

Calendar No. 532114TH CONGRESS
2^D SESSION**S. 2976****[Report No. 114–287]**

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.

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

JUNE 28, 2016

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

TITLE IV—MISCELLANEOUS

Sec. 401. *Administrative leave.*

Sec. 402. *United States Government review of certain foreign fighters.*

Sec. 403. *National strategy to combat terrorist travel.*

Sec. 404. *Northern border threat analysis.*

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;

10 (C) the *Subcommittee on Homeland Secu-*
11 *riety Subcommittee* of the Committee on Appro-
12 priations of the Senate; and

13 (D) the *Subcommittee on Homeland Secu-*
14 *riety Subcommittee* of the Committee on Appro-
15 priations of the House of Representatives.

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

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

20 **TITLE I—DEPARTMENT MAN-**
21 **AGEMENT AND COORDINA-**
22 **TION**

23 **SEC. 101. MANAGEMENT AND EXECUTION.**

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

26 (1) in subsection (a)(1)—

1 (A) by striking subparagraph (F) and in-
 2 serting the following:

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

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

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

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

11 “(g) VACANCIES.—

12 “(1) ABSENCE, DISABILITY, OR VACANCY OF
 13 SECRETARY OR DEPUTY SECRETARY.—Notwith-
 14 standing ~~section 3345~~ *chapter 33* of title 5, United
 15 States Code, the Under Secretary for Management
 16 shall serve as the Acting Secretary if by reason of
 17 absence, disability, or vacancy in office, neither the
 18 Secretary nor Deputy Secretary is available to exer-
 19 cise the duties of the Office of the Secretary.

20 “(2) FURTHER ORDER OF SUCCESSION.—Not-
 21 withstanding ~~section 3345~~ *chapter 33* of title 5,
 22 United States Code, the Secretary may designate
 23 such other officers of the Department in further
 24 order of succession to serve as Acting Secretary.

1 “(3) NOTIFICATION OF VACANCIES.—The Sec-
2 retary shall notify the Committee on Homeland Se-
3 curity and Governmental Affairs of the Senate and
4 the Committee on Homeland Security of the House
5 of Representatives of any vacancies that require no-
6 tification under sections 3345 through 3349d of title
7 5, United States Code (commonly known as the
8 ‘Federal Vacancies Reform Act of 1998’).”.

9 (b) ~~IN GENERAL~~ *UNDER SECRETARY FOR MANAGE-*
10 *MENT.*—Section 701 of the Homeland Security Act of
11 2002 (6 U.S.C. 341) is amended—

12 (1) in subsection (a)—

13 (A) by striking paragraph (9) and insert-
14 ing the following:

15 “(9) The management integration and trans-
16 formation within each functional management dis-
17 cipline of the Department, including information
18 technology, financial management, acquisition man-
19 agement, and human capital management, to ensure
20 an efficient and orderly consolidation of functions
21 and personnel in the Department, including—

22 “(A) the development of centralized data
23 sources and connectivity of information systems
24 to the greatest extent practicable to enhance

1 program visibility, transparency, and oper-
2 ational effectiveness and coordination;

3 “(B) the development of standardized and
4 automated management information to manage
5 and oversee programs and make informed deci-
6 sions to improve the efficiency of the Depart-
7 ment;

8 “(C) the development of effective program
9 management and regular oversight mechanisms,
10 including clear roles and processes for program
11 governance, sharing of best practices, and ac-
12 cess to timely, reliable, and evaluated data on
13 all acquisitions and investments; and

14 “(D) the overall supervision, including the
15 conduct of internal audits and management
16 analyses, of the programs and activities of the
17 Department, including establishment of over-
18 sight procedures to ensure a full and effective
19 review of the efforts by components of the De-
20 partment to implement policies and procedures
21 of the Department for management integration
22 and transformation.”;

23 (B) by redesignating paragraphs (10) and
24 (11) as paragraphs (12) and (13), respectively;
25 and

1 (C) by inserting after paragraph (9) the
2 following:

3 “(10) The development of a transition and suc-
4 cession plan, before December 1 of each year in
5 which a Presidential election is held, to guide the
6 transition of Department functions to a new Presi-
7 dential administration, and making such plan avail-
8 able to the next Secretary and Under Secretary for
9 Management and to the congressional homeland se-
10 curity committees.

11 “(11) Reporting to the Government Account-
12 ability Office every 6 months to demonstrate meas-
13 urable, sustainable progress made in implementing
14 the corrective action plans of the Department to ad-
15 dress the designation of the management functions
16 of the Department on the bi-annual high risk list of
17 the Government Accountability Office, until the
18 Comptroller General of the United States submits to
19 the appropriate congressional committees written no-
20 tification of removal of the high-risk designation.”;

21 (2) by striking subsection (b) and inserting the
22 following:

23 “(b) WAIVERS FOR CONDUCTING BUSINESS WITH
24 SUSPENDED OR DEBARRED CONTRACTORS.—Not later
25 than 5 days after the date on which the Chief Procure-

1 ment Officer or Chief Financial Officer of the Department
2 issues a waiver of the requirement that an agency not en-
3 gage in business with a contractor or other recipient of
4 funds listed as a party suspended or debarred from receiv-
5 ing contracts, grants, or other types of Federal assistance
6 in the System for Award Management maintained by the
7 General Services Administration, or any successor thereto,
8 the Under Secretary for Management shall submit to the
9 congressional homeland security committees and the In-
10 spector General of the Department notice of the waiver
11 and an explanation of the finding by the Under Secretary
12 that a compelling reason exists for the waiver.”;

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

15 (4) by inserting after subsection (c) the fol-
16 lowing:

17 “(d) SYSTEM FOR AWARD MANAGEMENT CONSULTA-
18 TION.—The Under Secretary for Management shall re-
19 quire that all Department contracting and grant officials
20 consult the System for Award Management (or successor
21 system) as maintained by the General Services Adminis-
22 tration prior to awarding a contract or grant or entering
23 into other transactions to ascertain whether the selected
24 contractor is excluded from receiving Federal contracts,

1 certain subcontracts, and certain types of Federal finan-
2 cial and non-financial assistance and benefits.”.

3 **SEC. 102. DEPARTMENT COORDINATION.**

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

7 **“SEC. 708. DEPARTMENT COORDINATION.**

8 “(a) DEFINITIONS.—In this section—

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

12 “(2) the term ‘joint requirement’ means a con-
13 dition or capability of a Joint Task Force, or of mul-
14 tiple operating components of the Department, that
15 is required to be met or possessed by a system,
16 product, service, result, or component to satisfy a
17 contract, standard, specification, or other formally
18 imposed document;

19 “(3) the term ‘Joint Task Force’ means a Joint
20 Task Force established under subsection (e) when
21 the scope, complexity, or other factors of the crisis
22 or issue require capabilities of two or more compo-
23 nents of the Department operating under the guid-
24 ance of a single Director; and

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

4 “(A) threats and trends concerning illicit
5 trafficking and unlawful crossings;

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

8 “(C) the ability to evaluate such threats
9 and trends at a level sufficient to create action-
10 able plans; and

11 “(D) the operational capability to conduct
12 continuous and integrated surveillance of the
13 air, land, and maritime borders of the United
14 States.

15 “(b) DEPARTMENT LEADERSHIP COUNCILS.—

16 “(1) ESTABLISHMENT.—The Secretary may es-
17 tablish such Department leadership councils as the
18 Secretary determines necessary to ensure coordina-
19 tion among leadership in the Department.

20 “(2) FUNCTION.—Department leadership coun-
21 cils shall—

22 “(A) serve as coordinating forums;

23 “(B) advise the Secretary and Deputy Sec-
24 retary on Department strategy, operations, and
25 guidance; and

1 “(C) consider and report on such other
2 matters as the Secretary or Deputy Secretary
3 may direct.

4 “(3) CHAIRPERSON; MEMBERSHIP.—

5 “(A) CHAIRPERSON.—The Secretary or a
6 designee may serve as chairperson of a Depart-
7 ment leadership council.

8 “(B) MEMBERSHIP.—The Secretary shall
9 determine the membership of a Department
10 leadership council.

11 “(4) RELATIONSHIP TO OTHER FORUMS.—The
12 Secretary or Deputy Secretary may delegate the au-
13 thority to direct the implementation of any decision
14 or guidance resulting from the action of a Depart-
15 ment leadership council to any office, component, co-
16 ordinator, or other senior official of the Department.

17 “(c) JOINT REQUIREMENTS COUNCIL.—

18 “(1) ESTABLISHMENT.—There is established
19 within the Department a Joint Requirements Coun-
20 cil.

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

24 “(A) identify, assess, and validate joint re-
25 quirements (including existing systems and as-

1 sociated capability gaps) to meet mission needs
2 of the Department;

3 “(B) ensure that appropriate efficiencies
4 are made among life-cycle cost, schedule, and
5 performance objectives, and procurement quan-
6 tity objectives, in the establishment and ap-
7 proval of joint requirements; and

8 “(C) make prioritized capability rec-
9 ommendations for the joint requirements ~~ap-~~
10 proved *validated* under subparagraph (A) to the
11 Secretary, the Deputy Secretary, or the chair-
12 person of a Department leadership council des-
13 ignated by the Secretary to review decisions of
14 the Joint Requirements Council.

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

20 “(4) COMPOSITION.—The Joint Requirements
21 Council shall be composed of senior officials rep-
22 resenting components of the Department and other
23 senior officials as designated by the Secretary.

24 “(5) RELATIONSHIP TO FUTURE YEARS HOME-
25 LAND SECURITY PROGRAM.—The Secretary shall en-

1 sure that the Future Years Homeland Security Pro-
2 gram required under section 874 is consistent with
3 the recommendations of the Joint Requirements
4 Council under paragraph (2)(C) of this subsection,
5 as affirmed by the Secretary, the Deputy Secretary,
6 or the chairperson of a Department leadership coun-
7 cil designated by the Secretary under that para-
8 graph.

9 “(d) JOINT OPERATIONAL PLANS.—

10 “(1) PLANNING AND GUIDANCE.—The Sec-
11 retary may direct the development of Joint Oper-
12 ational Plans for the Department and issue planning
13 guidance for such development.

14 “(2) COORDINATION.—The Secretary shall en-
15 sure coordination between requirements derived from
16 Joint Operational Plans and the Future Years
17 Homeland Security Program required under section
18 874.

