

Union Calendar No. 376

114TH CONGRESS
2^D SESSION

H. R. 4785

[Report No. 114–494]

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department’s vehicle fleet, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2016

Mr. PERRY (for himself, Mr. McCAUL, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Homeland Security

APRIL 14, 2016

Additional sponsors: Mr. LOUDERMILK, Mr. DUNCAN of South Carolina, and Mr. CARTER of Georgia

APRIL 14, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 17, 2016]

A BILL

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “DHS Stop Asset and*
5 *Vehicle Excess Act” or the “DHS SAVE Act”.*

6 **SEC. 2. DHS VEHICLE FLEETS.**

7 *Section 701 of the Homeland Security Act of 2002 (6*
8 *U.S.C. 341) is amended—*

9 *(1) in subsection (a)(5), by inserting “vehicle*
10 *fleets (under subsection (c)),” after “equipment,”;*

11 *(2) by redesignating subsections (c) and (d) as*
12 *subsections (d) and (e), respectively; and*

13 *(3) by inserting after subsection (b) the following*
14 *new subsection:*

15 *“(c) VEHICLE FLEETS.—*

16 *“(1) IN GENERAL.—In carrying out responsibil-*
17 *ities regarding vehicle fleets pursuant to subsection*
18 *(a)(5), the Under Secretary for Management shall be*
19 *responsible for overseeing and managing vehicle fleets*
20 *throughout the Department. The Under Secretary*
21 *shall also be responsible for the following:*

22 *“(A) Ensuring that components are in com-*
23 *pliance with Federal law, Federal regulations,*
24 *executive branch guidance, and Department pol-*
25 *icy (including issuing guidance relating to such)*

1 *relating to fleet management and use of vehicles*
2 *from home to work.*

3 “(B) *Developing and distributing a stand-*
4 *ardized vehicle allocation methodology and fleet*
5 *management plan for components to use to deter-*
6 *mine optimal fleet size in accordance with para-*
7 *graph (4).*

8 “(C) *Ensuring that components formally*
9 *document fleet management decisions.*

10 “(D) *Approving component fleet manage-*
11 *ment plans, vehicle leases, and vehicle acquisi-*
12 *tions.*

13 “(2) *COMPONENT RESPONSIBILITIES.—*

14 “(A) *IN GENERAL.—Component heads—*

15 “(i) *shall—*

16 “(I) *comply with Federal law,*
17 *Federal regulations, executive branch*
18 *guidance, and Department policy (in-*
19 *cluding guidance relating to such) re-*
20 *lating to fleet management and use of*
21 *vehicles from home to work;*

22 “(II) *ensure that data related to*
23 *fleet management is accurate and reli-*
24 *able;*

1 “(III) use such data to develop a
2 vehicle allocation tool derived by using
3 the standardized vehicle allocation
4 methodology provided by the Under
5 Secretary for Management to deter-
6 mine the optimal fleet size for the next
7 fiscal year and a fleet management
8 plan; and

9 “(IV) use vehicle allocation meth-
10 odologies and fleet management plans
11 to develop annual requests for funding
12 to support vehicle fleets pursuant to
13 paragraph (6); and

14 “(ii) may not, except as provided in
15 subparagraph (B), lease or acquire new ve-
16 hicles or replace existing vehicles without
17 prior approval from the Under Secretary
18 for Management pursuant to paragraph
19 (5)(B).

20 “(B) EXCEPTION REGARDING CERTAIN
21 LEASING AND ACQUISITIONS.—If exigent cir-
22 cumstances warrant such, a component head
23 may lease or acquire a new vehicle or replace an
24 existing vehicle without prior approval from the
25 Under Secretary for Management. If under exi-

gent circumstances a component head so leases, acquires, or replaces a vehicle, such component head shall provide to the Under Secretary an explanation of such circumstances.

“(3) ONGOING OVERSIGHT.—

“(A) QUARTERLY MONITORING.—In accordance with paragraph (4), the Under Secretary for Management shall collect, on a quarterly basis, information regarding component vehicle fleets, including information on fleet size, composition, cost, and vehicle utilization.

“(B) AUTOMATED INFORMATION.—The Under Secretary for Management shall seek to achieve a capability to collect, on a quarterly basis, automated information regarding component vehicle fleets, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles.

