceedings pursuant to title 5, United  
3        States Code, or continued within the TSA.

Page 8, line 13, strike “Administration” and insert  
“TSA”.

Page 8, line 14, strike “Administration” and insert  
“Administrator”.

Page 8, line 16, after paragraph (2), insert the fol-  
lowing:

4            (3) PRESERVATION OF RIGHTS.—Notwith-  
5        standing any other provision of law, any appeal or  
6        grievance continued pursuant to this section that is  
7        not finally adjudicated pursuant to paragraph (2)  
8        shall be preserved and all timelines tolled until the  
9        rights afforded by application of chapters 71 and 77  
10       of title 5, United States Code, are made available  
11       pursuant to section 3(c)(2) of this Act.

Page 8, strike lines 18 through 25 and insert the  
following:

12           (a) NONREDUCTION IN PAY AND COMPENSATION.—  
13       Under pay conversion rules as the Secretary may prescribe  
14       to carry out this Act, a covered employee converted from  
15       a TSA personnel management system to the provisions of

1 title 5, United States Code, pursuant to section  
2 3(c)(1)(F)—

3 (1) shall not be subject to any reduction in ei-  
4 ther the rate of adjusted basic pay payable or law  
5 enforcement availability pay payable to such covered  
6 employee; and

7 (2) shall be credited for years of service in a  
8 specific pay band under a TSA personnel manage-  
9 ment system as if the employee had served in an  
10 equivalent General Schedule position at the same  
11 grade, for purposes of determining the appropriate  
12 step within a grade at which to establish the employ-  
13 ee's converted rate of pay.

Page 8, after line 25, insert the following (and re-  
designate subsection (b) on page 9, line 1, as subsection  
(e)):

14 (b) RETIREMENT PAY.—For purposes of determining  
15 a covered employee's average pay to calculate the employ-  
16 ee's retirement annuity, consistent with title 5, United  
17 States Code, for any covered employee who retires within  
18 three years of the conversion date, the higher of the fol-  
19 lowing shall be used:

20 (1) The covered employee's annual rate of basic  
21 pay on the first date of the pay period following the  
22 conversion under section 3(c)(1).

1           (2) The amount determined consistent with sec-  
2           tions 8331(4) or 8401(3) of such title 5, whichever  
3           is applicable.

4           (c) **LIMITATION ON PREMIUM PAY.**—Notwith-  
5           standing section 5547 of title 5, United States Code, or  
6           any other provision of law, a Federal Air Marshal or crimi-  
7           nal investigator hired prior to the date of enactment of  
8           this Act may be eligible for premium pay up to the max-  
9           imum level allowed by the Administrator prior to the date  
10          of enactment of this Act. The Office of Personnel Manage-  
11          ment shall recognize such premium pay as fully creditable  
12          for the purposes of calculating pay and retirement bene-  
13          fits.

14          (d) **COLLECTIVE BARGAINING UNIT.**—Notwith-  
15          standing section 7112 of title 5, United States Code, fol-  
16          lowing the application of chapter 71 pursuant to section  
17          3(c)(2) of this Act, full- and part-time non-supervisory  
18          Transportation Security Administration personnel car-  
19          rying out screening functions under section 44901 of title  
20          49, United States Code, shall remain eligible to form a  
21          collective bargaining unit.

Page 9, line 16, strike “Transportation Security Ad-  
ministration” and insert “TSA”.

Page 9, after line 17, insert the following:

1 (f) PROVISION OF ADDITIONAL BENEFITS.—Subject  
2 to negotiations with the exclusive representative of full-  
3 and part-time non-supervisory Transportation Security  
4 Administration personnel carrying out screening functions  
5 under section 44901 of title 49, United States Code, pur-  
6 suant to chapter 71 of title 5, United States Code, fol-  
7 lowing the application of such chapter 71 pursuant to sec-  
8 tion 3(e)(2) of this Act, the Administrator may—

9 (1) notwithstanding chapter 63 of title 5,  
10 United States Code, provide leave benefits for cov-  
11 ered employees that exceed those otherwise provided  
12 under such chapter;

13 (2) notwithstanding chapter 55 of title 5,  
14 United States Code, provide pay for covered employ-  
15 ees that exceeds that otherwise provided under such  
16 chapter; and

17 (3) notwithstanding sections 5753 and 5754 of  
18 title 5, United States Code, set payable rates and  
19 conditions for the payment of incentives and bonuses  
20 that exceed those otherwise provided under such sec-  
21 tions.

