

114TH CONGRESS  
2D SESSION

# S. 2976

To amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 2016

Mr. JOHNSON (for himself and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “DHS Accountability Act of 2016”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

TITLE I—DEPARTMENT MANAGEMENT AND COORDINATION

- Sec. 101. Management and execution.  
 Sec. 102. Department coordination.  
 Sec. 103. National Operations Center.  
 Sec. 104. Homeland Security Advisory Council.  
 Sec. 105. Strategy, policy, and plans.  
 Sec. 106. Authorization of the Office for Partnerships Against Violent Extremism of the Department of Homeland Security.

TITLE II—DEPARTMENT ACCOUNTABILITY, EFFICIENCY, AND  
 WORKFORCE REFORMS

- Sec. 201. Duplication review.  
 Sec. 202. Information technology strategic plan.  
 Sec. 203. Software licensing.  
 Sec. 204. Workforce strategy.  
 Sec. 205. Whistleblower protections.  
 Sec. 206. Cost savings and efficiency reviews.  
 Sec. 207. Abolishment of certain offices.

TITLE III—DEPARTMENT TRANSPARENCY AND ASSESSMENTS

- Sec. 301. Homeland security statistics and metrics.  
 Sec. 302. Annual homeland security assessment.  
 Sec. 303. Department transparency.  
 Sec. 304. Transparency in research and development.  
 Sec. 305. Reporting on National Bio and Agro-Defense Facility.  
 Sec. 306. Inspector General oversight of suspension and debarment.  
 Sec. 307. Future Years Homeland Security Program.  
 Sec. 308. Quadrennial homeland security review.  
 Sec. 309. Reporting reduction.  
 Sec. 310. Additional definitions.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL HOMELAND SECURITY  
 4 COMMITTEES.—The term “congressional homeland  
 5 security committees” means—

6 (A) the Committee on Homeland Security  
 7 and Governmental Affairs of the Senate;

8 (B) the Committee on Homeland Security  
 9 of the House of Representatives;

1 (C) the Homeland Security Subcommittee  
2 of the Committee on Appropriations of the Sen-  
3 ate; and

4 (D) the Homeland Security Subcommittee  
5 of the Committee on Appropriations of the  
6 House of Representatives.

7 (2) DEPARTMENT.—The term “Department”  
8 means the Department of Homeland Security.

9 (3) SECRETARY.—The term “Secretary” means  
10 the Secretary of Homeland Security.

11 **TITLE I—DEPARTMENT MAN-**  
12 **AGEMENT AND COORDINA-**  
13 **TION**

14 **SEC. 101. MANAGEMENT AND EXECUTION.**

15 (a) IN GENERAL.—Section 103 of the Homeland Se-  
16 curity Act of 2002 (6 U.S.C. 113) is amended—

17 (1) in subsection (a)(1)—

18 (A) by striking subparagraph (F) and in-  
19 serting the following:

20 “(F) An Under Secretary for Management, who  
21 shall be first assistant to the Deputy Secretary of  
22 Homeland Security for purposes of subchapter III of  
23 chapter 33 of title 5, United States Code.”; and

24 (B) by adding at the end the following:

1           “(K) An Under Secretary for Strategy, Policy,  
2           and Plans.”; and

3           (2) by adding at the end the following:

4           “(g) VACANCIES.—

5           “(1) ABSENCE, DISABILITY, OR VACANCY OF  
6           SECRETARY OR DEPUTY SECRETARY.—Notwith-  
7           standing section 3345 of title 5, United States Code,  
8           the Under Secretary for Management shall serve as  
9           the Acting Secretary if by reason of absence, dis-  
10          ability, or vacancy in office, neither the Secretary  
11          nor Deputy Secretary is available to exercise the du-  
12          ties of the Office of the Secretary.

13          “(2) FURTHER ORDER OF SUCCESSION.—Not-  
14          withstanding section 3345 of title 5, United States  
15          Code, the Secretary may designate such other offi-  
16          cers of the Department in further order of succes-  
17          sion to serve as Acting Secretary.

18          “(3) NOTIFICATION OF VACANCIES.—The Sec-  
19          retary shall notify the Committee on Homeland Se-  
20          curity and Governmental Affairs of the Senate and  
21          the Committee on Homeland Security of the House  
22          of Representatives of any vacancies that require no-  
23          tification under sections 3345 through 3349d of title  
24          5, United States Code (commonly known as the  
25          ‘Federal Vacancies Reform Act of 1998’).”.

1 (b) IN GENERAL.—Section 701 of the Homeland Se-  
2 curity Act of 2002 (6 U.S.C. 341) is amended—

3 (1) in subsection (a)—

4 (A) by striking paragraph (9) and insert-  
5 ing the following:

6 “(9) The management integration and trans-  
7 formation within each functional management dis-  
8 cipline of the Department, including information  
9 technology, financial management, acquisition man-  
10 agement, and human capital management, to ensure  
11 an efficient and orderly consolidation of functions  
12 and personnel in the Department, including—

13 “(A) the development of centralized data  
14 sources and connectivity of information systems  
15 to the greatest extent practicable to enhance  
16 program visibility, transparency, and oper-  
17 ational effectiveness and coordination;

18 “(B) the development of standardized and  
19 automated management information to manage  
20 and oversee programs and make informed deci-  
21 sions to improve the efficiency of the Depart-  
22 ment;

23 “(C) the development of effective program  
24 management and regular oversight mechanisms,  
25 including clear roles and processes for program

1 governance, sharing of best practices, and ac-  
2 cess to timely, reliable, and evaluated data on  
3 all acquisitions and investments; and

4 “(D) the overall supervision, including the  
5 conduct of internal audits and management  
6 analyses, of the programs and activities of the  
7 Department, including establishment of over-  
8 sight procedures to ensure a full and effective  
9 review of the efforts by components of the De-  
10 partment to implement policies and procedures  
11 of the Department for management integration  
12 and transformation.”;

13 (B) by redesignating paragraphs (10) and  
14 (11) as paragraphs (12) and (13), respectively;  
15 and

16 (C) by inserting after paragraph (9) the  
17 following:

18 “(10) The development of a transition and suc-  
19 cession plan, before December 1 of each year in  
20 which a Presidential election is held, to guide the  
21 transition of Department functions to a new Presi-  
22 dential administration, and making such plan avail-  
23 able to the next Secretary and Under Secretary for  
24 Management and to the congressional homeland se-  
25 curity committees.

1           “(11) Reporting to the Government Account-  
2           ability Office every 6 months to demonstrate meas-  
3           urable, sustainable progress made in implementing  
4           the corrective action plans of the Department to ad-  
5           dress the designation of the management functions  
6           of the Department on the bi-annual high risk list of  
7           the Government Accountability Office, until the  
8           Comptroller General of the United States submits to  
9           the appropriate congressional committees written no-  
10          tification of removal of the high-risk designation.”;

11           (2) by striking subsection (b) and inserting the  
12          following:

13          “(b) WAIVERS FOR CONDUCTING BUSINESS WITH  
14          SUSPENDED OR DEBARRED CONTRACTORS.—Not later  
15          than 5 days after the date on which the Chief Procure-  
16          ment Officer or Chief Financial Officer of the Department  
17          issues a waiver of the requirement that an agency not en-  
18          gage in business with a contractor or other recipient of  
19          funds listed as a party suspended or debarred from receiv-  
20          ing contracts, grants, or other types of Federal assistance  
21          in the System for Award Management maintained by the  
22          General Services Administration, or any successor thereto,  
23          the Under Secretary for Management shall submit to the  
24          congressional homeland security committees and the In-  
25          specter General of the Department notice of the waiver

1 and an explanation of the finding by the Under Secretary  
2 that a compelling reason exists for the waiver.”;

3 (3) by redesignating subsection (d) as sub-  
4 section (e); and

5 (4) by inserting after subsection (c) the fol-  
6 lowing:

7 “(d) SYSTEM FOR AWARD MANAGEMENT CONSULTA-  
8 TION.—The Under Secretary for Management shall re-  
9 quire that all Department contracting and grant officials  
10 consult the System for Award Management (or successor  
11 system) as maintained by the General Services Adminis-  
12 tration prior to awarding a contract or grant or entering  
13 into other transactions to ascertain whether the selected  
14 contractor is excluded from receiving Federal contracts,  
15 certain subcontracts, and certain types of Federal finan-  
16 cial and non-financial assistance and benefits.”.

17 **SEC. 102. DEPARTMENT COORDINATION.**

18 (a) IN GENERAL.—Title VII of the Homeland Secu-  
19 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by  
20 adding at the end the following:

21 **“SEC. 708. DEPARTMENT COORDINATION.**

22 “(a) DEFINITIONS.—In this section—

23 “(1) the term ‘joint duty training program’  
24 means the training program established under sub-  
25 section (e)(9)(A);



1           “(2) the term ‘joint requirement’ means a con-  
2           dition or capability of a Joint Task Force, or of mul-  
3           tiple operating components of the Department, that  
4           is required to be met or possessed by a system,  
5           product, service, result, or component to satisfy a  
6           contract, standard, specification, or other formally  
7           imposed document;

8           “(3) the term ‘Joint Task Force’ means a Joint  
9           Task Force established under subsection (e) when  
10          the scope, complexity, or other factors of the crisis  
11          or issue require capabilities of two or more compo-  
12          nents of the Department operating under the guid-  
13          ance of a single Director; and

14          “(4) the term ‘situational awareness’ means  
15          knowledge and unified understanding of unlawful  
16          cross-border activity, including—

17                 “(A) threats and trends concerning illicit  
18                 trafficking and unlawful crossings;

19                 “(B) the ability to forecast future shifts in  
20                 such threats and trends;

21                 “(C) the ability to evaluate such threats  
22                 and trends at a level sufficient to create action-  
23                 able plans; and

24                 “(D) the operational capability to conduct  
25                 continuous and integrated surveillance of the

1 air, land, and maritime borders of the United  
2 States.

3 “(b) DEPARTMENT LEADERSHIP COUNCILS.—

4 “(1) ESTABLISHMENT.—The Secretary may es-  
5 tablish such Department leadership councils as the  
6 Secretary determines necessary to ensure coordina-  
7 tion among leadership in the Department.

8 “(2) FUNCTION.—Department leadership coun-  
9 cils shall—

10 “(A) serve as coordinating forums;

11 “(B) advise the Secretary and Deputy Sec-  
12 retary on Department strategy, operations, and  
13 guidance; and

14 “(C) consider and report on such other  
15 matters as the Secretary or Deputy Secretary  
16 may direct.

17 “(3) CHAIRPERSON; MEMBERSHIP.—

18 “(A) CHAIRPERSON.—The Secretary or a  
19 designee may serve as chairperson of a Depart-  
20 ment leadership council.

21 “(B) MEMBERSHIP.—The Secretary shall  
22 determine the membership of a Department  
23 leadership council.

24 “(4) RELATIONSHIP TO OTHER FORUMS.—The  
25 Secretary or Deputy Secretary may delegate the au-

1       thority to direct the implementation of any decision  
2       or guidance resulting from the action of a Depart-  
3       ment leadership council to any office, component, co-  
4       ordinator, or other senior official of the Department.

5       “(c) JOINT REQUIREMENTS COUNCIL.—

6               “(1) ESTABLISHMENT.—There is established  
7       within the Department a Joint Requirements Coun-  
8       cil.

9               “(2) MISSION.—In addition to other matters  
10      assigned to it by the Secretary and Deputy Sec-  
11      retary, the Joint Requirements Council shall—

12               “(A) identify, assess, and validate joint re-  
13      quirements (including existing systems and as-  
14      sociated capability gaps) to meet mission needs  
15      of the Department;

16               “(B) ensure that appropriate efficiencies  
17      are made among life-cycle cost, schedule, and  
18      performance objectives, and procurement quan-  
19      tity objectives, in the establishment and ap-  
20      proval of joint requirements; and

21               “(C) make prioritized capability rec-  
22      ommendations for the joint requirements ap-  
23      proved under subparagraph (A) to the Sec-  
24      retary, the Deputy Secretary, or the chair-  
25      person of a Department leadership council des-

1           ignated by the Secretary to review decisions of  
2           the Joint Requirements Council.

3           “(3) CHAIR.—The Secretary shall appoint a  
4           chairperson of the Joint Requirements Council, for  
5           a term of not more than 2 years, from among senior  
6           officials from components of the Department or  
7           other senior officials as designated by the Secretary.

8           “(4) COMPOSITION.—The Joint Requirements  
9           Council shall be composed of senior officials rep-  
10          resenting components of the Department and other  
11          senior officials as designated by the Secretary.

12          “(5) RELATIONSHIP TO FUTURE YEARS HOME-  
13          LAND SECURITY PROGRAM.—The Secretary shall en-  
14          sure that the Future Years Homeland Security Pro-  
15          gram required under section 874 is consistent with  
16          the recommendations of the Joint Requirements  
17          Council under paragraph (2)(C) of this subsection,  
18          as affirmed by the Secretary, the Deputy Secretary,  
19          or the chairperson of a Department leadership coun-  
20          cil designated by the Secretary under that para-  
21          graph.

22          “(d) JOINT OPERATIONAL PLANS.—

23                 “(1) PLANNING AND GUIDANCE.—The Sec-  
24                 retary may direct the development of Joint Oper-

1       ational Plans for the Department and issue planning  
2       guidance for such development.

3               “(2) COORDINATION.—The Secretary shall en-  
4       sure coordination between requirements derived from  
5       Joint Operational Plans and the Future Years  
6       Homeland Security Program required under section  
7       874.

8               “(3) LIMITATION.—Nothing in this subsection  
9       shall be construed to affect the national emergency  
10      management authorities and responsibilities of the  
11      Administrator of the Federal Emergency Manage-  
12      ment Agency under title V.