“(C) MONITORING.—The Under Secretary for Management shall track and monitor component information provided pursuant to subparagraph (A) and, as appropriate, subparagraph (B), to ensure that component vehicle fleets are the optimal fleet size and cost effective. The Under Secretary shall use such information to

1 *inform the annual component fleet analyses re-*
2 *ferred to in paragraph (4).*

3 *“(4) ANNUAL REVIEW OF COMPONENT FLEET*
4 *ANALYSES.—*

5 *“(A) IN GENERAL.—To determine the opti-*
6 *mal fleet size and associated resources needed for*
7 *each fiscal year beginning with fiscal year 2018,*
8 *component heads shall annually submit to the*
9 *Under Secretary for Management a vehicle allo-*
10 *cation tool and fleet management plan using in-*
11 *formation described in paragraph (3)(A). Such*
12 *tools and plans may be submitted in classified*
13 *form if a component head determines that such*
14 *is necessary to protect operations or mission re-*
15 *quirements.*

16 *“(B) VEHICLE ALLOCATION TOOL.—Compo-*
17 *nent heads develop a vehicle allocation tool in*
18 *accordance with subclause (III) of paragraph*
19 *(2)(A)(i) that includes an analysis of the fol-*
20 *lowing:*

21 *“(i) Vehicle utilization data, including*
22 *the number of trips, miles driven, hours and*
23 *days used, and the associated costs of such*
24 *mileage for leased vehicles, in accordance*
25 *with such paragraph.*

1 “(ii) *The role of vehicle fleets in sup-*
2 *porting mission requirements for each com-*
3 *ponent.*

4 “(iii) *Any other information deter-*
5 *mined relevant by such component heads.*

6 “(C) *FLEET MANAGEMENT PLANS.—Compo-*
7 *nent heads shall use information described in*
8 *subparagraph (B) to develop a fleet management*
9 *plan for each such component. Such fleet man-*
10 *agement plans shall include the following:*

11 “(i) *A plan for how each such compo-*
12 *nent may achieve optimal fleet size deter-*
13 *mined by the vehicle allocation tool required*
14 *under such subparagraph, including the*
15 *elimination of excess vehicles in accordance*
16 *with paragraph (5), if applicable.*

17 “(ii) *A cost benefit analysis supporting*
18 *such plan.*

19 “(iii) *A schedule each such component*
20 *will follow to obtain optimal fleet size.*

21 “(iv) *Any other information deter-*
22 *mined relevant by component heads.*

23 “(D) *REVIEW.—The Under Secretary for*
24 *Management shall review and make a deter-*
25 *mination on the results of each component’s vehi-*

1 *cle allocation tool and fleet management plan*
2 *under this paragraph to ensure each such compo-*
3 *nent's vehicle fleets are the optimal fleet size and*
4 *that components are in compliance with applica-*
5 *ble Federal law, Federal regulations, executive*
6 *branch guidance, and Department policy pursu-*
7 *ant to paragraph (2) relating to fleet manage-*
8 *ment and use of vehicles from home to work. The*
9 *Under Secretary shall use such tools and plans*
10 *when reviewing annual component requests for*
11 *vehicle fleet funding in accordance with para-*
12 *graph (6).*

13 “(5) *GUIDANCE TO DEVELOP FLEET MANAGE-*
14 *MENT PLANS.—The Under Secretary for Management*
15 *shall provide guidance, pursuant to paragraph (1)(B)*
16 *on how component heads may achieve optimal fleet*
17 *size in accordance with paragraph (4), including*
18 *processes for the following:*

19 “(A) *Leasing or acquiring additional vehi-*
20 *cles or replacing existing vehicles, if determined*
21 *necessary.*

22 “(B) *Disposing of excess vehicles that the*
23 *Under Secretary determines should not be reallo-*
24 *cated under subparagraph (C).*

1 “(C) *Reallocating excess vehicles to other*
2 *components that may need temporary or long-*
3 *term use of additional vehicles.*

4 “(6) *ANNUAL REVIEW OF VEHICLE FLEET FUND-*
5 *ING REQUESTS.—As part of the annual budget proc-*
6 *ess, the Under Secretary for Management shall review*
7 *and make determinations regarding annual compo-*
8 *nent requests for funding for vehicle fleets. If compo-*
9 *nent heads have not taken steps in furtherance of*
10 *achieving optimal fleet size in the prior fiscal year*
11 *pursuant to paragraphs (4) and (5), the Under Sec-*
12 *retary shall provide rescission recommendations to the*
13 *Committee on Appropriations and the Committee on*
14 *Homeland Security of the House of Representatives*
15 *and the Committee on Appropriations and the Com-*
16 *mittee on Homeland Security and Governmental Af-*
17 *airs of the Senate regarding such component vehicle*
18 *fleets.*

19 “(7) *ACCOUNTABILITY FOR VEHICLE FLEET MAN-*
20 *AGEMENT.—*

21 “(A) *PROHIBITION ON CERTAIN NEW VEHI-*
22 *CLE LEASES AND ACQUISITIONS.—The Under*
23 *Secretary for Management and component heads*
24 *may not approve in any fiscal year beginning*
25 *with fiscal year 2019 a vehicle lease, acquisition,*

1 *or replacement request if such component heads*
2 *did not comply in the prior fiscal year with*
3 *paragraph (4).*

