



WARRIOR PROTECTION &  
READINESS COALITION

# Industry Efforts to Expand the Berry Amendment

David Costello, Executive Director

Joint Advanced Planning Brief for Industry

Wednesday, November 15, 2017

# WPRC: Who We Are



# FY2017 Legislative Successes

***Best Value Contracting***: National Defense Authorization Act (NDAA) statutory language prohibiting use of “Lowest Price/Technically Acceptable” methods for PPE/OCIE

***“Buy American”/Berry Amendment Compliance***: Directive report language included in Senate Defense Appropriations Subcommittee bill encouraging SecDef to “dedicate resources to expand training and ensure compliance with Buy American and Berry Amendment”

***Government Accountability Office (GAO) Report***: At WPRC request, GAO completing audit of Kissell Amendment compliance by Department of Homeland Security (DHS)

***SEP/REF*** : Successfully advocated for SEP/REF to be maintained as enduring acquisition tool (funding increase of \$5.5M)



**WPRC** WARRIOR PROTECTION &  
READINESS COALITION

# FY2018 WPRC Legislative Objectives

- Protecting the Berry Amendment-compliant domestic industrial base
- Department of Homeland Security (DHS) compliance with domestic manufacturing statute based on results of GAO audit
- Support legislative proposals to extend Berry Amendment provisions to additional government agencies, including the Department of Justice and the Department of the Interior
- Promote and Protect “Best Value” Contracting provisions from FY17 NDAA
- Soldier Enhancement Program (SEP) and Rapid Equipping Force (REF) Support



**WPRC**

WARRIOR PROTECTION &  
READINESS COALITION

# DHS “Buy American” Compliance and Expansion

- “Kissell Amendment” approved in 2009 Stimulus bill (ARRA) to extend domestic preference requirements to DHS agencies (TSA and Coast Guard)
- To enhance national security of the United States, Kissell was intended to require the domestic manufacture of uniforms and personal protective equipment, with exemptions for Canada, Mexico, and other strategic trading partner nations
- To highlight Kissell Amendment lack of efficacy, WPRC requested a GAO audit of DHS to identify the extent to which the agency is complying with the law. This report is nearing completion and public release.
- WPRC has received Congressional interest in expanding domestic preference laws to the Department of Homeland Security.
- **WPRC-supported legislation, the Homeland Production Security Act (HOPS) (HR 1811) has been introduced by Rep. Scott Taylor (R-VA, 2<sup>nd</sup> District) that “prohibits the use of funds appropriated by the Department of Homeland Security for the procurement of uniforms not manufactured in the United States.”**



WARRIOR PROTECTION &  
READINESS COALITION

# H.R. 1811: The Homeland Production Security Act (HOPS)

- U.S. Representatives Scott Taylor (R-VA, 2<sup>nd</sup> District) and Luis Correa (D-CA, 46<sup>th</sup> District) introduced the Homeland Production Security Act (HOPS Act) on April 4, 2017
- The HOPS Act would require the manufacture of uniforms for the Department of Homeland Security and operational agencies be performed in the United States.
- There are 38 bipartisan co-sponsors of the HOPS Act as of November 14
- Referred to the House Committee on Homeland Security, Subcommittee on Oversight and Management Efficiency
- WPRC continues to work with Rep. Taylor's office to include a broader range of PPE and OCIE covered by the HOPS Act



WARRIOR PROTECTION &  
READINESS COALITION

# S. \_\_\_\_: The Strengthening Security and American Manufacturing Act

- U.S. Senator Jon Tester (D-MT), Ranking Member of the Senate Homeland Security Appropriations Subcommittee, introduced “The Strengthening Security and American Manufacturing Act”
- S. \_\_\_\_ is designed as a companion bill to HR 1811 to extend domestic preference procurement to DHS operational agencies
- Applies to: uniform shirts, uniform pants, jackets and outerwear, handwear, footwear, body armor components, body armor plate carriers, helmets, protective eyewear, bags and packs, holsters and ammunition pouches, environmental and fire resistant clothing, socks, patches, belts, and other items determined by the Secretary of Homeland Security
- To be referred to the Committee on Homeland Security and Governmental Affairs (subject to change)



WARRIOR PROTECTION &  
READINESS COALITION

# Trump Administration Action: Domestic Procurement for DHS

- April 19: White House Meeting with Office of Public Liaison
- June 14: White House Meeting with Assistant to the President, Director of Trade and Industrial Policy and White House National Trade Council Director Dr. Peter Navarro
- July 19: White House Meeting with President Trump, Vice President Pence, and Secretary of Labor Alex Acosta - Participated in “Made in America” Roundtable

- **Executive Authority**

- **WPRC has respectfully requested that President Trump exercise his authority through Executive Order to direct the Department of Homeland Security to procure 100% American-sourced and manufactured personal protective equipment (PPE) and organizational clothing and individual equipment (OCIE) for the operational agencies charged with protecting our borders and our nation.**
- **A draft executive order is currently under interagency review as a result of WPRC meetings with Administration officials.**

- **Support HR 1811/S (HOPS Act/ Strengthening Security and American Manufacturing Act)**

- Legislation to prohibit the use of funds appropriated to DHS for procurement of uniforms not manufactured in the United States
- **WPRC respectfully requests that President Trump support these bills to create American manufacturing jobs and prevent the continued use of foreign-made equipment and uniforms by DHS national security personnel.**



# FY18 Priorities Outlook

- Work with Congressional champions to ensure that the national security components of DHS have access to American-made uniforms, gear, and equipment. (HOPS Act/SSAMA)
- Promote domestic manufacturing and American employers who continue to create jobs in support of the armed services
- Serve as resource for Congressional/Administration officials engaged in “Buy American, Hire American” efforts



WARRIOR PROTECTION &  
READINESS COALITION



WARRIOR PROTECTION &  
READINESS COALITION

## Contact Information

David Costello, Executive Director  
[david.costello@warriorprotection.net](mailto:david.costello@warriorprotection.net)  
617.875.2492