Page 10, beginning on line 3, strike “Transportation  
Security Administration” and insert “TSA”.

Page 11, beginning on line 10, strike “Transpor-  
tation Security Administration” and insert “TSA”.

Page 13, line 5, strike “Transportation Security Administration” and insert “TSA”.

Page 13, line 10, strike “Administration” and insert “TSA”.

Page 13, in paragraph (1) beginning on line 20, strike “Transportation Security Administration’s” in each instance and insert “TSA’s”.

Page 14, beginning on line 3, strike “Transportation Security Administration” and insert “TSA”.

Page 14, line 7, strike “(a) IN GENERAL.—”.

Page 14, line 8, strike “the organization” and insert “organizations”.

Page 14, strike lines 17 through 19.

Page 15, after line 3, insert the following:

**1 SEC. 12. HAZARDOUS DUTY PAYMENTS.**

2 Not later than 90 days following the date of enact-  
3 ment of this Act, the Administrator shall provide a one-  
4 time bonus payment of \$3,000 to each at-risk employee.

1 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated such sums as  
3 may be necessary, to remain available until expended, to  
4 carry out this Act.





Amendments  
to  
H.R. 2915

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2915  
OFFERED BY MR. CORREA OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**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.

1           “(D) Patches, insignia, and embellish-  
2           ments.

3           “(E) Chemical, biological, radiological, and  
4           nuclear protective gear.

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

8                   “(i) Soft ballistic panels.

9                   “(ii) Hard ballistic plates.

10                   “(iii) Concealed armor carriers worn  
11           under a uniform.

12                   “(iv) External armor carriers worn  
13           over a uniform.

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

16           “(2) FRONTLINE OPERATIONAL COMPONENT.—

17           The term ‘frontline operational component’ means  
18           any of the following organizations of the Depart-  
19           ment:

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

21                   “(B) U.S. Immigration and Customs En-  
22           forcement.

23                   “(C) The United States Secret Service.

24                   “(D) The Transportation Security Admin-  
25           istration.

1           “(E) The Coast Guard.

2           “(F) The Federal Protective Service.

3           “(G) The Federal Emergency Management  
4 Agency.

5           “(H) The Federal Law Enforcement  
6 Training Centers.

7           “(I) The Cybersecurity and Infrastructure  
8 Security Agency.

9           “(b) REQUIREMENTS.—

10           “(1) IN GENERAL.—The Secretary shall ensure  
11 that any procurement of a covered item for a front-  
12 line operational component meets the following cri-  
13 teria:

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

22           “(B) Each contractor with respect to the  
23 procurement of such a covered item, including  
24 the end-item manufacturer of such a covered  
25 item—

1           “(i) is an entity registered with the  
2           System for Award Management (or suc-  
3           cessor system) administered by the General  
4           Services Administration; and

5           “(ii) is in compliance with ISO  
6           9001:2015 of the International Organiza-  
7           tion for Standardization (or successor  
8           standard) or a standard determined appro-  
9           priate by the Secretary to ensure the qual-  
10          ity of products and adherence to applicable  
11          statutory and regulatory requirements.