19 “(3) LIMITATION.—Nothing in this subsection
20 shall be construed to affect the national emergency
21 management authorities and responsibilities of the
22 Administrator of the Federal Emergency Manage-
23 ment Agency under title V.

24 “(e) JOINT TASK FORCES.—

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

5 “(2) JOINT TASK FORCE DIRECTORS.—

6 “(A) DIRECTOR.—Each Joint Task Force
7 shall be headed by a Director appointed by the
8 Secretary for a term of not more than 2 years,
9 who shall be a senior official of the Depart-
10 ment.

11 “(B) EXTENSION.—The Secretary may ex-
12 tend the appointment of a Director of a Joint
13 Task Force for not more than 2 years if the
14 Secretary determines that such an extension is
15 in the best interest of the Department.

16 “(3) JOINT TASK FORCE DEPUTY DIRECTORS.—
17 For each Joint Task Force, the Secretary shall ap-
18 point a Deputy Director who shall be an official of
19 a different component or office *of the Department*
20 than the Director of the Joint Task Force.

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

1 “(A) maintain situational awareness within
2 the areas of responsibility of the Joint Task
3 Force, as determined by the Secretary;

4 “(B) provide operational plans and re-
5 quirements for standard operating procedures
6 and contingency operations;

7 “(C) plan and execute joint task force ac-
8 tivities within the areas of responsibility of the
9 Joint Task Force, as determined by the Sec-
10 retary;

11 “(D) set and accomplish strategic objec-
12 tives through integrated operational planning
13 and execution;

14 “(E) exercise operational direction over
15 personnel and equipment from components and
16 offices of the Department allocated to the Joint
17 Task Force to accomplish the objectives of the
18 Joint Task Force;

19 “(F) establish operational and investigative
20 priorities within the operating areas of the
21 Joint Task Force;

22 “(G) coordinate with foreign governments
23 and other Federal, State, and local agencies, as
24 appropriate, to carry out the mission of the
25 Joint Task Force; and

1 “(H) carry out other duties and powers the
2 Secretary determines appropriate.

3 “(5) PERSONNEL AND RESOURCES.—

4 “(A) IN GENERAL.—The Secretary may,
5 upon request of the Director of a Joint Task
6 Force, and giving appropriate consideration of
7 risk to the other primary missions of the De-
8 partment, allocate on a temporary basis per-
9 sonnel and equipment of components and of-
10 fices of the Department to a Joint Task Force.

11 “(B) COST NEUTRALITY.—A Joint Task
12 Force may not require more personnel, equip-
13 ment, or resources than would be required by
14 components of the Department in the absence
15 of the Joint Task Force.

16 “(C) LOCATION OF OPERATIONS.—In es-
17 tablishing a location of operations for a Joint
18 Task Force, the Secretary shall, to the extent
19 practicable, use existing facilities that integrate
20 efforts of components of the Department and
21 State, local, tribal, or territorial law enforce-
22 ment or military entities.

23 “(D) REPORT.—*The Secretary shall, at the*
24 *time the budget of the President is submitted to*
25 *Congress for a fiscal year under section 1105(a)*

1 *of title 31, United States Code, submit to the*
2 *congressional homeland security committees a re-*
3 *port on the total funding, personnel, and other*
4 *resources that each component of the Department*
5 *allocated to each Joint Task Force to carry out*
6 *the mission of the Joint Task Force during the*
7 *fiscal year immediately preceding the report.*

8 “(6) COMPONENT RESOURCE AUTHORITY.—As
9 directed by the Secretary—

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

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

21 “(C) the personnel and equipment of each
22 Joint Task Force shall remain under the ad-
23 ministrative direction of the executive agent for
24 the Joint Task Force.

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

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

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

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

18 “(C) not later than January 31, 2017, *and*
19 *each year thereafter, of each year beginning in*
20 ~~2017~~, submit to each committee described in
21 subparagraph (B) a report that contains the
22 evaluation described in subparagraph (A).

23 “(9) JOINT DUTY TRAINING PROGRAM.—

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

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

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

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

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

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

15 “(i) National security strategy.

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

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

20 “(iv) International engagement.

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

23 “(vi) Interagency collaboration.

24 “(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”; *and*

9 *(iii) by striking “and” at the end;*

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

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

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

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

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

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

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

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

7 “(3) relevant to the mission of the Department
8 of Homeland Security; or

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

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

12 (A) in the subsection heading, by striking
13 “FIRE SERVICE” and inserting “EMERGENCY
14 RESPONDER”;

15 (B) by striking paragraph (1) and insert-
16 ing the following:

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

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

1 (D) by redesignating paragraph (3) as
2 paragraph (2).

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

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

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

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

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

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

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

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

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

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

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

1 the President, by and with the advice and consent of the
2 Senate.

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

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

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

12 “(3) develop and coordinate strategic plans and
13 long-term goals of the Department with risk-based
14 analysis and planning to improve operational mission
15 effectiveness, including leading and conducting the
16 quadrennial homeland security review under section
17 707;

18 “(4) manage Department leadership councils
19 and provide analytics and support to such councils;

20 “(5) manage international coordination and en-
21 gagement for the Department;

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

1 “(7) carry out such other responsibilities as the
2 Secretary determines appropriate.

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

9 “(e) HOMELAND SECURITY STATISTICS AND JOINT
10 ANALYSIS.—

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

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

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

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

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

1 “(2) TRANSFER OF RESPONSIBILITIES.—There
 2 shall be transferred to the Under Secretary for
 3 Strategy, Policy, and Plans the maintenance of all
 4 immigration statistical information of U.S. Customs
 5 and Border Protection and U.S. Citizenship and Im-
 6 migration Services, which shall include information
 7 and statistics of the type contained in the publica-
 8 tion entitled ‘Yearbook of Immigration Statistics’
 9 prepared by the Office of Immigration Statistics, in-
 10 cluding region-by-region statistics on the aggregate
 11 number of applications and petitions filed by an
 12 alien (or filed on behalf of an alien) and denied, and
 13 the reasons for such denials, disaggregated by cat-
 14 egory of denial and application or petition type.”.

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

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

20 **SEC. 106. AUTHORIZATION OF THE OFFICE FOR PARTNER-**
 21 **SHIPS AGAINST VIOLENT EXTREMISM OF THE**
 22 **DEPARTMENT OF HOMELAND SECURITY.**

23 (a) IN GENERAL.—The Homeland Security Act of
 24 2002 (6 U.S.C. 101 et seq.) is amended—

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

1 **“SEC. 802. OFFICE FOR PARTNERSHIPS AGAINST VIOLENT**
2 **EXTREMISM.**

3 “(a) DEFINITIONS.—In this section:

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

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

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

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

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

1 “(6) VIOLENT EXTREMISM.—The term ‘violent
2 extremism’ means international or domestic ter-
3 rorism.

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

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

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

13 “(1) designate a career Deputy Assistant Sec-
14 retary for Partnerships Against Violent Extremism;
15 and

16 “(2) assign or hire, as appropriate, permanent
17 staff to the Office for Partnerships Against Violent
18 Extremism.

19 “(e) RESPONSIBILITIES.—

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

22 “(A) Leading the efforts of the Depart-
23 ment to counter violent extremism across all the
24 components and offices of the Department that
25 conduct strategic and supportive efforts to

1 counter violent extremism. Such efforts shall in-
2 clude the following:

3 “(i) Partnering with communities to
4 address vulnerabilities that can be ex-
5 ploited by violent extremists in the United
6 States and explore potential remedies for
7 government and ~~non-government~~ *non-*
8 *government* institutions.

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

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

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

22 “(v) Developing and maintaining De-
23 partment-wide strategy, plans, policies, and
24 programs to counter violent extremism.

1 Such plans shall, at a minimum, address
2 each of the following:

3 “(I) The Department’s plan to
4 leverage new and existing Internet
5 and other technologies and social
6 media platforms to improve ~~non-gov-~~
7 ~~ernment~~ *nongovernment* efforts to
8 counter violent extremism, as well as
9 the best practices and lessons learned
10 from other Federal, State, local, trib-
11 al, territorial, and foreign partners en-
12 gaged in similar counter-messaging ef-
13 forts.

14 “(II) The Department’s coun-
15 tering violent extremism-related en-
16 gagement efforts.

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

23 “(vi) Coordinating with the Office for
24 Civil Rights and Civil Liberties of the De-
25 partment to ensure all of the activities of

1 the Department related to countering vio-
2 lent extremism fully respect the privacy,
3 civil rights, and civil liberties of all per-
4 sons.

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

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

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

1 “(i) exploring ways to utilize relevant
2 Internet and other technologies and social
3 media platforms; and

4 “(ii) maximizing other resources avail-
5 able to the Department.

6 “(C) Serving as the primary representative
7 of the Department in coordinating countering
8 violent extremism efforts with other Federal de-
9 partments and agencies and ~~non-governmental~~
10 *nongovernmental* organizations.

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

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

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

1 “(2) COMMUNITIES AT RISK.—For purposes of
2 this subsection, the term ‘communities at risk’ shall
3 not include a community that is determined to be at
4 risk solely on the basis of race, religious affiliation,
5 or ethnicity.

6 “(f) STRATEGY TO COUNTER VIOLENT EXTREMISM
7 IN THE UNITED STATES.—

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

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

21 “(A) The Department’s digital engagement
22 effort, including a plan to leverage new and ex-
23 isting Internet, digital, and other technologies
24 and social media platforms to counter violent
25 extremism, as well as the best practices and les-

1 sons learned from other Federal, State, local,
2 tribal, territorial, ~~non-governmental~~ *nongovern-*
3 *mental*, and foreign partners engaged in similar
4 counter-messaging activities.

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

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

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

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

23 “(F) An analysis of the homeland security
24 risk posed by violent extremism based on the
25 threat environment and empirical data assess-

1 ing terrorist activities and incidents, and violent
2 extremist propaganda, messaging, or recruit-
3 ment.

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

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

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

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

22 “(C) Departmental efforts to help promote
23 community engagement and partnerships to
24 counter violent extremism in furtherance of the
25 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~~ *nongovern-*
5 *mental*, and foreign partners that are in fur-
6 therance of the strategy, and which adhere to
7 all relevant constitutional, legal, and privacy
8 protections.