13      “(e) JOINT TASK FORCES.—

14              “(1) ESTABLISHMENT.—The Secretary may es-  
15      tablish and operate Departmental Joint Task Forces  
16      to conduct joint operations using personnel and ca-  
17      pabilities of the Department.

18              “(2) JOINT TASK FORCE DIRECTORS.—

19                  “(A) DIRECTOR.—Each Joint Task Force  
20      shall be headed by a Director appointed by the  
21      Secretary for a term of not more than 2 years,  
22      who shall be a senior official of the Depart-  
23      ment.

24                  “(B) EXTENSION.—The Secretary may ex-  
25      tend the appointment of a Director of a Joint

1 Task Force for not more than 2 years if the  
2 Secretary determines that such an extension is  
3 in the best interest of the Department.

4 “(3) JOINT TASK FORCE DEPUTY DIRECTORS.—  
5 For each Joint Task Force, the Secretary shall ap-  
6 point a Deputy Director who shall be an official of  
7 a different component or office than the Director of  
8 the Joint Task Force.

9 “(4) RESPONSIBILITIES.—The Director of a  
10 Joint Task Force, subject to the oversight, direction,  
11 and guidance of the Secretary, shall—

12 “(A) maintain situational awareness within  
13 the areas of responsibility of the Joint Task  
14 Force, as determined by the Secretary;

15 “(B) provide operational plans and re-  
16 quirements for standard operating procedures  
17 and contingency operations;

18 “(C) plan and execute joint task force ac-  
19 tivities within the areas of responsibility of the  
20 Joint Task Force, as determined by the Sec-  
21 retary;

22 “(D) set and accomplish strategic objec-  
23 tives through integrated operational planning  
24 and execution;

1           “(E) exercise operational direction over  
2 personnel and equipment from components and  
3 offices of the Department allocated to the Joint  
4 Task Force to accomplish the objectives of the  
5 Joint Task Force;

6           “(F) establish operational and investigative  
7 priorities within the operating areas of the  
8 Joint Task Force;

9           “(G) coordinate with foreign governments  
10 and other Federal, State, and local agencies, as  
11 appropriate, to carry out the mission of the  
12 Joint Task Force; and

13           “(H) carry out other duties and powers the  
14 Secretary determines appropriate.

15           “(5) PERSONNEL AND RESOURCES.—

16           “(A) IN GENERAL.—The Secretary may,  
17 upon request of the Director of a Joint Task  
18 Force, and giving appropriate consideration of  
19 risk to the other primary missions of the De-  
20 partment, allocate on a temporary basis per-  
21 sonnel and equipment of components and of-  
22 fices of the Department to a Joint Task Force.

23           “(B) COST NEUTRALITY.—A Joint Task  
24 Force may not require more personnel, equip-  
25 ment, or resources than would be required by

1 components of the Department in the absence  
2 of the Joint Task Force.

3 “(C) LOCATION OF OPERATIONS.—In es-  
4 tablishing a location of operations for a Joint  
5 Task Force, the Secretary shall, to the extent  
6 practicable, use existing facilities that integrate  
7 efforts of components of the Department and  
8 State, local, tribal, or territorial law enforce-  
9 ment or military entities.

10 “(6) COMPONENT RESOURCE AUTHORITY.—As  
11 directed by the Secretary—

12 “(A) each Director of a Joint Task Force  
13 shall be provided sufficient resources from rel-  
14 evant components and offices of the Depart-  
15 ment and the authority necessary to carry out  
16 the missions and responsibilities required under  
17 this section;

18 “(B) the resources referred to in subpara-  
19 graph (A) shall be under the operational au-  
20 thority, direction, and control of the Director of  
21 the Joint Task Force to which the resources are  
22 assigned; and

23 “(C) the personnel and equipment of each  
24 Joint Task Force shall remain under the ad-



1           ministrative direction of the executive agent for  
2           the Joint Task Force.

3           “(7) JOINT TASK FORCE STAFF.—Each Joint  
4           Task Force shall have a staff, composed of officials  
5           from relevant components, to assist the Director in  
6           carrying out the mission and responsibilities of the  
7           Joint Task Force.

8           “(8) ESTABLISHMENT OF PERFORMANCE  
9           METRICS.—The Secretary shall—

10           “(A) establish outcome-based and other  
11           appropriate performance metrics to evaluate the  
12           effectiveness of each Joint Task Force;

13           “(B) not later than 120 days after the  
14           date of enactment of this section, submit the  
15           metrics established under subparagraph (A) to  
16           the Committee on Homeland Security and Gov-  
17           ernmental Affairs of the Senate and the Com-  
18           mittee on Homeland Security of the House of  
19           Representatives; and

20           “(C) not later than January 31 of each  
21           year beginning in 2017, submit to each com-  
22           mittee described in subparagraph (B) a report  
23           that contains the evaluation described in sub-  
24           paragraph (A).

25           “(9) JOINT DUTY TRAINING PROGRAM.—

1 “(A) IN GENERAL.—The Secretary shall—

2 “(i) establish a joint duty training  
3 program in the Department for the pur-  
4 poses of—

5 “(I) enhancing coordination with-  
6 in the Department; and

7 “(II) promoting workforce profes-  
8 sional development; and

9 “(ii) tailor the joint duty training pro-  
10 gram to improve joint operations as part of  
11 the Joint Task Forces.

12 “(B) ELEMENTS.—The joint duty training  
13 program established under subparagraph (A)  
14 shall address, at a minimum, the following top-  
15 ics:

16 “(i) National security strategy.

17 “(ii) Strategic and contingency plan-  
18 ning.

19 “(iii) Command and control of oper-  
20 ations under joint command.

21 “(iv) International engagement.

22 “(v) The homeland security enter-  
23 prise.

24 “(vi) Interagency collaboration.

25 “(vii) Leadership.

1           “(viii) Specific subject matter relevant  
2           to the Joint Task Force to which the joint  
3           duty training program is assigned.

4           “(C) TRAINING REQUIRED.—

5           “(i) DIRECTORS AND DEPUTY DIREC-  
6           TORS.—Except as provided in clauses (iii)  
7           and (iv), an individual shall complete the  
8           joint duty training program before being  
9           appointed Director or Deputy Director of a  
10          Joint Task Force.

11          “(ii) JOINT TASK FORCE STAFF.—  
12          Each official serving on the staff of a Joint  
13          Task Force shall complete the joint duty  
14          training program within the first year of  
15          assignment to the Joint Task Force.

16          “(iii) EXCEPTION.—Clause (i) shall  
17          not apply to the first Director or Deputy  
18          Director appointed to a Joint Task Force  
19          on or after the date of enactment of this  
20          section.

21          “(iv) WAIVER.—The Secretary may  
22          waive clause (i) if the Secretary determines  
23          that such a waiver is in the interest of  
24          homeland security.

1           “(10) ESTABLISHING JOINT TASK FORCES.—  
2           Subject to paragraph (13), the Secretary may estab-  
3           lish Joint Task Forces for the purposes of—

4                   “(A) coordinating and directing operations  
5                   along the land and maritime borders of the  
6                   United States;

7                   “(B) cybersecurity; and

8                   “(C) preventing, preparing for, and re-  
9                   sponding to other homeland security matters, as  
10                  determined by the Secretary.

11           “(11) NOTIFICATION OF JOINT TASK FORCE  
12           FORMATION.—

13                   “(A) IN GENERAL.—Not later than 90  
14                   days before establishing a Joint Task Force  
15                   under this subsection, the Secretary shall sub-  
16                   mit a notification to the Committee on Home-  
17                   land Security and Governmental Affairs of the  
18                   Senate and the Committee on Homeland Secu-  
19                   rity of the House of Representatives.

20                   “(B) WAIVER AUTHORITY.—The Secretary  
21                   may waive the requirement under subparagraph  
22                   (A) in the event of an emergency circumstance  
23                   that imminently threatens the protection of  
24                   human life or the protection of property.

25           “(12) REVIEW.—

1           “(A) IN GENERAL.—The Inspector General  
2 of the Department shall conduct a review of the  
3 Joint Task Forces established under this sub-  
4 section.

5           “(B) CONTENTS.—The review required  
6 under subparagraph (A) shall include—

7                   “(i) an assessment of the effectiveness  
8 of the structure of each Joint Task Force;  
9 and

10                   “(ii) recommendations for enhance-  
11 ments to that structure to strengthen the  
12 effectiveness of the Joint Task Force.

13           “(C) SUBMISSION.—The Inspector General  
14 of the Department shall submit to the Com-  
15 mittee on Homeland Security and Govern-  
16 mental Affairs of the Senate and the Committee  
17 on Homeland Security of the House of Rep-  
18 resentatives—

19                   “(i) an initial report that contains the  
20 evaluation described in subparagraph (A)  
21 by not later than January 31, 2018; and

22                   “(ii) a second report that contains the  
23 evaluation described in subparagraph (A)  
24 by not later than January 31, 2021.

25           “(13) LIMITATION ON JOINT TASK FORCES.—

1           “(A) IN GENERAL.—The Secretary may  
2 not establish a Joint Task Force for any major  
3 disaster or emergency declared under the Rob-  
4 ert T. Stafford Disaster Relief and Emergency  
5 Assistance Act (42 U.S.C. 5121 et seq.) or an  
6 incident for which the Federal Emergency Man-  
7 agement Agency has primary responsibility for  
8 management of the response under title V of  
9 this Act, including section 504(a)(3)(A), unless  
10 the responsibilities of the Joint Task Force—

11                   “(i) do not include operational func-  
12 tions related to incident management, in-  
13 cluding coordination of operations; and

14                   “(ii) are consistent with the require-  
15 ments of paragraphs (3) and (4)(A) of sec-  
16 tion 503(c) and section 509(c) of this Act  
17 and section 302 of the Robert T. Stafford  
18 Disaster Relief and Emergency Assistance  
19 Act (42 U.S.C. 5143).

20           “(B) RESPONSIBILITIES AND FUNCTIONS  
21 NOT REDUCED.—Nothing in this section shall  
22 be construed to reduce the responsibilities or  
23 functions of the Federal Emergency Manage-  
24 ment Agency or the Administrator thereof  
25 under title V of this Act and any other provi-

1           sion of law, including the diversion of any asset,  
2           function, or mission from the Federal Emer-  
3           gency Management Agency or the Adminis-  
4           trator thereof pursuant to section 506.

5           “(f) **JOINT DUTY ASSIGNMENT PROGRAM.**—The Sec-  
6   retary may establish a joint duty assignment program  
7   within the Department for the purposes of enhancing co-  
8   ordination in the Department and promoting workforce  
9   professional development.”.

10          (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
11   The table of contents in section 1(b) of the Homeland Se-  
12   curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
13   as amended by this Act, is amended by inserting after the  
14   item relating to section 707 the following:

“Sec. 708. Department coordination.”.

15   **SEC. 103. NATIONAL OPERATIONS CENTER.**

16          Section 515 of the Homeland Security Act of 2002  
17   (6 U.S.C. 321d) is amended—

18           (1) in subsection (a)—

19                   (A) by striking “emergency managers and  
20           decision makers” and inserting “emergency  
21           managers, decision makers, and other appro-  
22           priate officials”; and

23                   (B) by inserting “and steady-state activ-  
24           ity” before the period at the end;

25           (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) by striking “and tribal govern-  
3 ments” and inserting “tribal, and terri-  
4 torial governments, the private sector, and  
5 international partners”; and

6 (ii) by striking “in the event of” and  
7 inserting “for events, threats, and inci-  
8 dents involving”;

9 (B) in paragraph (2), by striking the pe-  
10 riod at the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(3) enter into agreements with other Federal  
13 operations centers and other homeland security part-  
14 ners, as appropriate, to facilitate the sharing of in-  
15 formation.”;

16 (3) by redesignating subsection (c) as sub-  
17 section (d); and

18 (4) by inserting after subsection (b) the fol-  
19 lowing:

20 “(c) REPORTING REQUIREMENTS.—Each Federal  
21 agency shall provide the National Operations Center with  
22 timely information—

23 “(1) relating to events, threats, and incidents  
24 involving a natural disaster, act of terrorism, or  
25 other man-made disaster;



1           “(2) concerning the status and potential vulner-  
2           ability of the critical infrastructure and key re-  
3           sources of the United States;

4           “(3) relevant to the mission of the Department  
5           of Homeland Security; or

6           “(4) as may be requested by the Secretary  
7           under section 202.”; and

8           (5) in subsection (d), as so redesignated—

9           (A) in the subsection heading, by striking  
10          “FIRE SERVICE” and inserting “EMERGENCY  
11          RESPONDER”;

12          (B) by striking paragraph (1) and insert-  
13          ing the following:

14          “(1) ESTABLISHMENT OF POSITIONS.—The  
15          Secretary shall establish a position, on a rotating  
16          basis, for a representative of State and local emer-  
17          gency responders at the National Operations Center  
18          established under subsection (b) to ensure the effec-  
19          tive sharing of information between the Federal Gov-  
20          ernment and State and local emergency response  
21          services.”;

22          (C) by striking paragraph (2); and

23          (D) by redesignating paragraph (3) as  
24          paragraph (2).

1 **SEC. 104. HOMELAND SECURITY ADVISORY COUNCIL.**

2 (a) IN GENERAL.—Section 102(b) of the Homeland  
3 Security Act of 2002 (6 U.S.C. 112(b)) is amended—

4 (1) in paragraph (2), by striking “and” at the  
5 end;

6 (2) in paragraph (3), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(4) shall establish a Homeland Security Advi-  
10 sory Council to provide advice and recommendations  
11 on homeland security and homeland security-related  
12 matters.”.

13 **SEC. 105. STRATEGY, POLICY, AND PLANS.**

14 (a) IN GENERAL.—Title VII of the Homeland Secu-  
15 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
16 this Act, is amended by adding at the end the following:

17 **“SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.**

18 “(a) IN GENERAL.—There is established in the De-  
19 partment an Office of Strategy, Policy, and Plans.