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

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

21                 “(ii) report any pilferage or theft of  
22                 such covered item with such insignia or  
23                 such insignia occurring at any stage before  
24                 delivery of such covered item with such in-  
25                 signia or such insignia; and

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

12           “(2) WAIVER.—

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

24           “(B) NOTICE.—Not later than 60 days  
25 after the date on which the Secretary deter-

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

11                   “(i) identification of the national  
12                   emergency or major disaster declared by  
13                   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 1 year after the date  
2 of enactment of this section and annually thereafter, the  
3 Secretary shall provide to the Committee on Homeland Se-  
4 curity, the Committee on Oversight and Reform, and the  
5 Committee on Appropriations of the House of Representa-  
6 tives, and the Committee on Homeland Security and Gov-  
7 ernmental Affairs and the Committee on Appropriations  
8 of the Senate a briefing on instances in which vendors  
9 have failed to meet deadlines for delivery of covered items  
10 and corrective actions taken by the Department in re-  
11 sponse 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 the date  
15 that is 180 days after the date of enactment of this sec-  
16 tion.”.

17           (b) STUDY.—

18           (1) IN GENERAL.—Not later than 18 months  
19 after the date of enactment of this Act, the Sec-  
20 retary of Homeland Security shall submit to the  
21 Committee on Homeland Security and Governmental  
22 Affairs of the Senate and the Committee on Home-  
23 land Security of the House of Representatives a  
24 study of the adequacy of uniform allowances pro-  
25 vided to employees of frontline operational compo-



1 nents (as defined in section 836 of the Homeland  
2 Security Act of 2002, as 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 of Homeland Security who receive uni-  
8 form allowances that seeks to ascertain what, if  
9 any, improvements could be made to the cur-  
10 rent uniform allowances and what, if any, im-  
11 pacts current allowances have had on employee  
12 morale and retention;

13 (B) assess the adequacy of the most recent  
14 increase made to the uniform allowance for first  
15 year employees; and

16 (C) consider increasing by 50 percent, at  
17 minimum, the annual allowance for all other  
18 employees.

19 (c) ADDITIONAL REPORT.—

20 (1) IN GENERAL.—Not later than 180 days  
21 after the date of enactment of this Act, the Sec-  
22 retary of Homeland Security shall provide a report  
23 with recommendations on how the Department of  
24 Homeland Security could procure additional items

1 from domestic sources and bolster the domestic sup-  
2 ply chain for items related to national security to—

3 (A) the Committee on Homeland Security  
4 and Governmental Affairs and the Committee  
5 on Appropriations of the Senate; and

6 (B) the Committee on Homeland Security,  
7 the Committee on Oversight and Reform, and  
8 the Committee on Appropriations of the House  
9 of Representatives.

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

12 (A) A review of the compliance of the De-  
13 partment of Homeland Security with the re-  
14 quirements under section 604 of title VI of divi-  
15 sion A of the American Recovery and Reinvest-  
16 ment Act of 2009 (6 U.S.C. 453b) to buy cer-  
17 tain items related to national security interests  
18 from sources in the United States.

19 (B) An assessment of the capacity of the  
20 Department of Homeland Security to procure  
21 the following items from domestic sources:

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

1 (ii) Helmets that provide ballistic pro-  
2 tection and other head protection and com-  
3 ponents.

4 (iii) Rain gear, cold weather gear, and  
5 other environmental and flame resistant  
6 clothing.

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

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



**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2915  
OFFERED BY MR. NORMAN OF SOUTH CAROLINA**

Page 2, lines 14, insert “of clothing or protective equipment” after “item”.

Page 3, line 18, insert “or supplied” after “manufactured”.



Amendment  
to  
H.R. 4089

**AMENDMENT TO H.R. 4089**  
**OFFERED BY M R. NORMAN**

Page 2, line 15, strike “relevant rental industry stakeholders” and insert the following: “Federal, State, local, and Tribal law enforcement agencies and relevant transportation security stakeholders”.

Page 3, line 2, at the end of subparagraph (A), strike “and” and insert the following new subparagraph (B):

- 1                   (B) Federal, State, local, and Tribal law  
2                   enforcement agencies; and

Page 3, line 3, redesignate subparagraph (B) as subparagraph (C).



