

114TH CONGRESS  
2D SESSION

# H. R. 4398

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2016

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, 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 Doc-  
3 umentation Integrity Act of 2016”.

4 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY ACQUISITION DOCUMENTATION.**

6 (a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by  
7 adding at the end the following:

9 **“SEC. 708. ACQUISITION DOCUMENTATION.**

10 “(a) IN GENERAL.—For each major acquisition pro-  
11 gram, the Secretary, acting through the Under Secretary  
12 for Management, shall require the head of a relevant com-  
13 ponent or office to—

14 “(1) maintain acquisition documentation that is  
15 complete, accurate, timely, and valid and that in-  
16 cludes, at a minimum—

17 “(A) operational requirements that are  
18 validated consistent with Departmental policy  
19 and changes to those requirements, as appro-  
20 priate;

21 “(B) a complete lifecycle cost estimate  
22 with supporting documentation;

23 “(C) verification of the lifecycle cost esti-  
24 mate against independent cost estimates, and  
25 reconciliation of any differences;

1           “(D) a cost-benefit analysis with sup-  
2           porting documentation; and

3           “(E) a schedule, including, as appropriate,  
4           an integrated master schedule;

5           “(2) prepare cost estimates and schedules for  
6           major acquisition programs, as required under sub-  
7           paragraphs (B) and (E), in a manner consistent  
8           with best practices as identified by the Comptroller  
9           General of the United States; and

10          “(3) submit certain acquisition documentation  
11          to the Secretary to produce an annual comprehen-  
12          sive report on the status of departmental acquisi-  
13          tions for submission to Congress.

14          “(b) WAIVER.—On a case-by-case basis, the Sec-  
15          retary may waive the requirement under paragraph (3) of  
16          subsection (a) for a fiscal year if either—

17                 “(1) the program has not—

18                         “(A) entered the full rate production phase  
19                         in the acquisition lifecycle;

20                         “(B) had a reasonable cost estimate estab-  
21                         lished; and

22                         “(C) had a system configuration defined  
23                         fully; or

1           “(2) the program does not meet the definition  
2           of capital asset, as such term is defined by the Di-  
3           rector of the Office of Management and Budget.

4           “(c) CONGRESSIONAL OVERSIGHT.—At the same  
5           time the President’s budget is submitted for a fiscal year  
6           under section 1105(a) of title 31, United States Code, the  
7           Secretary shall make information available, as applicable,  
8           to the Committee on Homeland Security of the House of  
9           Representatives and the Committee on Homeland Security  
10          and Governmental Affairs of the Senate information on  
11          the requirement under subsection (a) in the prior fiscal  
12          year that includes the following specific information re-  
13          garding each program for which the Secretary has issued  
14          a waiver under subsection (b):

15                 “(1) The grounds for granting a waiver for that  
16                 program.

17                 “(2) The projected cost of that program.

18                 “(3) The proportion of a component’s or office’s  
19                 annual acquisition budget attributed to that pro-  
20                 gram, as available.

21                 “(4) Information on the significance of the pro-  
22                 gram with respect to the component’s operations and  
23                 execution of its mission.

24           “(d) MAJOR ACQUISITION PROGRAM DEFINED.—In  
25          this section, the term ‘major acquisition program’ means

1 a Department acquisition program that is estimated by  
2 the Secretary to require an eventual total expenditure of  
3 at least \$300,000,000 (based on fiscal year 2016 constant  
4 dollars) over its lifecycle cost.”.

5 (b) CLERICAL AMENDMENT.—The table of contents  
6 in section 1(b) of the Homeland Security Act of 2002 (6  
7 U.S.C. 101 et seq.) is amended by adding after the item  
8 related to section 707 the following new item:

“Sec. 708. Acquisition documentation.”.

Passed the House of Representatives February 23,  
2016.

Attest:

KAREN L. HAAS,

*Clerk.*