20 “(b) HEAD OF OFFICE.—The Office of Strategy, Pol-  
21 icy, and Plans shall be headed by an Under Secretary for  
22 Strategy, Policy, and Plans, who shall serve as the prin-  
23 cipal policy advisor to the Secretary and be appointed by  
24 the President, by and with the advice and consent of the  
25 Senate.

1       “(c) FUNCTIONS.—The Office of Strategy, Policy,  
2 and Plans shall—

3               “(1) lead, conduct, and coordinate Department-  
4 wide policy development and implementation and  
5 strategic planning;

6               “(2) develop and coordinate policies to promote  
7 and ensure quality, consistency, and integration for  
8 the programs, offices, and activities across the De-  
9 partment;

10              “(3) develop and coordinate strategic plans and  
11 long-term goals of the Department with risk-based  
12 analysis and planning to improve operational mission  
13 effectiveness, including leading and conducting the  
14 quadrennial homeland security review under section  
15 707;

16              “(4) manage Department leadership councils  
17 and provide analytics and support to such councils;

18              “(5) manage international coordination and en-  
19 gagement for the Department;

20              “(6) review and incorporate, as appropriate, ex-  
21 ternal stakeholder feedback into Department policy;  
22 and

23              “(7) carry out such other responsibilities as the  
24 Secretary determines appropriate.

1       “(d) COORDINATION BY DEPARTMENT COMPO-  
2 NENTS.—To ensure consistency with the policy priorities  
3 of the Department, the head of each component of the  
4 Department shall coordinate with the Office of Strategy,  
5 Policy, and Plans in establishing or modifying policies or  
6 strategic planning guidance.

7       “(e) HOMELAND SECURITY STATISTICS AND JOINT  
8 ANALYSIS.—

9               “(1) HOMELAND SECURITY STATISTICS.—The  
10 Under Secretary for Strategy, Policy, and Plans  
11 shall—

12                       “(A) establish standards of reliability and  
13 validity for statistical data collected and ana-  
14 lyzed by the Department;

15                       “(B) be provided with statistical data  
16 maintained by the Department regarding the  
17 operations of the Department;

18                       “(C) conduct or oversee analysis and re-  
19 porting of such data by the Department as re-  
20 quired by law or directed by the Secretary; and

21                       “(D) ensure the accuracy of metrics and  
22 statistical data provided to Congress.

23               “(2) TRANSFER OF RESPONSIBILITIES.—There  
24 shall be transferred to the Under Secretary for  
25 Strategy, Policy, and Plans the maintenance of all

1 immigration statistical information of U.S. Customs  
 2 and Border Protection and U.S. Citizenship and Im-  
 3 migration Services, which shall include information  
 4 and statistics of the type contained in the publica-  
 5 tion entitled ‘Yearbook of Immigration Statistics’  
 6 prepared by the Office of Immigration Statistics, in-  
 7 cluding region-by-region statistics on the aggregate  
 8 number of applications and petitions filed by an  
 9 alien (or filed on behalf of an alien) and denied, and  
 10 the reasons for such denials, disaggregated by cat-  
 11 egory of denial and application or petition type.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 13 The table of contents in section 1(b) of the Homeland Se-  
 14 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
 15 as amended by this Act, is amended by inserting after the  
 16 item relating to section 708 the following:

“Sec. 709. Office of Strategy, Policy, and Plans.”.

17 **SEC. 106. AUTHORIZATION OF THE OFFICE FOR PARTNER-**  
 18 **SHIPS AGAINST VIOLENT EXTREMISM OF THE**  
 19 **DEPARTMENT OF HOMELAND SECURITY.**

20 (a) IN GENERAL.—The Homeland Security Act of  
 21 2002 (6 U.S.C. 101 et seq.) is amended—

22 (1) by inserting after section 801 the following:

23 **“SEC. 802. OFFICE FOR PARTNERSHIPS AGAINST VIOLENT**  
 24 **EXTREMISM.**

25 “(a) DEFINITIONS.—In this section:

1           “(1) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the Federal  
3           Emergency Management Agency.

4           “(2) ASSISTANT SECRETARY.—The term ‘As-  
5           sistant Secretary’ means the Assistant Secretary for  
6           Partnerships Against Violent Extremism designated  
7           under subsection (c).

8           “(3) COUNTERING VIOLENT EXTREMISM.—The  
9           term ‘countering violent extremism’ means proactive  
10          and relevant actions to counter recruitment,  
11          radicalization, and mobilization to violence and to  
12          address the immediate factors that lead to violent  
13          extremism and radicalization.

14          “(4) DOMESTIC TERRORISM; INTERNATIONAL  
15          TERRORISM.—The terms ‘domestic terrorism’ and  
16          ‘international terrorism’ have the meanings given  
17          those terms in section 2331 of title 18, United  
18          States Code.

19          “(5)           RADICALIZATION.—The           term  
20          ‘radicalization’ means the process by which an indi-  
21          vidual chooses to facilitate or commit domestic ter-  
22          rorism or international terrorism.

23          “(6) VIOLENT EXTREMISM.—The term ‘violent  
24          extremism’ means international or domestic ter-  
25          rorism.

1       “(b) ESTABLISHMENT.—There is in the Department  
2 an Office for Partnerships Against Violent Extremism.

3       “(c) HEAD OF OFFICE.—The Office for Partnerships  
4 Against Violent Extremism shall be headed by an Assist-  
5 ant Secretary for Partnerships Against Violent Extre-  
6 mism, who shall be designated by the Secretary and report  
7 directly to the Secretary.

8       “(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT  
9 OF PERSONNEL.—The Secretary shall—

10           “(1) designate a career Deputy Assistant Sec-  
11 retary for Partnerships Against Violent Extremism;  
12 and

13           “(2) assign or hire, as appropriate, permanent  
14 staff to the Office for Partnerships Against Violent  
15 Extremism.

16       “(e) RESPONSIBILITIES.—

17           “(1) IN GENERAL.—The Assistant Secretary  
18 shall be responsible for the following:

19           “(A) Leading the efforts of the Depart-  
20 ment to counter violent extremism across all the  
21 components and offices of the Department that  
22 conduct strategic and supportive efforts to  
23 counter violent extremism. Such efforts shall in-  
24 clude the following:

1           “(i) Partnering with communities to  
2 address vulnerabilities that can be ex-  
3 ploited by violent extremists in the United  
4 States and explore potential remedies for  
5 government and non-government institu-  
6 tions.

7           “(ii) Working with civil society groups  
8 and communities to counter violent extrem-  
9 ist propaganda, messaging, or recruitment.

10           “(iii) In coordination with the Office  
11 for Civil Rights and Civil Liberties of the  
12 Department, managing the outreach and  
13 engagement efforts of the Department di-  
14 rected toward communities at risk for  
15 radicalization and recruitment for violent  
16 extremist activities.

17           “(iv) Ensuring relevant information,  
18 research, and products inform efforts to  
19 counter violent extremism.

20           “(v) Developing and maintaining De-  
21 partment-wide strategy, plans, policies, and  
22 programs to counter violent extremism.  
23 Such plans shall, at a minimum, address  
24 each of the following:



1                   “(I) The Department’s plan to  
2                   leverage new and existing Internet  
3                   and other technologies and social  
4                   media platforms to improve non-gov-  
5                   ernment efforts to counter violent ex-  
6                   tremism, as well as the best practices  
7                   and lessons learned from other Fed-  
8                   eral, State, local, tribal, territorial,  
9                   and foreign partners engaged in simi-  
10                  lar counter-messaging efforts.

11                  “(II) The Department’s coun-  
12                  tering violent extremism-related en-  
13                  gagement efforts.

14                  “(III) The use of cooperative  
15                  agreements with State, local, tribal,  
16                  territorial, and other Federal depart-  
17                  ments and agencies responsible for ef-  
18                  forts relating to countering violent ex-  
19                  tremism.

20                  “(vi) Coordinating with the Office for  
21                  Civil Rights and Civil Liberties of the De-  
22                  partment to ensure all of the activities of  
23                  the Department related to countering vio-  
24                  lent extremism fully respect the privacy,

1 civil rights, and civil liberties of all per-  
2 sons.

3 “(vii) In coordination with the Under  
4 Secretary for Science and Technology and  
5 in consultation with the Under Secretary  
6 for Intelligence and Analysis, identifying  
7 and recommending new empirical research  
8 and analysis requirements to ensure the  
9 dissemination of information and methods  
10 for Federal, State, local, tribal, and terri-  
11 torial countering violent extremism practi-  
12 tioners, officials, law enforcement per-  
13 sonnel, and non-governmental partners to  
14 utilize such research and analysis.

15 “(viii) Assessing the methods used by  
16 violent extremists to disseminate propa-  
17 ganda and messaging to communities at  
18 risk for recruitment by violent extremists.

19 “(B) Developing a digital engagement  
20 strategy that expands the outreach efforts of  
21 the Department to counter violent extremist  
22 messaging by—

23 “(i) exploring ways to utilize relevant  
24 Internet and other technologies and social  
25 media platforms; and

1                   “(ii) maximizing other resources avail-  
2                   able to the Department.

3                   “(C) Serving as the primary representative  
4                   of the Department in coordinating countering  
5                   violent extremism efforts with other Federal de-  
6                   partments and agencies and non-governmental  
7                   organizations.

8                   “(D) Serving as the primary Department-  
9                   level representative in coordinating with the De-  
10                  partment of State on international countering  
11                  violent extremism issues.

12                  “(E) In coordination with the Adminis-  
13                  trator, providing guidance regarding the use of  
14                  grants made to State, local, and tribal govern-  
15                  ments under sections 2003 and 2004 under the  
16                  allowable uses guidelines related to countering  
17                  violent extremism.

18                  “(F) Developing a plan to expand philan-  
19                  thropic support for domestic efforts related to  
20                  countering violent extremism, including by iden-  
21                  tifying viable community projects and needs for  
22                  possible philanthropic support.

23                  “(2) COMMUNITIES AT RISK.—For purposes of  
24                  this subsection, the term ‘communities at risk’ shall  
25                  not include a community that is determined to be at

1 risk solely on the basis of race, religious affiliation,  
2 or ethnicity.

3 “(f) STRATEGY TO COUNTER VIOLENT EXTREMISM  
4 IN THE UNITED STATES.—

5 “(1) STRATEGY.—Not later than 90 days after  
6 the date of enactment of this section, the Secretary  
7 shall submit to the Committee on Homeland Secu-  
8 rity and Governmental Affairs of the Senate, the  
9 Committee on the Judiciary of the Senate, the Com-  
10 mittee on Homeland Security of the House of Rep-  
11 resentatives, and the Committee on the Judiciary of  
12 the House of Representatives a comprehensive De-  
13 partment strategy to counter violent extremism in  
14 the United States.

15 “(2) CONTENTS OF STRATEGY.—The strategy  
16 required under paragraph (1) shall, at a minimum,  
17 address each of the following:

18 “(A) The Department’s digital engagement  
19 effort, including a plan to leverage new and ex-  
20 isting Internet, digital, and other technologies  
21 and social media platforms to counter violent  
22 extremism, as well as the best practices and les-  
23 sons learned from other Federal, State, local,  
24 tribal, territorial, non-governmental, and for-

1           eign partners engaged in similar counter-mes-  
2           saging activities.

3           “(B) The Department’s countering violent  
4           extremism-related engagement and outreach ac-  
5           tivities.

6           “(C) The use of cooperative agreements  
7           with State, local, tribal, territorial, and other  
8           Federal departments and agencies responsible  
9           for activities relating to countering violent ex-  
10          tremism.

11          “(D) Ensuring all activities related to  
12          countering violent extremism adhere to relevant  
13          Department and applicable Department of Jus-  
14          tice guidance regarding privacy, civil rights, and  
15          civil liberties, including safeguards against dis-  
16          crimination.

17          “(E) The development of qualitative and  
18          quantitative outcome-based metrics to evaluate  
19          the Department’s programs and policies to  
20          counter violent extremism.

21          “(F) An analysis of the homeland security  
22          risk posed by violent extremism based on the  
23          threat environment and empirical data assess-  
24          ing terrorist activities and incidents, and violent

1 extremist propaganda, messaging, or recruit-  
2 ment.

3 “(G) Information on the Department’s  
4 near-term, mid-term, and long-term risk-based  
5 goals for countering violent extremism, reflect-  
6 ing the risk analysis conducted under subpara-  
7 graph (F).

8 “(3) STRATEGIC CONSIDERATIONS.—In draft-  
9 ing the strategy required under paragraph (1), the  
10 Secretary shall consider including the following:

11 “(A) Departmental efforts to undertake re-  
12 search to improve the Department’s under-  
13 standing of the risk of violent extremism and to  
14 identify ways to improve countering violent ex-  
15 tremism activities and programs, including out-  
16 reach, training, and information sharing pro-  
17 grams.

18 “(B) The Department’s nondiscrimination  
19 policies as they relate to countering violent ex-  
20 tremism.

21 “(C) Departmental efforts to help promote  
22 community engagement and partnerships to  
23 counter violent extremism in furtherance of the  
24 strategy.

1           “(D) Departmental efforts to help increase  
2 support for programs and initiatives to counter  
3 violent extremism of other Federal, State, local,  
4 tribal, territorial, non-governmental, and for-  
5 eign partners that are in furtherance of the  
6 strategy, and which adhere to all relevant con-  
7 stitutional, legal, and privacy protections.

8           “(E) Departmental efforts to disseminate  
9 to local law enforcement agencies and the gen-  
10 eral public information on resources, such as  
11 training guidance, workshop reports, and the  
12 violent extremist threat, through multiple plat-  
13 forms, including the development of a dedicated  
14 webpage, and information regarding the effec-  
15 tiveness of those efforts.