**AMENDMENT TO H.R. 4089**  
**OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 2, after line 15, insert the following:

1           (3) GUIDANCE ON SUSPICIOUS BEHAVIOR.—The  
2       Secretary shall include, in the best practices devel-  
3       oped under paragraph (1), guidance on defining and  
4       identifying suspicious behavior in a manner that pro-  
5       tects civil rights and civil liberties.



Amendment  
to  
H.R. 4094



**AMENDMENT TO H.R. 4094**

**OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Page 2, line 6, strike “ten” and insert “six”.

Page 2, line 15, strike “subsection (c)” and insert “subsection (d)”.

Page 2, line 18, strike “prior to” and insert “until the”.

Page 3, beginning line 1, insert the following (and make necessary conforming changes):

1       (b) REQUIREMENTS FOR PILOT PROGRAM.—In car-  
2 rying out this section, the Administrator shall ensure there  
3 is no reduction in the level of security or specific aviation  
4 security standards or requirements for screening pas-  
5 sengers and their property prior to boarding an inter-  
6 national flight bound for the United States, including spe-  
7 cific aviation security standards and requirements regard-  
8 ing the following:

9           (1) High risk passengers and their property.

10          (2) Weapons, explosives, and incendiaries.

11          (3) Screening passengers and property transfer-  
12 ring at a foreign last point of departure airport from  
13 another airport and bound for the United States,

1 and addressing any co-mingling of such passengers  
2 and property with passengers and property screened  
3 under the pilot program described in subsection (a).

4 (4) Insider risk at foreign last point of depart-  
5 ure airports.

Page 3, line 2, strike “, based on risk,”.

Page 3, line 10, insert “signed by the Administrator,  
without delegating such authority, and entered into”  
after “an agreement”.

Page 4, line 4, insert “In the case of continued or  
egregious failure to maintain such security standards and  
protocols, the Administrator shall suspend or terminate  
the aviation security screening agreement, as determined  
appropriate by the Administrator, and shall notify the  
appropriate congressional committees of such suspension  
or termination, as the case may be, not later than seven  
days after such suspension or termination.” after  
“States.”.

Page 4, strike lines 5 through 10 (and make nec-  
essary conforming changes).

Page 4, strike lines 11 through 18 and insert the  
following (and make necessary conforming changes):

1           (f) CERTIFICATIONS AND BRIEFINGS TO CON-  
2 GRESS.— Not later than 30 days before an aviation secu-  
3 rity screening agreement in accordance with subsection (d)  
4 enters into force, the Administrator shall provide to the  
5 appropriate congressional committees the following:

6           (1) A copy of such agreement.

7           (2) A homeland security threat assessment for  
8 the country in which such foreign last point of de-  
9 parture airport is located, information on any cor-  
10 responding mitigation efforts to address any security  
11 issues identified in such threat assessment, and the  
12 Administrator’s plans for ensuring through joint  
13 covert testing or other measures compliance with the  
14 security standards and protocols set forth in such  
15 agreement.

16           (3) A certification that such agreement satisfies  
17 all requirements specified in subsection (b) or, in the  
18 event that one or more of such requirements is not  
19 so satisfied, an identification of the unsatisfied re-  
20 quirement and information on what actions will be  
21 taken to ensure such remaining requirement is satis-  
22 fied before such agreement enters into force.

23           (4) A certification that the Administrator con-  
24 sulted with stakeholders, including air carriers, air-  
25 port operators, relevant interagency partners, and

1 other stakeholders the Administrator determines ap-  
2 propriate.

3 (5) A detailed briefing on the substance of  
4 paragraphs (1) through (4).

5 (g) SUNSET.—The pilot program described in sub-  
6 section (a) shall terminate six years after the date of en-  
7 actment of this section.

8 (h) REPORT TO CONGRESS.—Not later than five  
9 years after the date of enactment of this section, the Sec-  
10 retary of Homeland Security, in coordination with the Ad-  
11 ministrator, shall submit to the appropriate congressional  
12 committees a report regarding the implementation of the  
13 pilot program described in subsection (a), including infor-  
14 mation relating to the following:

15 (1) The impact to homeland security and inter-  
16 national aviation security, including any benefits and  
17 challenges, of such pilot program.