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

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

23 “(G) Information on oversight mechanisms
24 and protections to ensure that activities and
25 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)~~ *paragraph (1)*, provide the results of
9 the review to the congressional homeland security
10 committees.

11 ***(b) REPORT.***—*Not later than 1 year after the date of*
12 *enactment of this Act, the Secretary shall submit to the con-*
13 *gressional homeland security committees an action plan,*
14 *including corrective steps and an estimated date of comple-*
15 *tion, to address areas of duplication, fragmentation, and*
16 *overlap and opportunities for cost savings and revenue en-*
17 *hancement, as identified by the Government Accountability*
18 *Office based on the annual report of the Government Ac-*
19 *countability Office entitled “Additional Opportunities to*
20 *Reduce Fragmentation, Overlap, and Duplication and*
21 *Achieve Other Financial Benefits”.*

22 ~~(b)~~***(c) EXCLUSION.***—~~This subsection~~ *section* shall not
23 apply to international activities related to the protective
24 mission of the United States Secret Service, or to the
25 *United States Coast Guard* when operating under the di-

1 rect authority of the Secretary of Defense or the Secretary
2 of the Navy.

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

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

7 “(c) STRATEGIC PLANS.—Consistent with the timing
8 set forth in section 306(a) of title 5, United States Code,
9 and the requirements under section 3506 of title 44,
10 United States Code, the Chief Information Officer shall
11 develop, make public, and submit to the congressional
12 homeland security committees an information technology
13 strategic plan, which shall include how—

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

17 “(2) the budget of the Department aligns with
18 priorities specified in the information technology
19 strategic plan;

20 “(3) ~~unnecessary~~ *unnecessarily* duplicative, leg-
21 *acy*, and outdated information technology within and
22 across the Department will be identified and elimi-
23 *nated, and an estimated date for the identification*
24 *and elimination of duplicative information tech-*
25 *nology within and across the Department;*

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

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

8 “(6) the Chief Information Officer will inform
9 Congress of high risk projects and cybersecurity
10 risks; and

11 “(7) the Chief Information Officer plans to
12 maximize the use and purchase of commercial off-
13 the-shelf information technology products and serv-
14 ices.”.

15 **SEC. 203. SOFTWARE LICENSING.**

16 (a) IN GENERAL.—Section 703 of the Homeland Se-
17 curity Act of 2002 (6 U.S.C. 343), as amended by section
18 202 of this Act, is amended by adding at the end the fol-
19 lowing:

20 “(d) SOFTWARE LICENSING.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this subsection, and
23 every 2 years thereafter, the Chief Information Offi-
24 cer, in consultation with Chief Information Officers
25 of components of the Department, shall—

1 “(A) conduct a Department-wide inventory
2 of all existing software licenses held by the De-
3 partment, including utilized and unutilized li-
4 censes;

5 “(B) assess the needs of the Department
6 for software licenses for the subsequent 2 fiscal
7 years;

8 “(C) assess the actions that could be car-
9 ried out by the Department to achieve the
10 greatest possible economies of scale and cost
11 savings in the procurement of software licenses;

12 “(D) determine how the use of techno-
13 logical advancements will impact the needs for
14 software licenses for the subsequent 2 fiscal
15 years;

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

19 “(F) consult with the Federal Chief Infor-
20 mation Officer to identify best practices in the
21 Federal ~~government~~ *Government* for purchasing
22 and maintaining software licenses.

23 “(2) EXCESS SOFTWARE LICENSING.—

24 “(A) PLAN TO REDUCE SOFTWARE LI-
25 CENSES.—If the Chief Information Officer de-

1 termines through the inventory conducted under
2 paragraph (1)(A) that the number of software
3 licenses held by the Department exceed the
4 needs of the Department as assessed under
5 paragraph (1)(B), the Secretary, not later than
6 90 days after the date on which the inventory
7 is completed, shall establish a plan for bringing
8 the number of such software licenses into bal-
9 ance with such needs of the Department.

10 “(B) PROHIBITION ON PROCUREMENT OF
11 EXCESS SOFTWARE LICENSES.—

12 “(i) IN GENERAL.—Except as pro-
13 vided in clause (ii), upon completion of a
14 plan established under ~~paragraph (1)~~ *sub-*
15 *paragraph* (A), no additional budgetary re-
16 sources may be obligated for the procure-
17 ment of additional software licenses of the
18 same types until such time as the needs of
19 the Department equals or exceeds the
20 number of used and unused licenses held
21 by the Department.

22 “(ii) EXCEPTION.—The Chief Infor-
23 mation Officer may authorize the purchase
24 of additional licenses and amend the num-
25 ber of needed licenses as necessary.

1 “(3) SUBMISSION TO CONGRESS.—The Chief
 2 Information Officer shall submit to the Committee
 3 on Homeland Security and Governmental Affairs of
 4 the Senate and the Committee on Homeland Security of the House of Representatives a copy of each
 5 inventory conducted under paragraph (1)(A), each
 6 plan established under paragraph (2)(A), and each
 7 exception exercised under paragraph (2)(B)(ii).”.

9 (b) GAO REVIEW.—Not later than 1 year after the
 10 date on which the results of the first inventory are sub-
 11 mitted to Congress under subsection 703(d) of the Home-
 12 land Security Act of 2002, as added by subsection (a),
 13 the Comptroller General of the United States shall assess
 14 whether the Department complied with the requirements
 15 under paragraphs (1) and (2)(A) of such section 703(d)
 16 and provide the results of the review to the congressional
 17 homeland security committees.

18 **SEC. 204. WORKFORCE STRATEGY.**

19 *Section 704 of the Homeland Security Act of 2002 (6*
 20 *U.S.C. 343) is amended to read as follows:*

21 ~~(a) IN GENERAL.—Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—~~

23 ~~(1) by striking “The Chief Human Capital Officer” and inserting the following:~~

1 ~~“(a) IN GENERAL.—The Chief Human Capital Offi-~~
2 ~~cer”;~~ and

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

4 **“SEC. 704. CHIEF HUMAN CAPITAL OFFICER.**

5 “(a) *IN GENERAL.—There is a Chief Human Capital*
6 *Officer of the Department, who shall report directly to the*
7 *Under Secretary for Management.*

8 “(b) *RESPONSIBILITIES.—In addition to the respon-*
9 *sibilities set forth in chapter 14 of title 5, United States*
10 *Code, and other applicable law, the Chief Human Capital*
11 *Officer of the Department shall—*

12 “(1) *develop and implement strategic workforce*
13 *planning policies that are consistent with Govern-*
14 *ment-wide leading principles and in line with De-*
15 *partment strategic human capital goals and prior-*
16 *ities;*

17 “(2) *develop performance measures to provide a*
18 *basis for monitoring and evaluating Department-wide*
19 *strategic workforce planning efforts;*

20 “(3) *develop, improve, and implement policies,*
21 *including compensation flexibilities available to Fed-*
22 *eral agencies where appropriate, to recruit, hire,*
23 *train, and retain the workforce of the Department, in*
24 *coordination with all components of the Department;*

1 “(4) identify methods for managing and over-
2 seeing human capital programs and initiatives, in co-
3 ordination with the head of each component of the
4 Department;

5 “(5) develop a career path framework and create
6 opportunities for leader development in coordination
7 with all components of the Department;

8 “(6) lead the efforts of the Department for man-
9 aging employee resources, including training and de-
10 velopment opportunities, in coordination with each
11 component of the Department;

12 “(7) work to ensure the Department is imple-
13 menting human capital programs and initiatives and
14 effectively educating each component of the Depart-
15 ment about these programs and initiatives;

16 “(8) identify and eliminate unnecessary and du-
17 plicative human capital policies and guidance;

18 “(9) provide input concerning the hiring and
19 performance of the Chief Human Capital Officer or
20 comparable official in each component of the Depart-
21 ment; and

22 “(10) ensure that all employees of the Depart-
23 ment are informed of their rights and remedies under
24 chapters 12 and 23 of title 5, United States Code.

25 “(b)(c) COMPONENT STRATEGIES.—

1 “(1) IN GENERAL.—Each component of the De-
2 partment shall, in coordination with the Chief
3 Human Capital Officer of the Department, develop
4 a 5-year workforce strategy for the component that
5 will support the goals, objectives, and performance
6 measures of the Department for determining the
7 proper balance of Federal employees and private
8 labor resources.

9 “(2) STRATEGY REQUIREMENTS.—In devel-
10 oping the strategy required under paragraph (1),
11 each component shall consider the effect on human
12 resources associated with creating additional Federal
13 full-time equivalent positions, converting private con-
14 tractors to Federal employees, or relying on the pri-
15 vate sector for goods and services, including—

16 “(A) hiring projections, including occupa-
17 tion and grade level, as well as corresponding
18 salaries, benefits, and hiring or retention bo-
19 nuses;

20 “(B) the identification of critical skills re-
21 quirements over the 5-year period, any current
22 or anticipated deficiency in critical skills re-
23 quired at the Department, and the training or
24 other measures required to address those defi-
25 ciencies in skills;

1 “(C) recruitment of qualified candidates
2 and retention of qualified employees;

3 “(D) supervisory and management require-
4 ments;

5 “(E) travel and related personnel support
6 costs;

7 “(F) the anticipated cost and impact on
8 mission performance associated with replacing
9 Federal personnel due to their retirement or
10 other attrition; and

11 “(G) other appropriate factors.