16           “(F) Departmental efforts to use coopera-  
17 tive agreements with State, local, tribal, terri-  
18 torial, and other Federal departments and  
19 agencies responsible for efforts relating to coun-  
20 tering violent extremism, and information re-  
21 garding the effectiveness of those efforts.

22           “(G) Information on oversight mechanisms  
23 and protections to ensure that activities and  
24 programs undertaken pursuant to the strategy

1           adhere to all relevant constitutional, legal, and  
2           privacy protections.

3           “(H) Departmental efforts to conduct  
4           oversight of all countering violent extremism  
5           training and training materials and other re-  
6           sources developed or funded by the Department.

7           “(I) Departmental efforts to foster trans-  
8           parency by making, to the extent practicable,  
9           all regulations, guidance, documents, policies,  
10          and training materials publicly available, includ-  
11          ing through any webpage developed under sub-  
12          paragraph (E).

13          “(4) STRATEGIC IMPLEMENTATION PLAN.—

14          “(A) IN GENERAL.—Not later than 90  
15          days after the date on which the Secretary sub-  
16          mits the strategy required under paragraph (1),  
17          the Secretary shall submit to the Committee on  
18          Homeland Security and Governmental Affairs  
19          of the Senate, the Committee on the Judiciary  
20          of the Senate, the Committee on Homeland Se-  
21          curity of the House of Representatives, and the  
22          Committee on the Judiciary of the House of  
23          Representatives an implementation plan for  
24          each of the components and offices of the De-



1           partment with responsibilities under the strat-  
2           egy.

3           “(B) CONTENTS.—The implementation  
4           plan required under subparagraph (A) shall in-  
5           clude an integrated master schedule and cost  
6           estimate for activities and programs contained  
7           in the implementation plan, with specificity on  
8           how each such activity and program aligns with  
9           near-term, mid-term, and long-term goals speci-  
10          fied in the strategy required under paragraph  
11          (1).

12          “(g) ANNUAL REPORT.—Not later than April 1,  
13          2017, and annually thereafter, the Assistant Secretary  
14          shall submit to Congress an annual report on the Office  
15          for Partnerships Against Violent Extremism, which shall  
16          include the following:

17                 “(1) A description of the status of the pro-  
18                 grams and policies of the Department for countering  
19                 violent extremism in the United States.

20                 “(2) A description of the efforts of the Office  
21                 for Partnerships Against Violent Extremism to co-  
22                 operate with and provide assistance to other Federal  
23                 departments and agencies.

24                 “(3) Qualitative and quantitative metrics for  
25                 evaluating the success of such programs and policies

1 and the steps taken to evaluate the success of such  
2 programs and policies.

3 “(4) An accounting of—

4 “(A) grants and cooperative agreements  
5 awarded by the Department to counter violent  
6 extremism; and

7 “(B) all training specifically aimed at  
8 countering violent extremism sponsored by the  
9 Department.

10 “(5) An analysis of how the Department’s ac-  
11 tivities to counter violent extremism correspond and  
12 adapt to the threat environment.

13 “(6) A summary of how civil rights and civil  
14 liberties are protected in the Department’s activities  
15 to counter violent extremism.

16 “(7) An evaluation of the use of section 2003  
17 and section 2004 grants and cooperative agreements  
18 awarded to support efforts of local communities in  
19 the United States to counter violent extremism, in-  
20 cluding information on the effectiveness of such  
21 grants and cooperative agreements in countering vio-  
22 lent extremism.

23 “(8) A description of how the Office for Part-  
24 nerships Against Violent Extremism incorporated  
25 lessons learned from the countering violent extre-

1       mism programs and policies of foreign, State, local,  
2       tribal, and territorial governments and stakeholder  
3       communities.

4       “(h) ANNUAL REVIEW.—Not later than 1 year after  
5       the date of enactment of this section, and every year there-  
6       after, the Office for Civil Rights and Civil Liberties of the  
7       Department shall—

8               “(1) conduct a review of the Office for Partner-  
9       ships Against Violent Extremism activities to ensure  
10       that all of the activities of the Office related to coun-  
11       tering violent extremism respect the privacy, civil  
12       rights, and civil liberties of all persons; and

13               “(2) make publicly available on the website of  
14       the Department a report containing the results of  
15       the review conducted under paragraph (1).”; and

16               (2) in section 2008(b)(1)—

17                       (A) in subparagraph (A), by striking “or”  
18                       at the end;

19                       (B) in subparagraph (B), by striking the  
20                       period at the end and inserting “; or”; and

21                       (C) by adding at the end the following:

22                               “(C) to support any organization or group  
23                               which has knowingly or recklessly funded do-  
24                               mestic terrorism or international terrorism (as  
25                               those terms are defined in section 2331 of title

1           18, United States Code) or organization or  
2           group known to engage in or recruit to such ac-  
3           tivities, as determined by the Assistant Sec-  
4           retary for Partnerships Against Violent Extre-  
5           mism in consultation with the Administrator  
6           and the heads of other appropriate Federal de-  
7           partments and agencies.”.

8           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
9           The table of contents in section 1(b) of the Homeland Se-  
10          curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
11          as amended by this Act, is amended by inserting after the  
12          item relating to section 801 the following:

          “Sec. 802. Office for Partnerships Against Violent Extremism.”.

13          (c) SUNSET.—Effective on the date that is 7 years  
14          after the date of enactment of this Act—

15                (1) section 802 of the Homeland Security Act  
16                of 2002, as added by subsection (a), is repealed; and

17                (2) the table of contents in section 1(b) of the  
18                Homeland Security Act of 2002 (Public Law 107–  
19                296; 116 Stat. 2135) is amended by striking the  
20                item relating to section 802.

21       **TITLE II—DEPARTMENT AC-**  
22       **COUNTABILITY, EFFICIENCY,**  
23       **AND WORKFORCE REFORMS**

24       **SEC. 201. DUPLICATION REVIEW.**

25           (a) IN GENERAL.—The Secretary shall—

1           (1) not later than 1 year after the date of en-  
2           actment of this Act, complete a review of the inter-  
3           national affairs offices, functions, and responsibil-  
4           ities of the Department to identify and eliminate  
5           areas of unnecessary duplication; and

6           (2) not later than 30 days after the date on  
7           which the Secretary completes the review under sub-  
8           paragraph (A), provide the results of the review to  
9           the congressional homeland security committees.

10          (b) EXCLUSION.—This subsection shall not apply to  
11         international activities related to the protective mission of  
12         the United States Secret Service, or to the Coast Guard  
13         when operating under the direct authority of the Secretary  
14         of Defense or the Secretary of the Navy.

15         **SEC. 202. INFORMATION TECHNOLOGY STRATEGIC PLAN.**

16          (a) IN GENERAL.—Section 703 of the Homeland Se-  
17         curity Act of 2002 (6 U.S.C. 343) is amended by adding  
18         at the end the following:

19                 “(c) STRATEGIC PLANS.—Consistent with the timing  
20         set forth in section 306(a) of title 5, United States Code,  
21         and the requirements under section 3506 of title 44,  
22         United States Code, the Chief Information Officer shall  
23         develop, make public, and submit to the congressional  
24         homeland security committees an information technology  
25         strategic plan, which shall include how—

1           “(1) information technology will be leveraged to  
2 meet the priority goals and strategic objectives of  
3 the Department;

4           “(2) the budget of the Department aligns with  
5 priorities specified in the information technology  
6 strategic plan;

7           “(3) unnecessary duplicative, legacy, and out-  
8 dated information technology within and across the  
9 Department will be identified and eliminated;

10           “(4) the Chief Information Officer will coordi-  
11 nate with components of the Department to ensure  
12 that information technology policies are effectively  
13 and efficiently implemented across the Department;

14           “(5) a list of information technology projects,  
15 including completion dates, will be made available to  
16 the public and Congress;

17           “(6) the Chief Information Officer will inform  
18 Congress of high risk projects and cybersecurity  
19 risks; and

20           “(7) the Chief Information Officer plans to  
21 maximize the use and purchase of commercial off-  
22 the-shelf information technology products and serv-  
23 ices.”.

1 **SEC. 203. SOFTWARE LICENSING.**

2 (a) IN GENERAL.—Section 703 of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 343), as amended by section  
4 202 of this Act, is amended by adding at the end the fol-  
5 lowing:

6 “(d) SOFTWARE LICENSING.—

7 “(1) IN GENERAL.—Not later than 180 days  
8 after the date of enactment of this subsection, and  
9 every 2 years thereafter, the Chief Information Offi-  
10 cer, in consultation with Chief Information Officers  
11 of components of the Department, shall—

12 “(A) conduct a Department-wide inventory  
13 of all existing software licenses held by the De-  
14 partment, including utilized and unutilized li-  
15 censes;

16 “(B) assess the needs of the Department  
17 for software licenses for the subsequent 2 fiscal  
18 years;

19 “(C) assess the actions that could be car-  
20 ried out by the Department to achieve the  
21 greatest possible economies of scale and cost  
22 savings in the procurement of software licenses;

23 “(D) determine how the use of techno-  
24 logical advancements will impact the needs for  
25 software licenses for the subsequent 2 fiscal  
26 years;

1           “(E) establish plans and estimated costs  
2 for eliminating unutilized software licenses for  
3 the subsequent 2 fiscal years; and

4           “(F) consult with the Federal Chief Infor-  
5 mation Officer to identify best practices in the  
6 Federal government for purchasing and main-  
7 taining software licenses.

8           “(2) EXCESS SOFTWARE LICENSING.—

9           “(A) PLAN TO REDUCE SOFTWARE LI-  
10 CENSES.—If the Chief Information Officer de-  
11 termines through the inventory conducted under  
12 paragraph (1)(A) that the number of software  
13 licenses held by the Department exceed the  
14 needs of the Department as assessed under  
15 paragraph (1)(B), the Secretary, not later than  
16 90 days after the date on which the inventory  
17 is completed, shall establish a plan for bringing  
18 the number of such software licenses into bal-  
19 ance with such needs of the Department.

20           “(B) PROHIBITION ON PROCUREMENT OF  
21 EXCESS SOFTWARE LICENSES.—

22           “(i) IN GENERAL.—Except as pro-  
23 vided in clause (ii), upon completion of a  
24 plan established under paragraph (1)(A),  
25 no additional budgetary resources may be



1 obligated for the procurement of additional  
2 software licenses of the same types until  
3 such time as the needs of the Department  
4 equals or exceeds the number of used and  
5 unused licenses held by the Department.

6 “(ii) EXCEPTION.—The Chief Infor-  
7 mation Officer may authorize the purchase  
8 of additional licenses and amend the num-  
9 ber of needed licenses as necessary.

10 “(3) SUBMISSION TO CONGRESS.—The Chief  
11 Information Officer shall submit to the Committee  
12 on Homeland Security and Governmental Affairs of  
13 the Senate and the Committee on Homeland Secu-  
14 rity of the House of Representatives a copy of each  
15 inventory conducted under paragraph (1)(A), each  
16 plan established under paragraph (2)(A), and each  
17 exception exercised under paragraph (2)(B)(ii).”

18 (b) GAO REVIEW.—Not later than 1 year after the  
19 date on which the results of the first inventory are sub-  
20 mitted to Congress under subsection 703(d) of the Home-  
21 land Security Act of 2002, as added by subsection (a),  
22 the Comptroller General of the United States shall assess  
23 whether the Department complied with the requirements  
24 under paragraphs (1) and (2)(A) of such section 703(d)

1 and provide the results of the review to the congressional  
2 homeland security committees.

3 **SEC. 204. WORKFORCE STRATEGY.**

4 (a) IN GENERAL.—Section 704 of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 343) is amended—

6 (1) by striking “The Chief Human Capital Offi-  
7 cer” and inserting the following:

8 “(a) IN GENERAL.—The Chief Human Capital Offi-  
9 cer”; and

10 (2) by adding at the end the following:

11 “(b) COMPONENT STRATEGIES.—

12 “(1) IN GENERAL.—Each component of the De-  
13 partment shall, in coordination with the Chief  
14 Human Capital Officer of the Department, develop  
15 a 5-year workforce strategy for the component that  
16 will support the goals, objectives, and performance  
17 measures of the Department for determining the  
18 proper balance of Federal employees and private  
19 labor resources.

20 “(2) STRATEGY REQUIREMENTS.—In devel-  
21 oping the strategy required under paragraph (1),  
22 each component shall consider the effect on human  
23 resources associated with creating additional Federal  
24 full-time equivalent positions, converting private con-

1 tractors to Federal employees, or relying on the pri-  
2 vate sector for goods and services, including—

3 “(A) hiring projections, including occupa-  
4 tion and grade level, as well as corresponding  
5 salaries, benefits, and hiring or retention bo-  
6 nuses;

7 “(B) the identification of critical skills re-  
8 quirements over the 5-year period, any current  
9 or anticipated deficiency in critical skills re-  
10 quired at the Department, and the training or  
11 other measures required to address those defi-  
12 ciencies in skills;

13 “(C) recruitment of qualified candidates  
14 and retention of qualified employees;

15 “(D) supervisory and management require-  
16 ments;

17 “(E) travel and related personnel support  
18 costs;

19 “(F) the anticipated cost and impact on  
20 mission performance associated with replacing  
21 Federal personnel due to their retirement or  
22 other attrition; and

23 “(G) other appropriate factors.