18 (2) The impact to passengers, airports, and air  
19 carriers, including any benefits and challenges, of  
20 such pilot program.

21 (3) The impact and feasibility of continuing  
22 such pilot program or expanding into a more perma-  
23 nent program, including any benefits and challenges.



Amendment  
to  
H.R. 4209

**AMENDMENT TO H.R. 4209**  
**OFFERED BY Ms. Slotkin**

In section 2(a)(1), in the matter preceding subparagraph (A), insert “, in coordination with the Under Secretary for Science and Technology, and, as appropriate, other officials of the Department of Homeland Security,”.

In section 2(b), strike “carry out remediation operations of illicit cross-border tunnels.” and insert the following: “carry out—

- 1           (1) the development of the strategic plan pursu-
- 2           ant to subsection (a); and
- 3           (2) remediation operations of illicit cross-border
- 4           tunnels in accordance with such strategic plan to the
- 5           maximum extent practicable.”.



Amendment  
to  
H.R. 4363

**AMENDMENT TO H.R. 4363**  
**OFFERED BY Ms. Jackson Lee**

Page 2, line 17, insert “, and whether such vendor is considered a small business” before the semicolon.

Page 2, line 20, strike “and”.

Page 2, beginning line 21, insert the following:

1                   (J) whether such award requires a small  
2                   business subcontracting plan; and

Page 2, line 21, strike “(J)” and insert “(K)”.

Page 2, line 24, strike “the next” and insert “two”.

Page 3, line 1, strike “day” and insert “days”.

Page 4, line 8, insert “that increase the total value, expand the scope of work, or extend the period of performance” before the semicolon.

Page 4, line 9, strike “single or”.

Page 4, line 10, insert “or multiple-agency” after “award”.

Page 4, beginning line 24, insert the following:



1           (5) SMALL BUSINESS.—The term “small busi-  
2           ness” means an entity that qualifies as a small busi-  
3           ness concern, as such term is described under sec-  
4           tion 3 of the Small Business Act (15 U.S.C. 632).

Page 4, line 24, strike “(5)” and insert “(6)”.

Page 5, line 4, strike “(6)” and insert “(7)”.



Amendments  
to  
H.R. 4426

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4426  
OFFERED BY MR. PAYNE OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Homeland Security  
3 for Children Act”.

**4 SEC. 2. RESPONSIBILITIES OF SECRETARY OF HOMELAND  
5 SECURITY.**

6       Section 102 of the Homeland Security Act of 2002  
7 (6 U.S.C. 112) is amended by adding at the end of the  
8 following new subsection:

9       “(h) **PLANNING REQUIREMENTS.**—The Secretary  
10 shall ensure the head of each office and component of the  
11 Department takes into account the needs of children, in-  
12 cluding children within under-served communities, in mis-  
13 sion planning and mission execution. In furtherance of  
14 this subsection, the Secretary shall require each such head  
15 to seek, to the extent practicable, advice and feedback  
16 from organizations representing the needs of children. The  
17 Federal Advisory Committee Act (5 U.S.C. App.) shall not

1 apply whenever such advice or feedback is sought in ac-  
2 cordance with this subsection.”.

3 **SEC. 3. TECHNICAL EXPERT AUTHORIZED.**

4 Paragraph (2) of section 503(b) of the Homeland Se-  
5 curity Act (6 U.S.C. 313(b)) is amended—

6 (1) in subparagraph (G), by striking “and” at  
7 the end;

8 (2) in subparagraph (H), by striking the period  
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(I) identify, integrate, and implement the  
13 needs of children, including children within  
14 under-served communities, into activities to pre-  
15 pare for, protect against, respond to, recover  
16 from, and mitigate against the risk of natural  
17 disasters, acts of terrorism, and other disasters,  
18 including catastrophic incidents, including by  
19 appointing a technical expert, who may consult  
20 with relevant outside organizations and experts,  
21 as necessary, to coordinate such integration, as  
22 necessary.”.