12 “~~(e)~~(d) ANNUAL SUBMISSION.—Not later than 90
13 days after the date on which the Secretary submits the
14 annual budget justification for the Department, the Sec-
15 retary shall submit to the congressional homeland security
16 committees a report that includes a table, delineated by
17 component with actual and enacted amounts, including—

18 “(1) information on the progress within the De-
19 partment of fulfilling the workforce strategies devel-
20 oped under subsection ~~(b)~~ (c); and

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

23 “(3) the total contract hours submitted by each
24 prime contractor as part of the service contract in-
25 ventory required under section 743 of the Financial

1 Services and General Government Appropriations
2 Act, 2010 (division C of Public Law 111–117; 31
3 U.S.C. 501 note) with respect to—

4 “(A) support service contracts;

5 “(B) federally funded research and devel-
6 opment center contracts; and

7 “(C) science, engineering, technical, and
8 administrative contracts; and

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

12 **SEC. 205. WHISTLEBLOWER PROTECTIONS.**

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

16 **“SEC. 883. WHISTLEBLOWER PROTECTIONS.**

17 “(a) DEFINITIONS.—In this section—

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

20 “(A) appointed to a position as an em-
21 ployee of the Department on or after the date
22 of enactment of the DHS Accountability Act of
23 2016; and

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

1 “(2) the term ‘prohibited personnel action’
2 means taking or failing to take an action in violation
3 of paragraph (8) or (9) of section 2302(b) of title
4 5, ~~United~~ *United States Code*, against an employee
5 of the Department;

6 “(3) the term ‘supervisor’ means a supervisor,
7 as defined under section 7103(a) of title 5, *United*
8 *States Code*, who is employed by the Department;
9 and

10 “(4) the term ‘whistleblower protections’ means
11 the protections against and remedies for a prohibited
12 personnel practice described in paragraph (8) or
13 subparagraph (A)(i), (B), (C), or (D) of paragraph
14 (9) of section 2302(b) of title 5, *United States Code*.

15 “(b) ADVERSE ACTIONS.—

16 “(1) PROPOSED ADVERSE ACTIONS.—In accord-
17 ance with paragraph (2), the Secretary shall propose
18 against a supervisor whom the Secretary, an admin-
19 istrative law judge, the Merit Systems Protection
20 Board, the Office of Special Counsel, an adjudi-
21 cating body provided under a union contract, a Fed-
22 eral judge, or the Inspector General of the Depart-
23 ment determines committed a prohibited personnel
24 action the following adverse actions:

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

4 “(B) With respect to the second prohibited
5 personnel action, removal.

6 “(2) PROCEDURES.—

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

10 “(B) ANSWER AND EVIDENCE.—

11 “(i) IN GENERAL.—A supervisor who
12 is notified under subparagraph (A) that
13 the supervisor is the subject of a proposed
14 adverse action under paragraph (1) is enti-
15 tled to 14 days following such notification
16 to answer and furnish evidence in support
17 of the answer.

18 “(ii) NO EVIDENCE.—After the end of
19 the 14-day period described in clause (i), if
20 a supervisor does not furnish evidence as
21 described in clause (i) or if the Secretary
22 determines that such evidence is not suffi-
23 cient to reverse the proposed adverse ac-
24 tion, the Secretary shall carry out the ad-
25 verse action.

1 “(C) SCOPE OF PROCEDURES.—Para-
2 graphs (1) and (2) of subsection (b) and sub-
3 subsection (c) of section 7513 of title 5, United
4 States Code, and paragraphs (1) and (2) of
5 subsection (b) and subsection (c) of section
6 7543 of title 5, United States Code, shall not
7 apply with respect to an adverse action carried
8 out under this subsection.

9 “(3) ~~LIMITATION~~ *NO LIMITATION* ON OTHER AD-
10 VERSE ACTIONS.—With respect to a prohibited per-
11 sonnel action, if the Secretary carries out an adverse
12 action against a supervisor under another provision
13 of law, the Secretary may carry out an additional
14 adverse action under this subsection based on the
15 same prohibited personnel action.

16 “(c) TRAINING FOR SUPERVISORS.—In consultation
17 with the Special Counsel and the Inspector General of the
18 Department, the Secretary shall provide training regard-
19 ing how to respond to complaints alleging a violation of
20 whistleblower protections available to employees of the De-
21 partment—

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

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

3 “(d) INFORMATION ON WHISTLEBLOWER PROTEC-
4 TIONS.—

5 “(1) RESPONSIBILITIES OF SECRETARY.—The
6 Secretary shall be responsible for—

7 “(A) the prevention of prohibited personnel
8 practices;

9 “(B) the compliance with and enforcement
10 of applicable civil service laws, rules, and regu-
11 lations and other aspects of personnel manage-
12 ment; and

13 “(C) ensuring (in consultation with the
14 Special Counsel and the Inspector General of
15 the Department) that employees of the Depart-
16 ment are informed of the rights and remedies
17 available to them under chapters 12 and 23 of
18 title 5, United States Code, including—

19 “(i) information regarding whistle-
20 blower protections available to new employ-
21 ees during the probationary period;

22 “(ii) the role of the Office of Special
23 Counsel and the Merit Systems Protection
24 Board with regard to whistleblower protec-
25 tions; and

1 “(iii) how to make a lawful disclosure
2 of information that is specifically required
3 by law or Executive order to be kept classi-
4 fied in the interest of national defense or
5 the conduct of foreign affairs to the Spe-
6 cial Counsel, the Inspector General of the
7 Department, Congress, or other Depart-
8 ment employee designated to receive such
9 disclosures.

10 “(2) TIMING.—The Secretary shall ensure that
11 the information required to be provided under para-
12 graph (1) is provided to each new employee ~~of the~~
13 ~~Department~~ not later than 6 months after the date
14 the new employee is appointed.

15 “(3) INFORMATION ONLINE.—The Secretary
16 shall make available information regarding whistle-
17 blower protections applicable to employees of the De-
18 partment on the public website of the Department,
19 and on any online portal that is made available only
20 to employees of the Department.

21 “(4) DELEGEES.—Any employee to whom the
22 Secretary delegates authority for personnel manage-
23 ment, or for any aspect thereof, shall, within the
24 limits of the scope of the delegation, be responsible
25 for the activities described in paragraph (1).

1 “(e) RULES OF CONSTRUCTION.—Nothing in this
2 section shall be construed to exempt the Department from
3 requirements applicable with respect to executive agen-
4 cies—

5 “(1) to provide equal employment protection for
6 employees of the Department (including pursuant to
7 section 2302(b)(1) of title 5, United States Code,
8 and the Notification and Federal Employee Anti-
9 discrimination and Retaliation Act of 2002 (5
10 U.S.C. 2301 note)); or

11 “(2) to provide whistleblower protections for
12 employees of the Department (including pursuant to
13 paragraphs (8) and (9) of section 2302(b) of title 5,
14 United States Code, and the Notification and Fed-
15 eral Employee Antidiscrimination and Retaliation
16 Act of 2002 (5 U.S.C. 2301 note)).”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of contents in section 1(b) of the Homeland Se-
19 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135);
20 ~~as amended by this Act,~~ is amended by striking the item
21 relating to section 883 and inserting the following:

“Sec. 883. Whistleblower protections.”.

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

23 Not later than 2 years after the date of enactment
24 of this Act, the Secretary, acting through the Under Sec-
25 retary for Management, shall submit to the congressional

1 homeland security committees a report, which may include
2 a classified or other appropriately controlled annex con-
3 taining any information required to be submitted under
4 this section that is restricted from public disclosure in ac-
5 cordance with Federal law, including information that is
6 not publicly releasable, that—

7 (1) provides a detailed accounting of the man-
8 agement and administrative expenditures and activi-
9 ties of each component of the Department and iden-
10 tifies potential cost savings, avoidances, and effi-
11 ciencies for those expenditures and activities;

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

14 (3) reviews the size, experience level, and geo-
15 graphic distribution of the operational personnel of
16 the Department; ~~and~~

17 (4) makes recommendations for adjustments in
18 the management and administration of the Depart-
19 ment that would reduce deficiencies in the capabili-
20 ties of the Department, reduce costs, and enhance
21 efficiencies; *and*

22 (5) *examines—*

23 (A) *how employees who carry out manage-*
24 *ment and administrative functions at Depart-*

1 *ment headquarters coordinate with employees*
 2 *who carry out similar functions at—*

3 *(i) each component of the Department;*

4 *(ii) the Office of Personnel Manage-*
 5 *ment; and*

6 *(iii) the General Services Administra-*
 7 *tion; and*

8 *(B) whether any unnecessary duplication,*
 9 *overlap, or fragmentation exists with respect to*
 10 *those functions.*

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

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

15 (b) ABOLISHMENT OF THE OFFICE ~~OF THE DIREC-~~
 16 ~~TOR~~ OF COUNTERNARCOTICS ENFORCEMENT.—*The*
 17 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is*
 18 *amended—*

19 (1) *in section 843(b)(1)(B) (6 U.S.C.*
 20 *413(b)(1)(B)), by striking “by—” and all that follows*
 21 *through the end and inserting “by the Secretary;*
 22 *and”;*

23 (2) *by repealing section 878 (6 U.S.C. 458); and*

1 (3) *in the table of contents in section 1(b) (Pub-*
 2 *lic Law 107–296; 116 Stat. 2135), by striking the*
 3 *item relating to section 878.*

4 (1) **ABOLISHMENT.**—The Office of the Director
 5 of Counternarcotics Enforcement in the Department
 6 is abolished.

7 (2) **TECHNICAL AND CONFORMING AMEND-**
 8 **MENT.**—Section 843(b)(1)(B) of the Homeland Se-
 9 curity Act of 2002 (6 U.S.C. 413(b)(1)(B)) is
 10 amended by striking “by—” and all that follows
 11 through the end and inserting “by the Secretary;
 12 and”.

13 **TITLE III—DEPARTMENT TRANS-** 14 **PARENCY AND ASSESSMENTS**

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

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

19 “(b) **HOMELAND SECURITY STATISTICS AND JOINT**
 20 **ANALYSIS.**—

21 “(1) **HOMELAND SECURITY STATISTICS.**—The
 22 Under Secretary for Management shall—

23 “(A) establish standards of reliability and
 24 validity for statistical data collected and ana-
 25 lyzed by the Department;

1 “(B) be provided with statistical data
2 maintained by the Department regarding the
3 operations of the Department;

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

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

9 “(2) TRANSFER OF RESPONSIBILITIES.—There
10 shall be transferred to the Under Secretary for Man-
11 agement the maintenance of all immigration statis-
12 tical information of U.S. Customs and Border Pro-
13 tection and U.S. Citizenship and Immigration Serv-
14 ices, which shall include information and statistics of
15 the type contained in the publication entitled ‘Year-
16 book of Immigration Statistics’ prepared by the Of-
17 fice of Immigration Statistics, including region-by-
18 region statistics on the aggregate number of applica-
19 tions and petitions filed by an alien (or filed on be-
20 half of an alien) and denied, and the reasons for
21 such denials, disaggregated by category of denial
22 and application or petition type.”