24 “(c) ANNUAL SUBMISSION.—Not later than 90 days  
25 after the date on which the Secretary submits the annual

1 budget justification for the Department, the Secretary  
2 shall submit to the congressional homeland security com-  
3 mittees a report that includes a table, delineated by com-  
4 ponent with actual and enacted amounts, including—

5           “(1) information on the progress within the De-  
6           partment of fulfilling the workforce strategies devel-  
7           oped under subsection (b); and

8           “(2) the number of on-board staffing for Fed-  
9           eral employees from the prior fiscal year;

10           “(3) the total contract hours submitted by each  
11           prime contractor as part of the service contract in-  
12           ventory required under section 743 of the Financial  
13           Services and General Government Appropriations  
14           Act, 2010 (division C of Public Law 111–117; 31  
15           U.S.C. 501 note) with respect to—

16                   “(A) support service contracts;

17                   “(B) federally funded research and devel-  
18           opment center contracts; and

19                   “(C) science, engineering, technical, and  
20           administrative contracts; and

21           “(4) the number of full-time equivalent per-  
22           sonnel identified under the Intergovernmental Per-  
23           sonnel Act of 1970 (42 U.S.C. 4701 et seq.).”.

1 **SEC. 205. WHISTLEBLOWER PROTECTIONS.**

2 (a) IN GENERAL.—Section 883 of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 463) is amended to read  
4 as follows:

5 **“SEC. 883. WHISTLEBLOWER PROTECTIONS.**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘new employee’ means an indi-  
8 vidual—

9 “(A) appointed to a position as an em-  
10 ployee of the Department on or after the date  
11 of enactment of the DHS Accountability Act of  
12 2016; and

13 “(B) who has not previously served as an  
14 employee of the Department;

15 “(2) the term ‘prohibited personnel action’  
16 means taking or failing to take an action in violation  
17 of paragraph (8) or (9) of section 2302(b) of title  
18 5, United States Code, against an employee of the  
19 Department;

20 “(3) the term ‘supervisor’ means a supervisor,  
21 as defined under section 7103(a) of title 5, United  
22 States Code, who is employed by the Department;  
23 and

24 “(4) the term ‘whistleblower protections’ means  
25 the protections against and remedies for a prohibited  
26 personnel practice described in paragraph (8) or

1 subparagraph (A)(i), (B), (C), or (D) of paragraph  
2 (9) of section 2302(b) of title 5, United States Code.

3 “(b) ADVERSE ACTIONS.—

4 “(1) PROPOSED ADVERSE ACTIONS.—In accord-  
5 ance with paragraph (2), the Secretary shall propose  
6 against a supervisor whom the Secretary, an admin-  
7 istrative law judge, the Merit Systems Protection  
8 Board, the Office of Special Counsel, an adjudi-  
9 cating body provided under a union contract, a Fed-  
10 eral judge, or the Inspector General of the Depart-  
11 ment determines committed a prohibited personnel  
12 action the following adverse actions:

13 “(A) With respect to the first prohibited  
14 personnel action, an adverse action that is not  
15 less than a 12-day suspension.

16 “(B) With respect to the second prohibited  
17 personnel action, removal.

18 “(2) PROCEDURES.—

19 “(A) NOTICE.—A supervisor against whom  
20 an adverse action under paragraph (1) is pro-  
21 posed is entitled to written notice.

22 “(B) ANSWER AND EVIDENCE.—

23 “(i) IN GENERAL.—A supervisor who  
24 is notified under subparagraph (A) that  
25 the supervisor is the subject of a proposed

1 adverse action under paragraph (1) is enti-  
2 tled to 14 days following such notification  
3 to answer and furnish evidence in support  
4 of the answer.

5 “(ii) NO EVIDENCE.—After the end of  
6 the 14-day period described in clause (i), if  
7 a supervisor does not furnish evidence as  
8 described in clause (i) or if the Secretary  
9 determines that such evidence is not suffi-  
10 cient to reverse the proposed adverse ac-  
11 tion, the Secretary shall carry out the ad-  
12 verse action.

13 “(C) SCOPE OF PROCEDURES.—Para-  
14 graphs (1) and (2) of subsection (b) and sub-  
15 section (c) of section 7513 of title 5, United  
16 States Code, and paragraphs (1) and (2) of  
17 subsection (b) and subsection (c) of section  
18 7543 of title 5, United States Code, shall not  
19 apply with respect to an adverse action carried  
20 out under this subsection.

21 “(3) LIMITATION ON OTHER ADVERSE AC-  
22 TIONS.—With respect to a prohibited personnel ac-  
23 tion, if the Secretary carries out an adverse action  
24 against a supervisor under another provision of law,  
25 the Secretary may carry out an additional adverse

1 action under this subsection based on the same pro-  
2 hibited personnel action.

3 “(c) TRAINING FOR SUPERVISORS.—In consultation  
4 with the Special Counsel and the Inspector General of the  
5 Department, the Secretary shall provide training regard-  
6 ing how to respond to complaints alleging a violation of  
7 whistleblower protections available to employees of the De-  
8 partment—

9 “(1) to employees appointed to supervisory po-  
10 sitions in the Department who have not previously  
11 served as a supervisor; and

12 “(2) on an annual basis, to all employees of the  
13 Department serving in a supervisory position.

14 “(d) INFORMATION ON WHISTLEBLOWER PROTEC-  
15 TIONS.—

16 “(1) RESPONSIBILITIES OF SECRETARY.—The  
17 Secretary shall be responsible for—

18 “(A) the prevention of prohibited personnel  
19 practices;

20 “(B) the compliance with and enforcement  
21 of applicable civil service laws, rules, and regu-  
22 lations and other aspects of personnel manage-  
23 ment; and

24 “(C) ensuring (in consultation with the  
25 Special Counsel and the Inspector General of



1 the Department) that employees of the Depart-  
2 ment are informed of the rights and remedies  
3 available to them under chapters 12 and 23 of  
4 title 5, United States Code, including—

5 “(i) information regarding whistle-  
6 blower protections available to new employ-  
7 ees during the probationary period;

8 “(ii) the role of the Office of Special  
9 Counsel and the Merit Systems Protection  
10 Board with regard to whistleblower protec-  
11 tions; and

12 “(iii) how to make a lawful disclosure  
13 of information that is specifically required  
14 by law or Executive order to be kept classi-  
15 fied in the interest of national defense or  
16 the conduct of foreign affairs to the Spe-  
17 cial Counsel, the Inspector General of the  
18 Department, Congress, or other Depart-  
19 ment employee designated to receive such  
20 disclosures.

21 “(2) TIMING.—The Secretary shall ensure that  
22 the information required to be provided under para-  
23 graph (1) is provided to each new employee of the  
24 Department not later than 6 months after the date  
25 the new employee is appointed.

1           “(3) INFORMATION ONLINE.—The Secretary  
2 shall make available information regarding whistle-  
3 blower protections applicable to employees of the De-  
4 partment on the public website of the Department,  
5 and on any online portal that is made available only  
6 to employees of the Department.

7           “(4) DELEGEEES.—Any employee to whom the  
8 Secretary delegates authority for personnel manage-  
9 ment, or for any aspect thereof, shall, within the  
10 limits of the scope of the delegation, be responsible  
11 for the activities described in paragraph (1).

12          “(e) RULES OF CONSTRUCTION.—Nothing in this  
13 section shall be construed to exempt the Department from  
14 requirements applicable with respect to executive agen-  
15 cies—

16           “(1) to provide equal employment protection for  
17 employees of the Department (including pursuant to  
18 section 2302(b)(1) of title 5, United States Code,  
19 and the Notification and Federal Employee Anti-  
20 discrimination and Retaliation Act of 2002 (5  
21 U.S.C. 2301 note)); or

22           “(2) to provide whistleblower protections for  
23 employees of the Department (including pursuant to  
24 paragraphs (8) and (9) of section 2302(b) of title 5,  
25 United States Code, and the Notification and Fed-

1       eral Employee Antidiscrimination and Retaliation  
2       Act of 2002 (5 U.S.C. 2301 note)).”.

3       (b) TECHNICAL AND CONFORMING AMENDMENT.—

4       The table of contents in section 1(b) of the Homeland Se-  
5       curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
6       as amended by this Act, is amended by striking the item  
7       relating to section 883 and inserting the following:

      “Sec. 883. Whistleblower protections.”.

8       **SEC. 206. COST SAVINGS AND EFFICIENCY REVIEWS.**

9       Not later than 2 years after the date of enactment  
10      of this Act, the Secretary, acting through the Under Sec-  
11      retary for Management, shall submit to the congressional  
12      homeland security committees a report, which may include  
13      a classified or other appropriately controlled annex con-  
14      taining any information required to be submitted under  
15      this section that is restricted from public disclosure in ac-  
16      cordance with Federal law, including information that is  
17      not publicly releasable, that—

18           (1) provides a detailed accounting of the man-  
19           agement and administrative expenditures and activi-  
20           ties of each component of the Department and iden-  
21           tifies potential cost savings, avoidances, and effi-  
22           ciencies for those expenditures and activities;

23           (2) examines major physical assets of the De-  
24           partment, as defined by the Secretary;

1           (3) reviews the size, experience level, and geo-  
2           graphic distribution of the operational personnel of  
3           the Department; and

4           (4) makes recommendations for adjustments in  
5           the management and administration of the Depart-  
6           ment that would reduce deficiencies in the capabili-  
7           ties of the Department, reduce costs, and enhance  
8           efficiencies.

9   **SEC. 207. ABOLISHMENT OF CERTAIN OFFICES.**

10          (a) **ABOLISHMENT OF THE DIRECTOR OF SHARED**  
11 **SERVICES.**—The position of Director of Shared Services  
12 in the Department is abolished.

13          (b) **ABOLISHMENT OF THE OFFICE OF THE DIREC-**  
14 **TOR OF COUNTERNARCOTICS ENFORCEMENT.**—

15           (1) **ABOLISHMENT.**—The Office of the Director  
16 of Counternarcotics Enforcement in the Department  
17 is abolished.

18           (2) **TECHNICAL AND CONFORMING AMEND-**  
19 **MENT.**—Section 843(b)(1)(B) of the Homeland Se-  
20 curity Act of 2002 (6 U.S.C. 413(b)(1)(B)) is  
21 amended by striking “by—” and all that follows  
22 through the end and inserting “by the Secretary;  
23 and”.

1 **TITLE III—DEPARTMENT TRANS-**  
2 **PARENCY AND ASSESSMENTS**

3 **SEC. 301. HOMELAND SECURITY STATISTICS AND METRICS.**

4 (a) IN GENERAL.—Section 701 of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 341) is amended by striking  
6 subsection (b) and inserting the following:

7 “(b) HOMELAND SECURITY STATISTICS AND JOINT  
8 ANALYSIS.—

9 “(1) HOMELAND SECURITY STATISTICS.—The  
10 Under Secretary for Management shall—

11 “(A) establish standards of reliability and  
12 validity for statistical data collected and ana-  
13 lyzed by the Department;

14 “(B) be provided with statistical data  
15 maintained by the Department regarding the  
16 operations of the Department;

17 “(C) conduct or oversee analysis and re-  
18 porting of such data by the Department as re-  
19 quired by law or directed by the Secretary; and

20 “(D) ensure the accuracy of metrics and  
21 statistical data provided to Congress.

22 “(2) TRANSFER OF RESPONSIBILITIES.—There  
23 shall be transferred to the Under Secretary for Man-  
24 agement the maintenance of all immigration statis-  
25 tical information of U.S. Customs and Border Pro-

1       tection and U.S. Citizenship and Immigration Serv-  
2       ices, which shall include information and statistics of  
3       the type contained in the publication entitled ‘Year-  
4       book of Immigration Statistics’ prepared by the Of-  
5       fice of Immigration Statistics, including region-by-  
6       region statistics on the aggregate number of applica-  
7       tions and petitions filed by an alien (or filed on be-  
8       half of an alien) and denied, and the reasons for  
9       such denials, disaggregated by category of denial  
10      and application or petition type.”.

11      (b) IMMIGRATION FUNCTIONS.—Section 478(a) of  
12 the Homeland Security Act of 2002 (6 U.S.C. 298(a)) is  
13 amended—

14           (1) in paragraph (1), by striking “to the Com-  
15       mittees on the Judiciary and Government Reform of  
16       the House of Representatives, and to the Commit-  
17       tees on the Judiciary and Government Affairs of the  
18       Senate,” and inserting “the Committee on the Judi-  
19       ciary of the Senate, the Committee on the Judiciary  
20       of the House of Representatives, and the congress-  
21       sional homeland security committees”; and

22           (2) in paragraph (2), by adding at the end the  
23       following:

24                   “(I) The number of persons known to have  
25                   overstayed the terms of their visa, by visa type.

1           “(J) An estimated percentage of persons  
2 believed to have overstayed their visa, by visa  
3 type.

4           “(K) A description of immigration enforce-  
5 ment actions.”.

6       (c) BORDER SECURITY METRICS.—

7           (1) DEFINITIONS.—In this subsection:

8           (A) APPROPRIATE CONGRESSIONAL COM-  
9 MITTEES.—The term “appropriate congress-  
10 sional committees” means—

11                   (i) the Committee on Homeland Secu-  
12 rity and Governmental Affairs of the Sen-  
13 ate;

14                   (ii) the Committee on Homeland Se-  
15 curity of the House of Representatives;

16                   (iii) the Committee on the Judiciary  
17 of the Senate; and

18                   (iv) the Committee on the Judiciary of  
19 the House of Representatives.

20           (B) CONSEQUENCE DELIVERY SYSTEM.—

21           The term “Consequence Delivery System”  
22 means the series of consequences applied by the  
23 Border Patrol to persons unlawfully entering  
24 the United States to prevent unlawful border  
25 crossing recidivism.

1 (C) GOT AWAY.—The term “got away”  
2 means an unlawful border crosser who—

3 (i) is directly or indirectly observed  
4 making an unlawful entry into the United  
5 States; and

6 (ii) is not a turn back and is not ap-  
7 prehended.