23 **SEC. 4. REPORT.**

24 Not later than one year after the date of the enact-  
25 ment of this Act and annually thereafter for five years,

1 the Secretary of Homeland Security shall submit to the  
2 Committee on Homeland Security and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives and the Committee on Homeland Security  
5 and Governmental Affairs of the Senate a report describ-  
6 ing the efforts the Department has undertaken to review  
7 and incorporate feedback from organizations representing  
8 the needs of children, including children within under-  
9 served communities, into Department policy in accordance  
10 with subsection (h) of section 102 of the Homeland Secu-  
11 rity Act of 2002 (as amended by section 2 of this Act),  
12 including information on the following:

13           (1) The designation of any individual respon-  
14           sible for carrying out such subsection (h).

15           (2) Any review, formal or informal, of Depart-  
16           ment policies, programs, or activities to assess the  
17           suitability of such policies, programs, or activities  
18           for children and where feedback from organizations  
19           representing the needs of children should be re-  
20           viewed and incorporated.

21           (3) Any review, change, modification, or pro-  
22           mulgation of Department policies, programs, or ac-  
23           tivities to ensure that such policies, programs, or ac-  
24           tivities are appropriate for children.

1           (4) Coordination with organizations or experts  
2           outside the Department pursuant to such subsection  
3           (h) conducted to inform any such review, change,  
4           modification, or promulgation of such policies, pro-  
5           grams, or activities.



Amendment  
to  
H.R. 4611

**AMENDMENT TO H.R. 4611**  
**OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 3, beginning line 10, strike “security”.

Page 3, line 11, insert “affecting the security of the end product or service” after “defects”.

Page 3, line 21, strike “security”.

Page 3, line 22, insert “affecting the security of the end product or service” after “defect”.

Page 4, line 16, insert “(whether new or reused)” after “components”.





**AMENDMENT TO H.R. 4611**  
**OFFERED BY M**r. Clyde

Redesignate subsection (h) as subsection (i).

Insert after subsection (g) the following new subsection:

1           (h) GAO REPORT.—Not later than 1 year after the  
2 date of the enactment of this Act, the Comptroller General  
3 of the United States shall submit to the Secretary, the  
4 Committee on Homeland Security of the House of Rep-  
5 resentatives, and the Committee on Homeland Security  
6 and Governmental Affairs of the Senate a report that in-  
7 cludes—

8           (1) a review of the implementation of this sec-  
9 tion;

10           (2) information relating to the engagement of  
11 the Department of Homeland Security with indus-  
12 try;

13           (3) an assessment of how the guidance issued  
14 pursuant to subsection (a) complies with Executive  
15 Order 14208 (86 Fed. Reg. 26633; relating to im-  
16 proving the nation’s cybersecurity); and

- 1 (4) any recommendations relating to improving
- 2 the supply chain with respect to covered contracts.



**Amendment**  
**to**  
**H.R. 4682**

**AMENDMENT TO H.R. 4682**  
**OFFERED BY Mr . Thompson**

Page 3, line 10, strike “The Secretary” and insert the following:

1           (1) IN GENERAL.—The Secretary

Page 3, line 20, redesignate paragraph (1) as subparagraph (A) and adjust the margins accordingly.

Page 3, line 22, redesignate paragraph (2) as subparagraph (B) and adjust the margins accordingly.

Page 4, line 1, redesignate paragraph (3) as subparagraph (C) and adjust the margins accordingly.

Page 4, beginning line 4, insert the following:

2           (2) NOTICE.—The certification described in  
3           paragraph (1) shall be submitted to the Committees  
4           specified in such paragraph by not later than the  
5           date that is 14 days after the date on which a waiver  
6           is issued under such paragraph.

Page 6, line 1, insert “, including an identification of the component or office of the Department at issue”, after “Department”.