23 (b)(a) IMMIGRATION FUNCTIONS.—Section 478(a) of
24 the Homeland Security Act of 2002 (6 U.S.C. 298(a)) is
25 amended—

1 (1) in paragraph (1), by striking “to the Com-
 2 mittees on the Judiciary and Government Reform of
 3 the House of Representatives, and to the Commit-
 4 tees on the Judiciary and Government Affairs of the
 5 Senate,” and inserting “the Committee on the Judi-
 6 ciary of the Senate, the Committee on the Judiciary
 7 of the House of Representatives, and the congress-
 8 sional homeland security committees”; and

9 (2) in paragraph (2), by adding at the end the
 10 following:

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

13 “(J) An estimated percentage of persons
 14 believed to have overstayed their visa, by visa
 15 type.

16 “(K) A description of immigration enforce-
 17 ment actions.”.

18 ~~(e)~~(b) BORDER SECURITY METRICS.—

19 (1) DEFINITIONS.—In this subsection:

20 (A) APPROPRIATE CONGRESSIONAL COM-
 21 MITTEES.—The term “appropriate congress-
 22 sional committees” means—

23 (i) the Committee on Homeland Secu-
 24 rity and Governmental Affairs of the Sen-
 25 ate;

1 (ii) the Committee on Homeland Se-
2 curity of the House of Representatives;

3 (iii) the Committee on the Judiciary
4 of the Senate; and

5 (iv) the Committee on the Judiciary of
6 the House of Representatives.

7 (B) CONSEQUENCE DELIVERY SYSTEM.—

8 The term “Consequence Delivery System”
9 means the series of consequences applied by the
10 Border Patrol to persons unlawfully entering
11 the United States to prevent unlawful border
12 crossing recidivism.

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

15 (i) is directly or indirectly observed
16 making an unlawful entry into the United
17 States; and

18 (ii) is not a turn back and is not ap-
19 prehended.

20 (D) KNOWN MIGRANT FLOW.—The term

21 “known migrant flow” means the sum of the
22 number of undocumented migrants—

23 (i) interdicted at sea;

24 (ii) identified at sea, but not inter-
25 dicted;

1 (iii) that successfully entered the
2 United States through the maritime bor-
3 der; or

4 (iv) not described in clause (i), (ii), or
5 (iii), which were otherwise reported, with a
6 significant degree of certainty, as having
7 entered, or attempted to enter, the United
8 States through the maritime border.

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

- 13 (i) possession of illicit drugs;
14 (ii) smuggling of prohibited products;
15 (iii) human smuggling;
16 (iv) weapons possession;
17 (v) use of fraudulent United States
18 documents; or
19 (vi) other offenses that are serious
20 enough to result in arrest.

21 (F) SITUATIONAL AWARENESS.—The term
22 “situational awareness” means knowledge and
23 unified understanding of current unlawful
24 cross-border activity, including—

1 (i) threats and trends concerning il-
2 licit trafficking and unlawful crossings;

3 (ii) the ability to forecast future shifts
4 in such threats and trends;

5 (iii) the ability to evaluate such
6 threats and trends at a level sufficient to
7 create actionable plans; and

8 (iv) the operational capability to con-
9 duct persistent and integrated surveillance
10 of the international borders of the United
11 States.

12 (G) TRANSIT ZONE.—The term “transit
13 zone” means the sea corridors of the western
14 Atlantic Ocean, the Gulf of Mexico, the Carib-
15 bean Sea, and the eastern Pacific Ocean
16 through which undocumented migrants and il-
17 licit drugs transit, either directly or indirectly,
18 to the United States.

19 (H) TURN BACK.—The term “turn back”
20 means an unlawful border crosser who, after
21 making an unlawful entry into the United
22 States, promptly returns to the country from
23 which such crosser entered.

24 (I) UNLAWFUL BORDER CROSSING EFFEC-
25 TIVENESS RATE.—The term “unlawful border

1 crossing effectiveness rate” means the percent-
2 age that results from dividing—

3 (i) the number of apprehensions and
4 turn backs; and

5 (ii) the number of apprehensions, esti-
6 mated unlawful entries, turn backs, and
7 got aways.

8 (J) UNLAWFUL ENTRY.—The term “un-
9 lawful entry” means an unlawful border crosser
10 who enters the United States and is not appre-
11 hended by a border security component of the
12 Department.

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

15 (A) IN GENERAL.—Not later than 120
16 days after the date of enactment of this Act,
17 the Secretary shall develop metrics, informed by
18 situational awareness, to measure the effective-
19 ness of security between ports of entry. The
20 Secretary shall annually implement the metrics
21 developed under this ~~subsection~~ *subparagraph*,
22 which shall include—

23 (i) estimates, using alternative meth-
24 odologies, including recidivism data, survey

1 data, known-flow data, and technologically
2 measured data, of—

3 (I) total attempted unlawful bor-
4 der crossings;

5 (II) the rate of apprehension of
6 attempted unlawful border crossers;
7 and

8 (III) the number of unlawful en-
9 tries;

10 (ii) a situational awareness achieve-
11 ment metric, which measures situational
12 awareness achieved in each Border Patrol
13 sector;

14 (iii) an unlawful border crossing effec-
15 tiveness rate;

16 (iv) a probability of detection, which
17 compares the estimated total unlawful bor-
18 der crossing attempts not detected by the
19 Border Patrol to the unlawful border
20 crossing effectiveness rate, as informed by
21 clause (i);

22 (v) an illicit drugs seizure rate for
23 drugs seized by the Border Patrol, which
24 compares the ratio of the amount and type
25 of illicit drugs seized by the Border Patrol

1 in any fiscal year to the average of the
2 amount and type of illicit drugs seized by
3 the Border Patrol in the immediately pre-
4 ceding 5 fiscal years;

5 (vi) a weight-to-frequency rate, which
6 compares the average weight of marijuana
7 seized per seizure by the Border Patrol in
8 any fiscal year to such weight-to-frequency
9 rate for the immediately preceding 5 fiscal
10 years;

11 (vii) estimates of the impact of the
12 Consequence Delivery System on the rate
13 of recidivism of unlawful border crossers
14 over multiple fiscal years; and

15 (viii) an examination of each con-
16 sequence referred to in clause (vii), includ-
17 ing—

18 (I) voluntary return;

19 (II) warrant of arrest or notice to
20 appear;

21 (III) expedited removal;

22 (IV) reinstatement of removal;

23 (V) alien transfer exit program;

24 (VI) Operation Streamline;

25 (VII) standard prosecution; and

1 (VIII) Operation Against Smug-
2 glers Initiative on Safety and Secu-
3 rity.

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 Border Patrol sectors, informed by
20 situational awareness.

21 (3) METRICS FOR SECURING THE BORDER AT
22 PORTS OF ENTRY.—

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 at ports of entry. The Secretary
3 shall annually implement the metrics developed
4 under this ~~subsection~~ *subparagraph*, which shall
5 include—

6 (i) estimates, using alternative meth-
7 odologies, including survey data and ran-
8 domized secondary screening data, of—

9 (I) total attempted inadmissible
10 border crossings;

11 (II) the rate of apprehension of
12 attempted inadmissible border cross-
13 ings; and

14 (III) the number of unlawful en-
15 tries;

16 (ii) the amount and type of illicit
17 drugs seized by the Office of Field Oper-
18 ations of U.S. Customs and Border Protec-
19 tion at United States land, air, and sea
20 ports during the previous fiscal year;

21 (iii) an illicit drugs seizure rate for
22 drugs seized by the Office of Field Oper-
23 ations, which compares the ratio of the
24 amount and type of illicit drugs seized by
25 the Office of Field Operations in any fiscal

1 year to the average of the amount and type
2 of illicit drugs seized by the Office of Field
3 Operations in the immediately preceding 5
4 fiscal years;

5 (iv) in consultation with the Office of
6 National Drug Control Policy and the
7 United States Southern Command, a co-
8 caine seizure effectiveness rate, which is
9 the percentage resulting from dividing—

10 (I) the amount of cocaine seized
11 by the Office of Field Operations; and

12 (II) the total estimated cocaine
13 flow rate at ports of entry along the
14 land border;

15 (v) the number of infractions related
16 to travelers and cargo committed by major
17 violators who are apprehended by the Of-
18 fice of Field Operations at ports of entry,
19 and the estimated number of such infrac-
20 tions committed by major violators who are
21 not apprehended;

22 (vi) a measurement of how border se-
23 curity operations affect crossing times, in-
24 cluding—

1 (I) a wait time ratio that com-
2 pares the average wait times to total
3 commercial and private vehicular traf-
4 fic volumes at each port of entry;

5 (II) an infrastructure capacity
6 utilization rate that measures traffic
7 volume against the physical and staff-
8 ing capacity at each port of entry;

9 (III) a secondary examination
10 rate that measures the frequency of
11 secondary examinations at each port
12 of entry; and

13 (IV) an enforcement rate that
14 measures the effectiveness of sec-
15 ondary examinations at detecting
16 major violators; and

17 (vii) a cargo scanning rate that in-
18 cludes—

19 (I) a comparison of the number
20 of high-risk cargo containers scanned
21 by the Office of Field Operations at
22 each United States seaport during the
23 fiscal year to the total number of
24 high-risk cargo containers entering

1 the United States at each seaport
2 during the previous fiscal year;

3 (II) the percentage of all cargo
4 that is considered “high-risk” cargo;
5 and

6 (III) the percentage of high-risk
7 cargo scanned—

8 (aa) upon arrival at a
9 United States seaport before en-
10 tering United States commerce;
11 and

12 (bb) before being laden on a
13 vessel destined for the United
14 States.

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

18 (i) consult with the appropriate com-
19 ponents of the Department; and

20 (ii) as appropriate, work with other
21 agencies, including the Office of Refugee
22 Resettlement of the Department of Health
23 and Human Services and the Executive Of-
24 fice for Immigration Review of the Depart-

1 ment of Justice, to ensure that authori-
2 tative data sources are utilized.