8 (D) KNOWN MIGRANT FLOW.—The term  
9 “known migrant flow” means the sum of the  
10 number of undocumented migrants—

11 (i) interdicted at sea;

12 (ii) identified at sea, but not inter-  
13 dicted;

14 (iii) that successfully entered the  
15 United States through the maritime bor-  
16 der; or

17 (iv) not described in clause (i), (ii), or  
18 (iii), which were otherwise reported, with a  
19 significant degree of certainty, as having  
20 entered, or attempted to enter, the United  
21 States through the maritime border.

22 (E) MAJOR VIOLATOR.—The term “major  
23 violator” means a person or entity that has en-  
24 gaged in serious criminal activities at any land,  
25 air, or sea port of entry, including—



- 1 (i) possession of illicit drugs;
- 2 (ii) smuggling of prohibited products;
- 3 (iii) human smuggling;
- 4 (iv) weapons possession;
- 5 (v) use of fraudulent United States
- 6 documents; or
- 7 (vi) other offenses that are serious
- 8 enough to result in arrest.

9 (F) SITUATIONAL AWARENESS.—The term  
10 “situational awareness” means knowledge and  
11 unified understanding of current unlawful  
12 cross-border activity, including—

- 13 (i) threats and trends concerning il-
- 14 licit trafficking and unlawful crossings;
- 15 (ii) the ability to forecast future shifts
- 16 in such threats and trends;
- 17 (iii) the ability to evaluate such
- 18 threats and trends at a level sufficient to
- 19 create actionable plans; and
- 20 (iv) the operational capability to con-
- 21 duct persistent and integrated surveillance
- 22 of the international borders of the United
- 23 States.

24 (G) TRANSIT ZONE.—The term “transit  
25 zone” means the sea corridors of the western

1 Atlantic Ocean, the Gulf of Mexico, the Carib-  
2 bean Sea, and the eastern Pacific Ocean  
3 through which undocumented migrants and il-  
4 licit drugs transit, either directly or indirectly,  
5 to the United States.

6 (H) TURN BACK.—The term “turn back”  
7 means an unlawful border crosser who, after  
8 making an unlawful entry into the United  
9 States, promptly returns to the country from  
10 which such crosser entered.

11 (I) UNLAWFUL BORDER CROSSING EFFEC-  
12 TIVENESS RATE.—The term “unlawful border  
13 crossing effectiveness rate” means the percent-  
14 age that results from dividing—

15 (i) the number of apprehensions and  
16 turn backs; and

17 (ii) the number of apprehensions, esti-  
18 mated unlawful entries, turn backs, and  
19 got aways.

20 (J) UNLAWFUL ENTRY.—The term “un-  
21 lawful entry” means an unlawful border crosser  
22 who enters the United States and is not appre-  
23 hended by a border security component of the  
24 Department.

1           (2) METRICS FOR SECURING THE BORDER BE-  
2           TWEEN PORTS OF ENTRY.—

3           (A) IN GENERAL.—Not later than 120  
4           days after the date of enactment of this Act,  
5           the Secretary shall develop metrics, informed by  
6           situational awareness, to measure the effective-  
7           ness of security between ports of entry. The  
8           Secretary shall annually implement the metrics  
9           developed under this subsection, which shall in-  
10          clude—

11                   (i) estimates, using alternative meth-  
12                   odologies, including recidivism data, survey  
13                   data, known-flow data, and technologically  
14                   measured data, of—

15                           (I) total attempted unlawful bor-  
16                           der crossings;

17                           (II) the rate of apprehension of  
18                           attempted unlawful border crossers;  
19                           and

20                           (III) the number of unlawful en-  
21                           tries;

22                   (ii) a situational awareness achieve-  
23                   ment metric, which measures situational  
24                   awareness achieved in each Border Patrol  
25                   sector;

1 (iii) an unlawful border crossing effec-  
2 tiveness rate;

3 (iv) a probability of detection, which  
4 compares the estimated total unlawful bor-  
5 der crossing attempts not detected by the  
6 Border Patrol to the unlawful border  
7 crossing effectiveness rate, as informed by  
8 clause (i);

9 (v) an illicit drugs seizure rate for  
10 drugs seized by the Border Patrol, which  
11 compares the ratio of the amount and type  
12 of illicit drugs seized by the Border Patrol  
13 in any fiscal year to the average of the  
14 amount and type of illicit drugs seized by  
15 the Border Patrol in the immediately pre-  
16 ceding 5 fiscal years;

17 (vi) a weight-to-frequency rate, which  
18 compares the average weight of marijuana  
19 seized per seizure by the Border Patrol in  
20 any fiscal year to such weight-to-frequency  
21 rate for the immediately preceding 5 fiscal  
22 years;

23 (vii) estimates of the impact of the  
24 Consequence Delivery System on the rate

1 of recidivism of unlawful border crossers  
2 over multiple fiscal years; and

3 (viii) an examination of each con-  
4 sequence referred to in clause (vii), includ-  
5 ing—

6 (I) voluntary return;

7 (II) warrant of arrest or notice to  
8 appear;

9 (III) expedited removal;

10 (IV) reinstatement of removal;

11 (V) alien transfer exit program;

12 (VI) Operation Streamline;

13 (VII) standard prosecution; and

14 (VIII) Operation Against Smug-  
15 glers Initiative on Safety and Secu-  
16 rity.

17 (B) METRICS CONSULTATION.—In devel-  
18 oping the metrics required under subparagraph  
19 (A), the Secretary shall—

20 (i) consult with the appropriate com-  
21 ponents of the Department; and

22 (ii) as appropriate, work with other  
23 agencies, including the Office of Refugee  
24 Resettlement of the Department of Health  
25 and Human Services and the Executive Of-

1            fice for Immigration Review of the Depart-  
2            ment of Justice, to ensure that authori-  
3            tative data sources are utilized.

4            (C) MANNER OF COLLECTION.—The data  
5            used by the Secretary shall be collected and re-  
6            ported in a consistent and standardized manner  
7            across all Border Patrol sectors, informed by  
8            situational awareness.

9            (3) METRICS FOR SECURING THE BORDER AT  
10          PORTS OF ENTRY.—

11            (A) IN GENERAL.—Not later than 120  
12            days after the date of enactment of this Act,  
13            the Secretary shall develop metrics, informed by  
14            situational awareness, to measure the effective-  
15            ness of security at ports of entry. The Secretary  
16            shall annually implement the metrics developed  
17            under this subsection, which shall include—

18            (i) estimates, using alternative meth-  
19            odologies, including survey data and ran-  
20            domized secondary screening data, of—

21            (I) total attempted inadmissible  
22            border crossings;

23            (II) the rate of apprehension of  
24            attempted inadmissible border cross-  
25            ings; and

1 (III) the number of unlawful en-  
2 tries;

3 (ii) the amount and type of illicit  
4 drugs seized by the Office of Field Oper-  
5 ations of U.S. Customs and Border Protec-  
6 tion at United States land, air, and sea  
7 ports during the previous fiscal year;

8 (iii) an illicit drugs seizure rate for  
9 drugs seized by the Office of Field Oper-  
10 ations, which compares the ratio of the  
11 amount and type of illicit drugs seized by  
12 the Office of Field Operations in any fiscal  
13 year to the average of the amount and type  
14 of illicit drugs seized by the Office of Field  
15 Operations in the immediately preceding 5  
16 fiscal years;

17 (iv) in consultation with the Office of  
18 National Drug Control Policy and the  
19 United States Southern Command, a co-  
20 caine seizure effectiveness rate, which is  
21 the percentage resulting from dividing—

22 (I) the amount of cocaine seized  
23 by the Office of Field Operations; and

1 (II) the total estimated cocaine  
2 flow rate at ports of entry along the  
3 land border;

4 (v) the number of infractions related  
5 to travelers and cargo committed by major  
6 violators who are apprehended by the Of-  
7 fice of Field Operations at ports of entry,  
8 and the estimated number of such infrac-  
9 tions committed by major violators who are  
10 not apprehended;

11 (vi) a measurement of how border se-  
12 curity operations affect crossing times, in-  
13 cluding—

14 (I) a wait time ratio that com-  
15 pares the average wait times to total  
16 commercial and private vehicular traf-  
17 fic volumes at each port of entry;

18 (II) an infrastructure capacity  
19 utilization rate that measures traffic  
20 volume against the physical and staff-  
21 ing capacity at each port of entry;

22 (III) a secondary examination  
23 rate that measures the frequency of  
24 secondary examinations at each port  
25 of entry; and



1 (IV) an enforcement rate that  
2 measures the effectiveness of sec-  
3 ondary examinations at detecting  
4 major violators; and

5 (vii) a cargo scanning rate that in-  
6 cludes—

7 (I) a comparison of the number  
8 of high-risk cargo containers scanned  
9 by the Office of Field Operations at  
10 each United States seaport during the  
11 fiscal year to the total number of  
12 high-risk cargo containers entering  
13 the United States at each seaport  
14 during the previous fiscal year;

15 (II) the percentage of all cargo  
16 that is considered “high-risk” cargo;  
17 and

18 (III) the percentage of high-risk  
19 cargo scanned—

20 (aa) upon arrival at a  
21 United States seaport before en-  
22 tering United States commerce;  
23 and

1 (bb) before being laden on a  
2 vessel destined for the United  
3 States.

4 (B) METRICS CONSULTATION.—In devel-  
5 oping the metrics required under subparagraph  
6 (A), the Secretary shall—

7 (i) consult with the appropriate com-  
8 ponents of the Department; and

9 (ii) as appropriate, work with other  
10 agencies, including the Office of Refugee  
11 Resettlement of the Department of Health  
12 and Human Services and the Executive Of-  
13 fice for Immigration Review of the Depart-  
14 ment of Justice, to ensure that authori-  
15 tative data sources are utilized.

16 (C) MANNER OF COLLECTION.—The data  
17 used by the Secretary shall be collected and re-  
18 ported in a consistent and standardized manner  
19 across all field offices, informed by situational  
20 awareness.

21 (4) METRICS FOR SECURING THE MARITIME  
22 BORDER.—

23 (A) IN GENERAL.—Not later than 120  
24 days after the date of enactment of this Act,  
25 the Secretary shall develop metrics, informed by

1 situational awareness, to measure the effective-  
2 ness of security in the maritime environment.  
3 The Secretary shall annually implement the  
4 metrics developed under this subsection, which  
5 shall include—

6 (i) situational awareness achieved in  
7 the maritime environment;

8 (ii) an undocumented migrant inter-  
9 diction rate, which compares the migrants  
10 interdicted at sea to the total known mi-  
11 grant flow;

12 (iii) an illicit drugs removal rate, for  
13 drugs removed inside and outside of a  
14 transit zone, which compares the amount  
15 and type of illicit drugs removed, including  
16 drugs abandoned at sea, by the Depart-  
17 ment's maritime security components in  
18 any fiscal year to the average of the  
19 amount and type of illicit drugs removed  
20 by the Department's maritime components  
21 for the immediately preceding 5 fiscal  
22 years;

23 (iv) in consultation with the Office of  
24 National Drug Control Policy and the  
25 United States Southern Command, a co-

1 cocaine removal effectiveness rate, for co-  
2 caine removed inside a transit zone and  
3 outside a transit zone; which compares the  
4 amount of cocaine removed by the Depart-  
5 ment's maritime security components by  
6 the total documented cocaine flow rate, as  
7 contained in Federal drug databases;

8 (v) a response rate, which compares  
9 the ability of the maritime security compo-  
10 nents of the Department to respond to and  
11 resolve known maritime threats, whether  
12 inside and outside a transit zone, by plac-  
13 ing assets on-scene, to the total number of  
14 events with respect to which the Depart-  
15 ment has known threat information; and

16 (vi) an intergovernmental response  
17 rate, which compares the ability of the  
18 maritime security components of the De-  
19 partment or other United States Govern-  
20 ment entities to respond to and resolve ac-  
21 tionable maritime threats, whether inside  
22 or outside the Western Hemisphere transit  
23 zone, by targeting maritime threats in  
24 order to detect them, and of those threats

1 detected, the total number of maritime  
2 threats interdicted or disrupted.

3 (B) METRICS CONSULTATION.—In devel-  
4 oping the metrics required under subparagraph  
5 (A), the Secretary shall—

6 (i) consult with the appropriate com-  
7 ponents of the Department; and

8 (ii) as appropriate, work with other  
9 agencies, including the Drug Enforcement  
10 Agency, the Department of Defense, and  
11 the Department of Justice, to ensure that  
12 authoritative data sources are utilized.

13 (C) MANNER OF COLLECTION.—The data  
14 used by the Secretary shall be collected and re-  
15 ported in a consistent and standardized man-  
16 ner, informed by situational awareness.

17 (5) AIR AND MARINE SECURITY METRICS IN  
18 THE LAND DOMAIN.—

19 (A) IN GENERAL.—Not later than 120  
20 days after the date of enactment of this Act,  
21 the Secretary shall develop metrics, informed by  
22 situational awareness, to measure the effective-  
23 ness of the aviation assets and operations of the  
24 Office of Air and Marine of U.S. Customs and  
25 Border Enforcement. The Secretary shall annu-

1           ally implement the metrics developed under this  
2           subsection, which shall include—

3                   (i) an effectiveness rate, which com-  
4                   pares Office of Air and Marine flight hours  
5                   requirements to the number of flight hours  
6                   flown by such Office;

7                   (ii) a funded flight hour effectiveness  
8                   rate, which compares the number of fund-  
9                   ed flight hours appropriated to the Office  
10                  of Air and Marine to the number of actual  
11                  flight hours flown by such Office;

12                  (iii) a readiness rate, which compares  
13                  the number of aviation missions flown by  
14                  the Office of Air and Marine to the num-  
15                  ber of aviation missions cancelled by such  
16                  Office due to maintenance, operations, or  
17                  other causes;

18                  (iv) the number of missions cancelled  
19                  by such Office due to weather compared to  
20                  the total planned missions;

21                  (v) the number of subjects detected by  
22                  the Office of Air and Marine through the  
23                  use of unmanned aerial systems and  
24                  manned aircrafts;

1 (vi) the number of apprehensions as-  
2 sisted by the Office of Air and Marine  
3 through the use of unmanned aerial sys-  
4 tems and manned aircrafts;

5 (vii) the number and quantity of illicit  
6 drug seizures assisted by the Office of Air  
7 and Marine through the use of unmanned  
8 aerial systems and manned aircrafts; and

9 (viii) the number of times that usable  
10 intelligence related to border security was  
11 obtained through the use of unmanned aer-  
12 ial systems and manned aircraft.