4 *“(B) PROHIBITION ON CERTAIN PERFORM-*
5 *ANCE COMPENSATION.—No Department official*
6 *with vehicle fleet management responsibilities*
7 *may receive annual performance compensation*
8 *in pay in any fiscal year beginning with fiscal*
9 *year 2019 if such official did not comply in the*
10 *prior fiscal year with paragraph (4).*

11 *“(C) PROHIBITION ON CERTAIN CAR SERV-*
12 *ICES.—Notwithstanding any other provision of*
13 *law, no senior executive service official of the De-*
14 *partment whose office has a vehicle fleet may re-*
15 *ceive access to a car service in any fiscal year*
16 *beginning with fiscal year 2019 if such official*
17 *did not comply in the prior fiscal year with*
18 *paragraph (4).*

19 *“(8) MOTOR POOL.—*

20 *“(A) IN GENERAL.—The Under Secretary*
21 *for Management may determine the feasibility of*
22 *operating a vehicle motor pool to permit compo-*
23 *nents to share vehicles as necessary to support*
24 *mission requirements to reduce the number of ex-*
25 *cess vehicles in the Department.*

1 “(B) *REQUIREMENTS.*—*The determination*
 2 *of feasibility of operating a vehicle motor pool*
 3 *under subparagraph (A) shall—*

4 “(i) *include—*

5 “(I) *regions in the United States*
 6 *in which multiple components with ve-*
 7 *hicle fleets are located in proximity to*
 8 *one another, or a significant number of*
 9 *employees with authorization to use ve-*
 10 *hicles are located; and*

11 “(II) *law enforcement vehicles;*

12 “(ii) *cover the National Capital Re-*
 13 *gion; and*

14 “(iii) *take into account different mis-*
 15 *sion requirements.*

16 “(C) *REPORT.*—*The Secretary shall include*
 17 *in the Department’s next annual performance re-*
 18 *port required under current law the results of the*
 19 *determination under this paragraph.*

20 “(9) *DEFINITIONS.*—*In this subsection:*

21 “(A) *COMPONENT HEAD.*—*The term ‘compo-*
 22 *nent head’ means the head of any component of*
 23 *the Department with a vehicle fleet.*

1 “(B) *EXCESS VEHICLE*.—The term ‘excess
2 vehicle’ means any vehicle that is not essential to
3 support mission requirements of a component.

4 “(C) *OPTIMAL FLEET SIZE*.—The term ‘op-
5 timal fleet size’ means, with respect to a par-
6 ticular component, the appropriate number of
7 vehicles to support mission requirements of such
8 component.

9 “(D) *VEHICLE FLEET*.—The term ‘vehicle
10 fleet’ means all owned, commercially leased, or
11 Government-leased vehicles of the Department or
12 of a component of the Department, as the case
13 may be, including vehicles used for law enforce-
14 ment and other purposes.”.

15 **SEC. 3. GAO REPORT AND INSPECTOR GENERAL REVIEW.**

16 (a) *GAO REPORT*.—Not later than one year after the
17 date of the enactment of this Act, the Comptroller General
18 of the United States shall submit to the Committee on
19 Homeland Security of the House of Representatives and the
20 Committee on Homeland Security and Governmental Af-
21 fairs a report on the following:

22 (1) *The status of efforts at achieving a capability*
23 *to collect automated information as required under*
24 *subsection (c)(3) of section 701 of the Homeland Secu-*
25 *urity Act of 2002 (6 U.S.C. 341), as added by section*

1 2 of this Act, and any challenges that remain with re-
2 spect to achieving the capability to collect, assess, and
3 report vehicle fleet (as such term is defined in sub-
4 section (c)(9) of such section 701) data for the pur-
5 pose of determining vehicle utilization.

6 (2) The extent to which the Under Secretary for
7 Management has identified and addressed any rel-
8 evant security concerns, including cybersecurity risks,
9 related to such automation.

10 (3) The extent to which the Under Secretary col-
11 lects, assesses, and reports on vehicle fleet event data
12 recorder data.

13 (b) *INSPECTOR GENERAL REVIEW.*—The Inspector
14 General of the Department of Homeland Security shall—

15 (1) review implementation of subsection (c)(4) of
16 section 701 of the Homeland Security Act of 2002 (6
17 U.S.C. 341), as added by section 2 of this Act, for fis-
18 cal years 2018 and 2020, and shall provide, upon re-
19 quest, to the Committee on Homeland Security of the
20 House of Representatives and the Committee on
21 Homeland Security and Governmental Affairs of the
22 Senate information regarding any such review; and

23 (2) submit to the committees specified in para-
24 graph (1) a report, not later than six months after
25 completion of the second review required under such

1 *paragraph, regarding the effectiveness of such sub-*
2 *section with respect to cost avoidance, savings real-*
3 *ized, and component operations.*

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