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

8 (4) METRICS FOR SECURING THE MARITIME
9 BORDER.—

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

18 (i) situational awareness achieved in
19 the maritime environment;

20 (ii) an undocumented migrant inter-
21 diction rate, which compares the migrants
22 interdicted at sea to the total known mi-
23 grant flow;

24 (iii) an illicit drugs removal rate, for
25 drugs removed inside and outside of a

1 transit zone, which compares the amount
2 and type of illicit drugs removed, including
3 drugs abandoned at sea, by the Depart-
4 ment's maritime security components in
5 any fiscal year to the average of the
6 amount and type of illicit drugs removed
7 by the Department's maritime components
8 ~~for~~ *in* the immediately preceding 5 fiscal
9 years;

10 (iv) in consultation with the Office of
11 National Drug Control Policy and the
12 United States Southern Command, a co-
13 caine removal effectiveness rate, for co-
14 caine removed inside a transit zone and
15 outside a transit zone, which compares the
16 amount of cocaine removed by the Depart-
17 ment's maritime security components by
18 the total documented cocaine flow rate, as
19 contained in Federal drug databases;

20 (v) a response rate, which compares
21 the ability of the maritime security compo-
22 nents of the Department to respond to and
23 resolve known maritime threats, whether
24 inside ~~and~~ *or* outside a transit zone, by
25 placing assets on-scene, to the total num-

1 ber of events with respect to which the De-
2 partment has known threat information;
3 and

4 (vi) an intergovernmental response
5 rate, which compares the ability of the
6 maritime security components of the De-
7 partment or other United States Govern-
8 ment entities to respond to and resolve ac-
9 tionable maritime threats, whether inside
10 or outside the Western Hemisphere transit
11 zone, by targeting maritime threats in
12 order to detect them, and of those threats
13 detected, the total number of maritime
14 threats interdicted or disrupted.

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

18 (i) consult with the appropriate com-
19 ponents of the Department; and

20 (ii) as appropriate, work with other
21 agencies, including the Drug Enforcement
22 Agency, the Department of Defense, and
23 the Department of Justice, to ensure that
24 authoritative data sources are utilized.

1 (C) MANNER OF COLLECTION.—The data
2 used by the Secretary shall be collected and re-
3 ported in a consistent and standardized man-
4 ner, informed by situational awareness.

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

7 (A) IN GENERAL.—Not later than 120
8 days after the date of enactment of this Act,
9 the Secretary shall develop metrics, informed by
10 situational awareness, to measure the effective-
11 ness of the aviation assets and operations of the
12 Office of Air and Marine of U.S. Customs and
13 Border Enforcement. The Secretary shall annu-
14 ally implement the metrics developed under this
15 ~~subsection~~ *subparagraph*, which shall include—

16 (i) an effectiveness rate, which com-
17 pares Office of Air and Marine flight hours
18 requirements to the number of flight hours
19 flown by such Office;

20 (ii) a funded flight hour effectiveness
21 rate, which compares the number of fund-
22 ed flight hours appropriated to the Office
23 of Air and Marine to the number of actual
24 flight hours flown by such Office;

1 (iii) a readiness rate, which compares
2 the number of aviation missions flown by
3 the Office of Air and Marine to the num-
4 ber of aviation missions cancelled by such
5 Office due to maintenance, operations, or
6 other causes;

7 (iv) the number of missions cancelled
8 by such Office due to weather compared to
9 the total planned missions;

10 (v) the number of subjects detected by
11 the Office of Air and Marine through the
12 use of unmanned aerial systems and
13 manned aircrafts;

14 (vi) the number of apprehensions as-
15 sisted by the Office of Air and Marine
16 through the use of unmanned aerial sys-
17 tems and manned aircrafts;

18 (vii) the number and quantity of illicit
19 drug seizures assisted by the Office of Air
20 and Marine through the use of unmanned
21 aerial systems and manned aircrafts; and

22 (viii) the number of times that usable
23 intelligence related to border security was
24 obtained through the use of unmanned aer-
25 ial systems and manned aircraft.

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

4 (i) consult with the appropriate com-
5 ponents of the Department; and

6 (ii) as appropriate, work with other
7 agencies, including the Department of Jus-
8 tice, to ensure that authoritative data
9 sources are utilized.

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

14 (c) DATA TRANSPARENCY.—The Secretary shall—

15 (1) in accordance with applicable privacy laws,
16 make data related to apprehensions, inadmissible
17 aliens, drug seizures, and other enforcement actions
18 available to the public, academic research *commu-*
19 *nities*, and law enforcement communities; and

20 (2) provide the Office of Immigration Statistics
21 of the Department with unfettered access to the
22 data described in paragraph (1).

23 (d) EVALUATION BY THE GOVERNMENT ACCOUNT-
24 ABILITY OFFICE AND THE SECRETARY OF HOMELAND
25 SECURITY.—

1 (1) METRICS REPORT.—

2 (A) MANDATORY DISCLOSURES.—The Sec-
3 retary shall submit an annual report containing
4 the metrics required under paragraphs (2)
5 through (5) of subsection ~~(e)~~ (b) and the data
6 and methodology used to develop such metrics
7 to—

8 (i) the appropriate congressional com-
9 mittees; and

10 (ii) the Comptroller General of the
11 United States.

12 (B) PERMISSIBLE DISCLOSURES.—The
13 Secretary, for the purpose of validation and
14 verification, may submit the annual report de-
15 scribed in subparagraph (A) to—

16 (i) the National Center for Border Se-
17 curity and Immigration;

18 (ii) the head of a national laboratory
19 within the Department laboratory network
20 with prior expertise in border security; and

21 ~~(C)~~(iii) a Federally Funded Research
22 and Development Center sponsored by the
23 Department.

24 (2) GAO REPORT.—Not later than 270 days
25 after receiving the first report under paragraph

1 (1)(A), and biennially thereafter for the following 10
2 years, the Comptroller General of the United States;
3 shall submit a report to the appropriate congress-
4 sional committees that—

5 (A) analyzes the suitability and statistical
6 validity of the data and methodology contained
7 in ~~such~~ *the report submitted under paragraph*
8 *(1)(A)*; and

9 (B) includes recommendations to Congress
10 on—

11 (i) the feasibility of other suitable
12 metrics that may be used to measure the
13 effectiveness of border security; and

14 (ii) improvements that need to be
15 made to the metrics being used to measure
16 the effectiveness of border security.

17 (3) STATE OF THE BORDER REPORT.—Not
18 later than 60 days after the end of each fiscal year
19 through fiscal year 2025, the Secretary shall submit
20 a “State of the Border” report to the appropriate
21 congressional committees that—

22 (A) provides trends for each metric under
23 paragraphs (2) through (5) of subsection ~~(e)~~ *(b)*
24 for the last 10 years, to the extent possible;

1 (B) provides selected analysis into related
2 aspects of illegal flow rates, including legal
3 flows and stock estimation techniques; and

4 (C) includes any other information that the
5 Secretary determines appropriate.

6 (4) METRICS UPDATE.—

7 (A) IN GENERAL.—After submitting the
8 final report to the Comptroller General under
9 paragraph (1), the Secretary may reevaluate
10 and update any of the metrics required under
11 paragraphs (2) through (5) of subsection ~~(e)~~ (b)
12 to ensure that such metrics—

13 (i) meet the Department’s perform-
14 ance management needs; and

15 (ii) are suitable to measure the effec-
16 tiveness of border security.

17 (B) CONGRESSIONAL NOTIFICATION.—Not
18 later than 30 days before updating the metrics
19 under subparagraph (A), the Secretary shall no-
20 tify the appropriate congressional committees of
21 such updates.

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

23 (a) IN GENERAL.—*Subtitle A of Title II of the*
24 *Homeland Security Act of 2002 (6 U.S.C. 121 et seq.)*
25 *is amended by adding at the end the following:*

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

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

3 **“(1) IN GENERAL.—**Not later than March 31 of
4 each year beginning in the year after the date of en-
5 actment of this section, and each year thereafter for
6 7 years, the Under Secretary for Intelligence and
7 Analysis shall prepare and submit to the congress-
8 sional homeland security committees a report assess-
9 ing the current threats to homeland security and the
10 capability gaps in homeland security defenses to ad-
11 dress such threats.

12 **“(2) FORM OF REPORT.—**In carrying out para-
13 graph (1), the Under Secretary for Intelligence and
14 Analysis shall submit an unclassified report, and as
15 necessary, a classified annex.

16 **“(b) OFFICE OF INSPECTOR GENERAL ANNUAL AS-**
17 **SESSMENT.—**Not later than 90 days after the date on
18 which a report required under subsection (a) is submitted
19 to the congressional homeland security committees, the In-
20 spector General of the Department shall prepare and sub-
21 mit to the congressional homeland security committees a
22 report, which shall include an assessment of the capability
23 gaps in homeland security defenses and recommendations
24 for actions to mitigate those gaps.

25 **“(c) MITIGATION PLAN.—**Not later than 90 days
26 after the date on which a report required under subsection

1 (b) is submitted to the congressional homeland security
2 committees, the Secretary shall submit to the congres-
3 sional homeland security committees a plan to mitigate the
4 threats to homeland security and vulnerabilities in home-
5 land security defenses identified in those reports.

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

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

8 *“(1) IN GENERAL.—Not later than March 31 of*
9 *each year beginning in the year after the date of en-*
10 *actment of this section, and each year thereafter for*
11 *7 years, the Under Secretary for Intelligence and*
12 *Analysis shall prepare and submit to the congres-*
13 *sional homeland security committees a report assess-*
14 *ing the current threats to homeland security and the*
15 *capability of the Department to address those threats.*

16 *“(2) FORM OF REPORT.—In carrying out para-*
17 *graph (1), the Under Secretary for Intelligence and*
18 *Analysis shall submit an unclassified report, and as*
19 *necessary, a classified annex.*

20 *“(b) OFFICE OF INSPECTOR GENERAL ANNUAL AS-*
21 *SESSMENT.—Not later than 90 days after the date on which*
22 *a report required under subsection (a) is submitted to the*
23 *congressional homeland security committees, the Inspector*
24 *General of the Department shall prepare and submit to the*
25 *congressional homeland security committees a report, which*

1 *shall include an assessment of the capability of the Depart-*
2 *ment to address the threats identified in the report required*
3 *under subsection (a) and recommendations for actions to*
4 *mitigate those threats.*

5 “(c) *MITIGATION PLAN.—Not later than 90 days after*
6 *the date on which a report required under subsection (b)*
7 *is submitted to the congressional homeland security com-*
8 *mittees, the Secretary shall submit to the congressional*
9 *homeland security committees a plan to mitigate the threats*
10 *to homeland security identified in the report.”.*

11 (b) **TECHNICAL AND CONFORMING AMENDMENT.—**
12 The table of contents in section 1(b) of the Homeland Se-
13 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135);
14 ~~as amended by this Act,~~ is amended by inserting after the
15 item relating to section 210F the following:

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

16 **SEC. 303. DEPARTMENT TRANSPARENCY.**

17 (a) **FEASIBILITY STUDY.—**The Administrator of the
18 Federal Emergency Management Agency shall initiate a
19 study to determine the feasibility of gathering data and
20 providing information to Congress on the use of Federal
21 grant awards, for expenditures of more than \$5,000, by
22 entities that receive a Federal grant award under the
23 Urban Area Security Initiative and the State Homeland
24 Security Grant Program under sections 2003 and 2004

1 of the Homeland Security Act of 2002 (6 U.S.C. 604 and
2 605), respectively.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator of the Federal
5 Emergency Management Agency shall submit to the con-
6 gressional homeland security committee s a report on the
7 results of the study required under subsection (a).