13 (B) METRICS CONSULTATION.—In devel-  
14 oping the metrics required under subparagraph  
15 (A), the Secretary shall—

16 (i) consult with the appropriate com-  
17 ponents of the Department; and

18 (ii) as appropriate, work with other  
19 agencies, including the Department of Jus-  
20 tice, to ensure that authoritative data  
21 sources are utilized.

22 (C) MANNER OF COLLECTION.—The data  
23 used by the Secretary shall be collected and re-  
24 ported in a consistent and standardized man-  
25 ner, informed by situational awareness.

1 (d) DATA TRANSPARENCY.—The Secretary shall—

2 (1) in accordance with applicable privacy laws,  
3 make data related to apprehensions, inadmissible  
4 aliens, drug seizures, and other enforcement actions  
5 available to the public, academic research, and law  
6 enforcement communities; and

7 (2) provide the Office of Immigration Statistics  
8 of the Department with unfettered access to the  
9 data described in paragraph (1).

10 (e) EVALUATION BY THE GOVERNMENT ACCOUNT-  
11 ABILITY OFFICE AND THE SECRETARY OF HOMELAND  
12 SECURITY.—

13 (1) METRICS REPORT.—

14 (A) MANDATORY DISCLOSURES.—The Sec-  
15 retary shall submit an annual report containing  
16 the metrics required under paragraphs (2)  
17 through (5) of subsection (c) and the data and  
18 methodology used to develop such metrics to—

19 (i) the appropriate congressional com-  
20 mittees; and

21 (ii) the Comptroller General of the  
22 United States.

23 (B) PERMISSIBLE DISCLOSURES.—The  
24 Secretary, for the purpose of validation and



1 verification, may submit the annual report de-  
2 scribed in subparagraph (A) to—

3 (i) the National Center for Border Se-  
4 curity and Immigration;

5 (ii) the head of a national laboratory  
6 within the Department laboratory network  
7 with prior expertise in border security; and

8 (C) a Federally Funded Research and De-  
9 velopment Center sponsored by the Depart-  
10 ment.

11 (2) GAO REPORT.—Not later than 270 days  
12 after receiving the first report under paragraph  
13 (1)(A), and biennially thereafter for the following 10  
14 years, the Comptroller General of the United States,  
15 shall submit a report to the appropriate congress-  
16 sional committees that—

17 (A) analyzes the suitability and statistical  
18 validity of the data and methodology contained  
19 in such report; and

20 (B) includes recommendations to Congress  
21 on—

22 (i) the feasibility of other suitable  
23 metrics that may be used to measure the  
24 effectiveness of border security; and

1                   (ii) improvements that need to be  
2                   made to the metrics being used to measure  
3                   the effectiveness of border security.

4                   (3) STATE OF THE BORDER REPORT.—Not  
5                   later than 60 days after the end of each fiscal year  
6                   through fiscal year 2025, the Secretary shall submit  
7                   a “State of the Border” report to the appropriate  
8                   congressional committees that—

9                   (A) provides trends for each metric under  
10                  paragraphs (2) through (5) of subsection (c) for  
11                  the last 10 years, to the extent possible;

12                  (B) provides selected analysis into related  
13                  aspects of illegal flow rates, including legal  
14                  flows and stock estimation techniques; and

15                  (C) includes any other information that the  
16                  Secretary determines appropriate.

17                  (4) METRICS UPDATE.—

18                  (A) IN GENERAL.—After submitting the  
19                  final report to the Comptroller General under  
20                  paragraph (1), the Secretary may reevaluate  
21                  and update any of the metrics required under  
22                  paragraphs (2) through (5) of subsection (c) to  
23                  ensure that such metrics—

24                         (i) meet the Department’s perform-  
25                         ance management needs; and

1 (ii) are suitable to measure the effec-  
2 tiveness of border security.

3 (B) CONGRESSIONAL NOTIFICATION.—Not  
4 later than 30 days before updating the metrics  
5 under subparagraph (A), the Secretary shall no-  
6 tify the appropriate congressional committees of  
7 such updates.

8 **SEC. 302. ANNUAL HOMELAND SECURITY ASSESSMENT.**

9 (a) IN GENERAL.—Title II of the Homeland Security  
10 Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding  
11 at the end the following:

12 **“SEC. 210G. ANNUAL HOMELAND SECURITY ASSESSMENT.**

13 **“(a) DEPARTMENT ANNUAL ASSESSMENT.—**

14 **“(1) IN GENERAL.—**Not later than March 31 of  
15 each year beginning in the year after the date of en-  
16 actment of this section, and each year thereafter for  
17 7 years, the Under Secretary for Intelligence and  
18 Analysis shall prepare and submit to the congres-  
19 sional homeland security committees a report assess-  
20 ing the current threats to homeland security and ca-  
21 pability gaps in homeland security defenses to ad-  
22 dress such threats.

23 **“(2) FORM OF REPORT.—**In carrying out para-  
24 graph (1), the Under Secretary for Intelligence and

1 Analysis shall submit an unclassified report, and as  
2 necessary, a classified annex.

3 “(b) OFFICE OF INSPECTOR GENERAL ANNUAL AS-  
4 SESSMENT.—Not later than 90 days after the date on  
5 which a report required under subsection (a) is submitted  
6 to the congressional homeland security committees, the In-  
7 spector General of the Department shall prepare and sub-  
8 mit to the congressional homeland security committees a  
9 report, which shall include an assessment of the capability  
10 gaps in homeland security defenses and recommendations  
11 for actions to mitigate those gaps.

12 “(c) MITIGATION PLAN.—Not later than 90 days  
13 after the date on which a report required under subsection  
14 (b) is submitted to the congressional homeland security  
15 committees, the Secretary shall submit to the congres-  
16 sional homeland security committees a plan to mitigate the  
17 threats to homeland security and vulnerabilities in home-  
18 land security defenses identified in those reports.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
20 The table of contents in section 1(b) of the Homeland Se-  
21 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
22 as amended by this Act, is amended by inserting after the  
23 item relating to section 210F the following:

“Sec. 210G. Annual homeland security assessment.”.

1 **SEC. 303. DEPARTMENT TRANSPARENCY.**

2 (a) FEASIBILITY STUDY.—The Administrator of the  
3 Federal Emergency Management Agency shall initiate a  
4 study to determine the feasibility of gathering data and  
5 providing information to Congress on the use of Federal  
6 grant awards, for expenditures of more than \$5,000, by  
7 entities that receive a Federal grant award under the  
8 Urban Area Security Initiative and the State Homeland  
9 Security Grant Program under sections 2003 and 2004  
10 of the Homeland Security Act of 2002 (6 U.S.C. 604 and  
11 605), respectively.

12 (b) REPORT.—Not later than 1 year after the date  
13 of enactment of this Act, the Administrator of the Federal  
14 Emergency Management Agency shall submit to the con-  
15 gressional homeland security committee a report on the  
16 results of the study required under subsection (a).

17 **SEC. 304. TRANSPARENCY IN RESEARCH AND DEVELOP-**  
18 **MENT.**

19 (a) IN GENERAL.—Title III of the Homeland Secu-  
20 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
21 adding at the end the following:

22 **“SEC. 319. TRANSPARENCY IN RESEARCH AND DEVELOP-**  
23 **MENT.**

24 **“(a) REQUIREMENT TO PUBLICLY LIST UNCLASSI-**  
25 **FIED RESEARCH & DEVELOPMENT PROGRAMS.—**

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), the Secretary shall maintain a detailed  
3           list, accessible on the website of the Department,  
4           of—

5                   “(A) each research and development  
6                   project that is not classified, and all appro-  
7                   priate details for each such project;

8                   “(B) each task order for a Federally  
9                   Funded Research and Development Center not  
10                  associated with a research and development  
11                  project; and

12                  “(C) each task order for a University-  
13                  based center of excellence not associated with a  
14                  research and development project.

15           “(2) EXCEPTIONS.—

16                   “(A) OPERATIONAL SECURITY.—The Sec-  
17                   retary, or a designee of the Secretary with the  
18                   rank of Assistant Secretary or above, may ex-  
19                   clude a project from the list required under  
20                   paragraph (1) if the Secretary or such designee  
21                   provides to the appropriate congressional com-  
22                   mittees—

23                           “(i) the information that would other-  
24                           wise be required to be publicly posted  
25                           under paragraph (1); and

1 “(ii) a written certification that—

2 “(I) the information that would  
3 otherwise be required to be publicly  
4 posted under paragraph (1) is con-  
5 trolled unclassified information, the  
6 public dissemination of which would  
7 jeopardize operational security; and

8 “(II) the publicly posted list  
9 under paragraph (1) includes as much  
10 information about the program as is  
11 feasible without jeopardizing oper-  
12 ational security.

13 “(B) COMPLETED PROJECTS.—Paragraph  
14 (1) shall not apply to a project completed or  
15 otherwise terminated before the date of enact-  
16 ment of this section.

17 “(3) DEADLINE AND UPDATES.—The list re-  
18 quired under paragraph (1) shall be—

19 “(A) made publicly accessible on the  
20 website of the Department not later than 1 year  
21 after the date of enactment of this section; and

22 “(B) updated as frequently as possible, but  
23 not less frequently than once per quarter.

24 “(b) REQUIREMENT TO REPORT TO CONGRESS ON  
25 CLASSIFIED PROJECTS.—Not later than January 1, 2017,

1 and annually thereafter, the Secretary shall submit to the  
2 appropriate congressional committees a report that lists  
3 each ongoing classified project at the Department, includ-  
4 ing all appropriate details of each such project.

5 “(c) INDICATORS OF SUCCESS OF TRANSITIONED  
6 PROJECTS.—

7 “(1) IN GENERAL.—For each project that has  
8 been transitioned from research and development to  
9 practice, the Under Secretary of Science and Tech-  
10 nology shall develop and track indicators to dem-  
11 onstrate the uptake of the technology or project  
12 among customers or end-users.

13 “(2) REQUIREMENT.—To the fullest extent pos-  
14 sible, the tracking of a project required under para-  
15 graph (1) shall continue for the 3-year period begin-  
16 ning on the date on which the project was  
17 transitioned from research and development to prac-  
18 tice.

19 “(3) INDICATORS.—The indicators developed  
20 and tracked under this subsection shall be included  
21 in the list required under subsection (a).

22 “(d) DEFINITIONS.—In this section:

23 “(1) ALL APPROPRIATE DETAILS.—The term  
24 ‘all appropriate details’ means—



1           “(A) the name of the project, including  
2 both classified and unclassified names if appli-  
3 cable;

4           “(B) the name of the component carrying  
5 out the project;

6           “(C) an abstract or summary of the  
7 project;

8           “(D) funding levels for the project;

9           “(E) project duration or timeline;

10          “(F) the name of each contractor, grantee,  
11 or cooperative agreement partner involved in  
12 the project;

13          “(G) expected objectives and milestones for  
14 the project; and

15          “(H) to the maximum extent practicable,  
16 relevant literature and patents that are associ-  
17 ated with the project.

18          “(2) APPROPRIATE CONGRESSIONAL COMMIT-  
19 TEES.—The term ‘appropriate congressional com-  
20 mittees’ means—

21           “(A) the Committee on Homeland Security  
22 and Governmental Affairs of the Senate;

23           “(B) the Committee on Homeland Security  
24 of the House of Representatives; and

1           “(C) the Committee on Oversight and Gov-  
2           ernment Reform of House of Representatives.

3           “(3) CLASSIFIED.—The term ‘classified’ means  
4           anything containing—

5           “(A) classified national security informa-  
6           tion as defined in section 6.1 of Executive  
7           Order 13526 (50 U.S.C. 3161 note) or any suc-  
8           cessor order;

9           “(B) Restricted Data or data that was for-  
10          merly Restricted Data, as defined in section  
11          11y. of the Atomic Energy Act of 1954 (42  
12          U.S.C. 2014(y));

13          “(C) material classified at the Sensitive  
14          Compartmented Information (SCI) level as de-  
15          fined in section 309 of the Intelligence Author-  
16          ization Act for Fiscal Year 2001 (50 U.S.C.  
17          3345); or

18          “(D) information relating to a special ac-  
19          cess program, as defined in section 6.1 of Exec-  
20          utive Order 13526 (50 U.S.C. 3161 note) or  
21          any successor order.

22          “(4) CONTROLLED UNCLASSIFIED INFORMA-  
23          TION.—The term ‘controlled unclassified informa-  
24          tion’ means information described as ‘Controlled Un-

1 classified Information’ under Executive Order 13556  
2 (50 U.S.C. 3501 note) or any successor order.

3 “(5) PROJECT.—The term ‘project’ means a re-  
4 search or development project, program, or activity  
5 administered by the Department, whether ongoing,  
6 completed, or otherwise terminated.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
8 The table of contents in section 1(b) of the Homeland Se-  
9 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)  
10 is amended by inserting after the item relating to section  
11 318 the following:

“Sec. 319. Transparency in research and development.”.

12 **SEC. 305. REPORTING ON NATIONAL BIO AND AGRO-DE-**  
13 **FENSE FACILITY.**

14 (a) IN GENERAL.—Section 310 of the Homeland Se-  
15 curity Act of 2002 (6 U.S.C. 190) is amended by adding  
16 at the end the following:

17 “(e) SUCCESSOR FACILITY.—The National Bio and  
18 Agro-Defense Facility, the planned successor facility to  
19 the Plum Island Animal Disease Center as of the date of  
20 enactment of this subsection, shall be subject to the re-  
21 quirements under subsections (b), (c), and (d) in the same  
22 manner and to the same extent as the Plum Island Animal  
23 Disease Center.

24 “(f) CONSTRUCTION OF THE NATIONAL BIO AND  
25 AGRO-DEFENSE FACILITY.—

1           “(1) REPORT REQUIRED.—Not later than Sep-  
2           tember 30, 2016, and not less frequently than twice  
3           each year thereafter, the Secretary of Homeland Se-  
4           curity and the Secretary of Agriculture shall submit  
5           to the congressional homeland security committees a  
6           report on the National Bio and Agro-Defense Facil-  
7           ity that includes—

8                   “(A) a review of the status of the construc-  
9                   tion of the National Bio and Agro-Defense Fa-  
10                  cility, including—

11                           “(i) current cost and schedule esti-  
12                           mates;

13                           “(ii) any revisions to previous esti-  
14                           mates described in clause (i); and

15                           “(iii) total obligations to date;

16                   “(B) a description of activities carried out  
17                   to prepare for the transfer of research to the  
18                   facility and the activation of that research; and

19                   “(C) a description of activities that have  
20                   occurred to decommission the Plum Island Ani-  
21                   mal Disease Center.

22           “(2) SUNSET.—The reporting requirement  
23           under paragraph (1) shall terminate on the date  
24           that is 1 year after the date on which the Secretary  
25           of Homeland Security certifies to the congressional

1       homeland security committees that construction of  
2       the National Bio and Agro-Defense Facility has  
3       been completed.”.

4       (b) REVIEW.—Not later than 1 year after the date  
5       of enactment of this Act, the Comptroller General of the  
6       United States shall initiate a review of and submit to Con-  
7       gress a report on the construction and future planning of  
8       the National Bio and Agro-Defense Facility, which shall  
9       include—

10               (1) the extent to which cost and schedule esti-  
11               mates for the project conform to capital planning  
12               leading practices as determined by the Comptroller  
13               General;

14               (2) the extent to which the project’s planning,  
15               budgeting, acquisition, and proposed management in  
16               use conform to capital planning leading practices as  
17               determined by the Comptroller General; and

18               (3) the extent to which disposal of the Plum Is-  
19               land Animal Disease Center conforms to capital  
20               planning leading practices as determined by the  
21               Comptroller General.

1 **SEC. 306. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**  
2 **SION AND DEBARMENT.**

3 Not later than 3 years after the date of enactment  
4 of this Act, the Inspector General of the Department  
5 shall—

6 (1) audit the award of grants and procurement  
7 contracts to identify—

8 (A) instances in which a grant or contract  
9 was improperly awarded to a suspended or  
10 debarred entity; and

11 (B) whether corrective actions were taken  
12 following such instances to prevent recurrence;  
13 and

14 (2) review the suspension and debarment pro-  
15 gram throughout the Department to assess wheth-  
16 er—

17 (A) suspension and debarment criteria are  
18 consistently applied throughout the Depart-  
19 ment; and

20 (B) disparities exist in the application of  
21 the criteria, particularly with respect to busi-  
22 ness size and category.

23 **SEC. 307. FUTURE YEARS HOMELAND SECURITY PROGRAM.**

24 (a) IN GENERAL.—Section 874 of the Homeland Se-  
25 curity Act of 2002 (6 U.S.C. 454) is amended—

1           (1) in the section heading, by striking “**YEAR**”  
2           and inserting “**YEARS**”;

3           (2) by striking subsection (a) and inserting the  
4           following:

5           “(a) **IN GENERAL.**—Not later than 60 days after the  
6           date on which the budget of the President is submitted  
7           to Congress under section 1105(a) of title 31, United  
8           States Code, the Secretary shall submit to the Committee  
9           on Homeland Security and Governmental Affairs of the  
10          Senate and the Committee on Homeland Security of the  
11          House of Representatives (referred to in this section as  
12          the ‘appropriate committees’) a Future Years Homeland  
13          Security Program that covers the fiscal year for which the  
14          budget is submitted and the 4 succeeding fiscal years.”;  
15          and

16          (3) by striking subsection (c) and inserting the  
17          following:

18          “(c) **PROJECTION OF ACQUISITION ESTIMATES.**—On  
19          and after February 1, 2018, each Future Years Homeland  
20          Security Program shall project—

21                 “(1) acquisition estimates for the fiscal year for  
22                 which the budget is submitted and the 4 succeeding  
23                 fiscal years, with specified estimates for each fiscal  
24                 year, for all major acquisitions by the Department  
25                 and each component of the Department; and

1           “(2) estimated annual deployment schedules for  
2           all physical asset major acquisitions over the 5-fis-  
3           cal-year period described in paragraph (1) and the  
4           full operating capability for all information tech-  
5           nology major acquisitions.

6           “(d) SENSITIVE AND CLASSIFIED INFORMATION.—  
7           The Secretary may include with each Future Years Home-  
8           land Security Program a classified or other appropriately  
9           controlled document containing any information required  
10          to be submitted under this section that is restricted from  
11          public disclosure in accordance with Federal law or any  
12          Executive Order.

13          “(e) AVAILABILITY OF INFORMATION TO THE PUB-  
14          LIC.—The Secretary shall make available to the public in  
15          electronic form the information required to be submitted  
16          to the appropriate committees under this section, other  
17          than information described in subsection (d).”.

18          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
19          The table of contents in section 1(b) of the Homeland Se-  
20          curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
21          as amended by this Act, is amended by striking the item  
22          relating to section 874 and inserting the following:

          “Sec. 874. Future Years Homeland Security Program.”.

23          (c) EFFECTIVE DATE.—The amendments made by  
24          subsection (a) shall apply with respect to each fiscal year  
25          beginning after the date of enactment of this Act.



1 **SEC. 308. QUADRENNIAL HOMELAND SECURITY REVIEW.**

2 (a) IN GENERAL.—Section 707 of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 347) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (5), by striking “and” at  
6 the end;

7 (B) in paragraph (6), by striking the pe-  
8 riod and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(7) review available capabilities and capacities  
11 across the homeland security enterprise and identify  
12 redundant, wasteful, or unnecessary capabilities and  
13 capacities from which resources can be redirected to  
14 better support other existing capabilities and capac-  
15 ities.”; and

16 (2) in subsection (c)—

17 (A) by striking paragraph (1) and insert-  
18 ing the following:

19 “(1) IN GENERAL.—Not later than 60 days  
20 after the date on which the budget of the President  
21 is submitted to Congress under section 1105 of title  
22 31, United States Code, for the fiscal year after the  
23 fiscal year in which a quadrennial homeland security  
24 review is conducted under subsection (a)(1), the Sec-  
25 retary shall submit to Congress a report on the  
26 quadrennial homeland security review.”; and

1 (B) in paragraph (2)—

2 (i) in subparagraph (H), by striking  
3 “and” at the end;

4 (ii) by redesignating subparagraph (I)  
5 as subparagraph (L); and

6 (iii) by inserting after subparagraph  
7 (H) the following:

8 “(I) a description of how the conclusions  
9 under the quadrennial homeland security review  
10 will inform efforts to develop capabilities and  
11 build capacity of States, local governments, In-  
12 dian tribes, territories, and private entities, and  
13 of individuals, families, and communities;

14 “(J) proposed changes to the authorities,  
15 organization, governance structure, or business  
16 processes (including acquisition processes) of  
17 the Department in order to better fulfil respon-  
18 sibilities of the Department;

19 “(K) if appropriate, a classified or other  
20 appropriately controlled document containing  
21 any information required to be submitted under  
22 this paragraph that is restricted from public  
23 disclosure in accordance with Federal law, in-  
24 cluding information that is not publicly releas-  
25 able; and”.

1 **SEC. 309. REPORTING REDUCTION.**

2 (a) OFFICE OF COUNTERNARCOTICS ANNUAL BUDG-  
3 ET REVIEW AND EVALUATION OF COUNTERNARCOTICS  
4 ACTIVITIES REPORT.—Section 878 of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 458) is amended by striking  
6 subsection (f).

7 (b) OFFICE OF COUNTERNARCOTICS SEIZURE RE-  
8 PORT.—Section 705(a) of the Office of National Drug  
9 Control Policy Reauthorization Act of 1998 (21 U.S.C.  
10 1704(a)) is amended by striking paragraph (3).

11 (c) ANNUAL REPORT ON ACTIVITIES OF THE NA-  
12 TIONAL NUCLEAR DETECTION OFFICE.—Section  
13 1902(a)(13) of the Homeland Security Act of 2002 (6  
14 U.S.C. 592(a)(13)) is amended by striking “an annual”  
15 and inserting “a biennial”.

16 (d) JOINT ANNUAL INTERAGENCY REVIEW OF GLOB-  
17 AL NUCLEAR DETECTION ARCHITECTURE.—Section 1907  
18 of the Homeland Security Act of 2002 (6 U.S.C. 596a)  
19 is amended—

20 (1) in subsection (a)—

21 (A) in the subsection heading, by striking  
22 “ANNUAL” and inserting “BIENNIAL”;

23 (B) in paragraph (1)—

24 (i) in the matter preceding subpara-  
25 graph (A), by striking “once each year—

1                   ” and inserting “once every other year—”;

2                   and

3                   (ii) in subparagraph (C)—

4                   (I) in clause (i), by striking “the  
5                   previous year” and inserting “the pre-  
6                   vious 2 years”; and

7                   (II) in clause (iii), by striking  
8                   “the previous year.” and inserting  
9                   “the previous 2 years.”; and

10                  (C) in paragraph (2), by striking “once  
11                  each year,” and inserting “once every other  
12                  year,”; and

13                  (2) in subsection (b)—

14                  (A) in the subsection heading, by striking  
15                  “ANNUAL” and inserting “BIENNIAL”;

16                  (B) in paragraph (1), by striking “of each  
17                  year,” and inserting “of every other year,”; and

18                  (C) in paragraph (2), by striking “annual”  
19                  and inserting “biennial”.

20 **SEC. 310. ADDITIONAL DEFINITIONS.**

21                  Section 2 of the Homeland Security Act of 2002 (6  
22 U.S.C. 101) is amended—

23                  (1) by redesignating paragraphs (13) through  
24                  (18) as paragraphs (17) through (22), respectively;

1           (2) by redesignating paragraphs (9) through  
2           (12) as paragraphs (12) through (15), respectively

3           (3) by redesignating paragraphs (4) through  
4           (8) as paragraphs (6) through (10), respectively;

5           (4) by redesignating paragraphs (1), (2), and  
6           (3) as paragraphs (2), (3), and (4), respectively;

7           (5) by inserting before paragraph (1) the fol-  
8           lowing:

9           “(1) The term ‘acquisition’ has the meaning  
10          given the term in section 131 of title 41, United  
11          States Code.”;

12          (6) in paragraph (3), as so redesignated—

13                 (A) by inserting “(A)” after “(3)”; and

14                 (B) by adding at the end the following:

15                 “(B) The term ‘congressional homeland security  
16          committees’ means—

17                         “(i) the Committee on Homeland Security  
18                         and Governmental Affairs of the Senate;

19                         “(ii) the Committee on Homeland Security  
20                         of the House of Representatives;

21                         “(iii) the Homeland Security Sub-  
22                         committee of the Committee on Appropriations  
23                         of the Senate; and

1           “(iv) the Homeland Security Subcommittee  
2           of the Committee on Appropriations of the  
3           House of Representatives.”;

4           (7) by inserting after paragraph (4), as so re-  
5           designated, the following:

6           “(5) The term ‘best practices’, with respect to  
7           acquisition, means a knowledge-based approach to  
8           capability development that includes—

9                   “(A) identifying and validating needs;

10                   “(B) assessing alternatives to select the  
11                   most appropriate solution;

12                   “(C) clearly establishing well-defined re-  
13                   quirements;

14                   “(D) developing realistic cost assessments  
15                   and schedules;

16                   “(E) planning stable funding that matches  
17                   resources to requirements;

18                   “(F) demonstrating technology, design,  
19                   and manufacturing maturity;

20                   “(G) using milestones and exit criteria or  
21                   specific accomplishments that demonstrate  
22                   progress;

23                   “(H) adopting and executing standardized  
24                   processes with known success across programs;

1           “(I) establishing an adequate workforce  
2           that is qualified and sufficient to perform nec-  
3           essary functions; and

4           “(J) integrating capabilities into the mis-  
5           sion and business operations of the Depart-  
6           ment.”;

7           (8) by inserting after paragraph (10), as so re-  
8           designated, the following:

9           “(11) The term ‘homeland security enterprise’  
10          means all relevant governmental and non-govern-  
11          mental entities involved in homeland security, in-  
12          cluding Federal, State, local, tribal, and territorial  
13          government officials, private sector representatives,  
14          academics, and other policy experts.”; and

15          (9) by inserting after paragraph (15), as so re-  
16          designated, the following:

17          “(16) The term ‘management integration and  
18          transformation’—

19                 “(A) means the development of consistent  
20                 and consolidated functions for information tech-  
21                 nology, financial management, acquisition man-  
22                 agement, logistics and material resource man-  
23                 agement, asset security, and human capital  
24                 management; and

1           “(B) includes governing processes and pro-  
2           cedures, management systems, personnel activi-  
3           ties, budget and resource planning, training,  
4           real estate management, and provision of secu-  
5           rity, as they relate to functions cited in sub-  
6           paragraph (A).”.

○