8 **SEC. 304. TRANSPARENCY IN RESEARCH AND DEVELOP-**
9 **MENT.**

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

13 **“SEC. 319. TRANSPARENCY IN RESEARCH AND DEVELOP-**
14 **MENT.**

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

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

21 **“(A)** each research and development
22 project that is not classified, and all appro-
23 priate details for each such project, *including*
24 *the component of the Department responsible for*
25 *the project;*

1 “(B) each task order for a Federally
2 Funded Research and Development Center not
3 associated with a research and development
4 project; and

5 “(C) each task order for a University-
6 based center of excellence not associated with a
7 research and development project.

8 “(2) EXCEPTIONS.—

9 “(A) OPERATIONAL SECURITY.—The Sec-
10 retary, or a designee of the Secretary with the
11 rank of Assistant Secretary or above, may ex-
12 clude a project from the list required under
13 paragraph (1) if the Secretary or such designee
14 provides to the appropriate congressional com-
15 mittees—

16 “(i) the information that would other-
17 wise be required to be publicly posted
18 under paragraph (1); and

19 “(ii) a written certification that—

20 “(I) the information that would
21 otherwise be required to be publicly
22 posted under paragraph (1) is con-
23 trolled unclassified information, the
24 public dissemination of which would
25 jeopardize operational security; and

1 “(II) the publicly posted list
2 under paragraph (1) includes as much
3 information about the program as is
4 feasible without jeopardizing oper-
5 ational security.

6 “(B) COMPLETED PROJECTS.—Paragraph
7 (1) shall not apply to a project completed or
8 otherwise terminated before the date of enact-
9 ment of this section.

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

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

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

17 “(4) *DEFINITION OF RESEARCH AND DEVELOP-*
18 *MENT.—For purposes of the list required under para-*
19 *graph (1), the Secretary shall publish a definition for*
20 *the term ‘research and development’ on the website of*
21 *the Department.*

22 “(b) REQUIREMENT TO REPORT TO CONGRESS ON
23 CLASSIFIED PROJECTS.—Not later than January 1, 2017,
24 and annually thereafter, the Secretary shall submit to the
25 appropriate congressional committees a report that lists

1 each ongoing classified project at the Department, includ-
2 ing all appropriate details of each such project.

3 “(c) INDICATORS OF SUCCESS OF TRANSITIONED
4 PROJECTS.—

5 “(1) IN GENERAL.—For each project that has
6 been transitioned from research and development to
7 practice, the Under Secretary *of* *for* Science and
8 Technology shall develop and track indicators to
9 demonstrate the uptake of the technology or project
10 among customers or end-users.

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

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

20 “(d) DEFINITIONS.—In this section:

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

23 “(A) the name of the project, including
24 both classified and unclassified names if appli-
25 cable;

1 “(B) the name of the component carrying
2 out the project;

3 “(C) an abstract or summary of the
4 project;

5 “(D) funding levels for the project;

6 “(E) project duration or timeline;

7 “(F) the name of each contractor, grantee,
8 or cooperative agreement partner involved in
9 the project;

10 “(G) expected objectives and milestones for
11 the project; and

12 “(H) to the maximum extent practicable,
13 relevant literature and patents that are associ-
14 ated with the project.

15 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term ‘appropriate congressional com-
17 mittees’ means—

18 “(A) the Committee on Homeland Security
19 and Governmental Affairs of the Senate;

20 “(B) the Committee on Homeland Security
21 of the House of Representatives; and

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

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

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

5 “(B) Restricted Data or data that was for-
6 merly Restricted Data, as defined in section
7 11y. of the Atomic Energy Act of 1954 (42
8 U.S.C. 2014(y));

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

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

18 “(4) CONTROLLED UNCLASSIFIED INFORMA-
19 TION.—The term ‘controlled unclassified informa-
20 tion’ means information described as ‘Controlled Un-
21 classified Information’ under Executive Order 13556
22 (50 U.S.C. 3501 note) or any successor order.

23 “(5) PROJECT.—The term ‘project’ means a re-
24 search or development project, program, or activity

1 administered by the Department, whether ongoing,
2 completed, or otherwise terminated.”.

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 is amended by inserting after the item relating to section
7 318 the following:

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

8 **SEC. 305. REPORTING ON NATIONAL BIO AND AGRO-DE-**
9 **FENSE FACILITY.**

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

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

20 “(f) **CONSTRUCTION OF THE NATIONAL BIO AND**
21 **AGRO-DEFENSE FACILITY.**—

22 “(1) **REPORT REQUIRED.**—Not later than Sep-
23 tember 30, 2016, and not less frequently than twice
24 each year thereafter, the Secretary of Homeland Se-
25 curity and the Secretary of Agriculture shall submit

1 to the congressional homeland security committees a
2 report on the National Bio and Agro-Defense Facil-
3 ity that includes—

4 “(A) a review of the status of the construc-
5 tion of the National Bio and Agro-Defense Fa-
6 cility, including—

7 “(i) current cost and schedule esti-
8 mates;

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

11 “(iii) total obligations to date;

12 “(B) a description of activities carried out
13 to prepare for the transfer of research to the
14 facility and the activation of that research; and

15 “(C) a description of activities that have
16 occurred to decommission the Plum Island Ani-
17 mal Disease Center.

18 “(2) SUNSET.—The reporting requirement
19 under paragraph (1) shall terminate on the date
20 that is 1 year after the date on which the Secretary
21 of Homeland Security certifies to the congressional
22 homeland security committees that construction of
23 the National Bio and Agro-Defense Facility has
24 been completed.”.

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

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

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

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

19 **SEC. 306. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**
20 **SION AND DEBARMENT.**

21 Not later than 3 years after the date of enactment
22 of this Act, the Inspector General of the Department
23 shall—

24 (1) audit the award of grants and procurement
25 contracts to identify—

1 (A) instances in which a grant or contract
2 was improperly awarded to a suspended or
3 debarred entity; and

4 (B) whether corrective actions were taken
5 following such instances to prevent recurrence;
6 and

7 (2) review the suspension and debarment pro-
8 gram throughout the Department to assess wheth-
9 er—

10 (A) suspension and debarment criteria are
11 consistently applied throughout the Depart-
12 ment; and

13 (B) disparities exist in the application of
14 the criteria, particularly with respect to busi-
15 ness size and category.

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

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

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

21 (2) by striking subsection (a) and inserting the
22 following:

23 “(a) IN GENERAL.—Not later than 60 days after the
24 date on which the budget of the President is submitted
25 to Congress under section 1105(a) of title 31, United

1 States Code, the Secretary shall submit to the Committee
2 on Homeland Security and Governmental Affairs of the
3 Senate and the Committee on Homeland Security of the
4 House of Representatives (referred to in this section as
5 the ‘appropriate committees’) a Future Years Homeland
6 Security Program that covers the fiscal year for which the
7 budget is submitted and the 4 succeeding fiscal years.”;
8 and

9 (3) by striking subsection (c) and inserting the
10 following:

11 “(c) PROJECTION OF ACQUISITION ESTIMATES.—On
12 and after February 1, 2018, each Future Years Homeland
13 Security Program shall project—

14 “(1) acquisition estimates for the fiscal year for
15 which the budget is submitted and the 4 succeeding
16 fiscal years, with specified estimates for each fiscal
17 year, for all major acquisitions by the Department
18 and each component of the Department; and

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

24 “(d) SENSITIVE AND CLASSIFIED INFORMATION.—
25 The Secretary may include with each Future Years Home-

1 land Security Program a classified or other appropriately
 2 controlled document containing any information required
 3 to be submitted under this section that is restricted from
 4 public disclosure in accordance with Federal law or any
 5 Executive Order.

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

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

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

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

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

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

22 (1) in subsection (b)—

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

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

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

4 “(7) review available capabilities and capacities
5 across the homeland security enterprise and identify
6 redundant, wasteful, or unnecessary capabilities and
7 capacities from which resources can be redirected to
8 better support other existing capabilities and capae-
9 ities.”; and

10 (2) in subsection (c)—

11 (A) by striking paragraph (1) and insert-
12 ing the following:

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date on which the budget of the President
15 is submitted to Congress under section 1105 of title
16 31, United States Code, for the fiscal year after the
17 fiscal year in which a quadrennial homeland security
18 review is conducted under subsection (a)(1), the Sec-
19 retary shall submit to Congress a report on the
20 quadrennial homeland security review.”; and

21 (B) in paragraph (2)—

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

24 (ii) by redesignating subparagraph (I)
25 as subparagraph (L); and

1 (iii) by inserting after subparagraph
2 (H) the following:

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

9 “(J) proposed changes to the authorities,
10 organization, governance structure, or business
11 processes (including acquisition processes) of
12 the Department in order to better fulfil respon-
13 sibilities of the Department;

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

21 **SEC. 309. REPORTING REDUCTION.**

22 (a) OFFICE OF COUNTERNARCOTICS ANNUAL BUDG-
23 ET REVIEW AND EVALUATION OF COUNTERNARCOTICS
24 ACTIVITIES REPORT.—Section 878 of the Homeland Se-

1 ecurity Act of 2002 (6 U.S.C. 458) is amended by striking
2 subsection (f).

3 ~~(b)~~(a) OFFICE OF COUNTERNARCOTICS SEIZURE RE-
4 PORT.—Section 705(a) of the Office of National Drug
5 Control Policy Reauthorization Act of 1998 (21 U.S.C.
6 1704(a)) is amended by striking paragraph (3).

7 ~~(e)~~(b) ANNUAL REPORT ON ACTIVITIES OF THE NA-
8 TIONAL NUCLEAR DETECTION OFFICE.—Section
9 1902(a)(13) of the Homeland Security Act of 2002 (6
10 U.S.C. 592(a)(13)) is amended by striking “an annual”
11 and inserting “a biennial”.

12 ~~(d)~~(c) JOINT ANNUAL INTERAGENCY REVIEW OF
13 GLOBAL NUCLEAR DETECTION ARCHITECTURE.—Section
14 1907 of the Homeland Security Act of 2002 (6 U.S.C.
15 596a) is amended—

16 (1) in subsection (a)—

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

19 (B) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “once each year—
22 ” and inserting “once every other year—”;

23 and

24 (ii) in subparagraph (C)—

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

4 (II) in clause (iii), by striking
5 “the previous year.” and inserting
6 “the previous 2 years.”; and

7 (C) in paragraph (2), by striking “once
8 each year,” and inserting “once every other
9 year,”; and

10 (2) in subsection (b)—

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

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

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

17 **SEC. 310. ADDITIONAL DEFINITIONS.**

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

20 (1) by redesignating paragraphs (13) through
21 (18) as paragraphs (17) through (22), respectively;

22 (2) by redesignating paragraphs (9) through
23 (12) as paragraphs (12) through (15), respectively;

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

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

3 (5) by inserting before paragraph (1) the fol-
4 lowing:

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

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

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

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

11 “(B) The term ‘congressional homeland security
12 committees’ means—

13 “(i) the Committee on Homeland Security
14 and Governmental Affairs of the Senate;

15 “(ii) the Committee on Homeland Security
16 of the House of Representatives;

17 “(iii) the *Subcommittee on Homeland Secu-*
18 *riety Subcommittee* of the Committee on Appro-
19 priations of the Senate; and

20 “(iv) the *Subcommittee on Homeland Secu-*
21 *riety Subcommittee* of the Committee on Appro-
22 priations of the House of Representatives.”;

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

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

4 “(A) identifying and validating needs;

5 “(B) assessing alternatives to select the
6 most appropriate solution;

7 “(C) clearly establishing well-defined re-
8 quirements;

9 “(D) developing realistic cost assessments
10 and schedules;

11 “(E) planning stable funding that matches
12 resources to requirements;

13 “(F) demonstrating technology, design,
14 and manufacturing maturity;

15 “(G) using milestones and exit criteria or
16 specific accomplishments that demonstrate
17 progress;

18 “(H) adopting and executing standardized
19 processes with known success across programs;

20 “(I) establishing an adequate workforce
21 that is qualified and sufficient to perform nec-
22 essary functions; and

23 “(J) integrating capabilities into the mis-
24 sion and business operations of the Depart-
25 ment.”;

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

3 “(11) The term ‘homeland security enterprise’
4 means all relevant governmental and ~~non-govern-~~
5 ~~mental~~ *nongovernmental* entities involved in home-
6 land security, including Federal, State, local, tribal,
7 and territorial government officials, private sector
8 representatives, academics, and other policy ex-
9 perts.”; and

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

12 “(16) The term ‘management integration and
13 transformation’—

14 “(A) means the development of consistent
15 and consolidated functions for information tech-
16 nology, financial management, acquisition man-
17 agement, logistics and material resource man-
18 agement, asset security, and human capital
19 management; and

20 “(B) includes governing processes and pro-
21 cedures, management systems, personnel activi-
22 ties, budget and resource planning, training,
23 real estate management, and provision of secu-
24 rity, as they relate to functions cited in sub-
25 paragraph (A).”.

TITLE IV—MISCELLANEOUS**SEC. 401. ADMINISTRATIVE LEAVE.**

(a) *SHORT TITLE.*—*This section may be cited as the “Administrative Leave Act of 2016”.*

(b) *SENSE OF CONGRESS.*—*It is the sense of Congress that—*

(1) *agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—*

(A) *in contravention of—*

(i) *established precedent of the Comptroller General of the United States; and*

(ii) *guidance provided by the Office of Personnel Management; and*

(B) *resulting in significant cost to the Federal Government;*

(2) *administrative leave should be used sparingly;*

(3) *prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—*

(A) *temporary reassignment;*

(B) *transfer; and*

(C) *telework;*

1 (4) *an agency should prioritize and expedi-*
2 *tiously conclude an investigation in which an em-*
3 *ployee is placed in administrative leave so that, not*
4 *later than the conclusion of the leave period—*

5 (A) *the employee is returned to duty status;*

6 *or*

7 (B) *an appropriate personnel action is*
8 *taken with respect to the employee;*

9 (5) *data show that there are too many examples*
10 *of employees placed in administrative leave for 6*
11 *months or longer, leaving the employees without any*
12 *available recourse to—*

13 (A) *return to duty status; or*

14 (B) *challenge the decision of the agency;*

15 (6) *an agency should ensure accurate and con-*
16 *sistent recording of the use of administrative leave so*
17 *that administrative leave can be managed and over-*
18 *seen effectively; and*

19 (7) *other forms of excused absence authorized by*
20 *law should be recorded separately from administra-*
21 *tive leave, as defined by the amendments made by this*
22 *section.*

23 (c) *ADMINISTRATIVE LEAVE.—*

1 (1) *IN GENERAL.*—Subchapter II of chapter 63 of
2 title 5, United States Code, is amended by adding at
3 the end the following:

4 **“§ 6329a. Administrative leave**

5 “(a) *DEFINITIONS.*—In this section—

6 “(1) the term ‘administrative leave’ means
7 leave—

8 “(A) without loss of or reduction in—

9 “(i) pay;

10 “(ii) leave to which an employee is oth-
11 erwise entitled under law; or

12 “(iii) credit for time or service; and

13 “(B) that is not authorized under any other
14 provision of law;

15 “(2) the term ‘agency’—

16 “(A) means an Executive agency (as defined
17 in section 105 of this title); and

18 “(B) does not include the Government Ac-
19 countability Office; and

20 “(3) the term ‘employee’—

21 “(A) has the meaning given the term in sec-
22 tion 2105; and

23 “(B) does not include an intermittent em-
24 ployee who does not have an established regular

1 *tour of duty during the administrative work-*
2 *week.*

3 “(b) *ADMINISTRATIVE LEAVE.*—

4 “(1) *IN GENERAL.*—*An agency may place an*
5 *employee in administrative leave for a period of not*
6 *more than 5 consecutive days.*

7 “(2) *RULE OF CONSTRUCTION.*—*Nothing in*
8 *paragraph (1) shall be construed to limit the use of*
9 *leave that is—*

10 “(A) *specifically authorized under law; and*

11 “(B) *not administrative leave.*

12 “(3) *RECORDS.*—*An agency shall record admin-*
13 *istrative leave separately from leave authorized under*
14 *any other provision of law.*

15 “(c) *REGULATIONS.*—

16 “(1) *OPM REGULATIONS.*—*Not later than 1 year*
17 *after the date of enactment of this section, the Direc-*
18 *tor of the Office of Personnel Management shall—*

19 “(A) *prescribe regulations to carry out this*
20 *section; and*

21 “(B) *prescribe regulations that provide*
22 *guidance to agencies regarding—*

23 “(i) *acceptable agency uses of adminis-*
24 *trative leave; and*

25 “(ii) *the proper recording of—*

1 “(I) *administrative leave; and*
2 “(II) *other leave authorized by*
3 *law.*

4 “(2) *AGENCY ACTION.—Not later than 1 year*
5 *after the date on which the Director of the Office of*
6 *Personnel Management prescribes regulations under*
7 *paragraph (1), each agency shall revise and imple-*
8 *ment the internal policies of the agency to meet the*
9 *requirements of this section.*

10 “(d) *RELATION TO OTHER LAWS.—Notwithstanding*
11 *subsection (a) of section 7421 of title 38, this section shall*
12 *apply to an employee described in subsection (b) of that*
13 *section.”.*

14 “(2) *OPM STUDY.—Not later than 120 days after*
15 *the date of enactment of this Act, the Director of the*
16 *Office of Personnel Management, in consultation with*
17 *Federal agencies, groups representing Federal employ-*
18 *ees, and other relevant stakeholders, shall submit to*
19 *the Committee on Homeland Security and Govern-*
20 *mental Affairs of the Senate and the Committee on*
21 *Oversight and Government Reform of the House of*
22 *Representatives a report identifying agency practices,*
23 *as of the date of enactment of this Act, of placing an*
24 *employee in administrative leave for more than 5*

1 *consecutive days when the placement was not specifi-*
 2 *cally authorized by law.*

3 (3) *TECHNICAL AND CONFORMING AMEND-*
 4 *MENT.—The table of sections for subchapter II of*
 5 *chapter 63 of title 5, United States Code, is amended*
 6 *by inserting after the item relating to section 6329 the*
 7 *following:*

“6329a. Administrative leave.”.

8 (d) *INVESTIGATIVE LEAVE AND NOTICE LEAVE.—*

9 (1) *IN GENERAL.—Subchapter II of chapter 63 of*
 10 *title 5, United States Code, as amended by this sec-*
 11 *tion, is further amended by adding at the end the fol-*
 12 *lowing:*

13 **“§ 6329b. Investigative leave and notice leave**

14 *“(a) DEFINITIONS.—In this section—*

15 *“(1) the term ‘agency’—*

16 *“(A) means an Executive agency (as defined*
 17 *in section 105 of this title); and*

18 *“(B) does not include the Government Ac-*
 19 *countability Office;*

20 *“(2) the term ‘Chief Human Capital Officer’*
 21 *means—*

22 *“(A) the Chief Human Capital Officer of an*
 23 *agency designated or appointed under section*
 24 *1401; or*

25 *“(B) the equivalent;*

1 “(3) the term ‘committees of jurisdiction’, with
2 respect to an agency, means each committee in the
3 Senate and House of Representatives with jurisdic-
4 tion over the agency;

5 “(4) the term ‘Director’ means the Director of the
6 Office of Personnel Management;

7 “(5) the term ‘employee’—

8 “(A) has the meaning given the term in sec-
9 tion 2105; and

10 “(B) does not include—

11 “(i) an intermittent employee who does
12 not have an established regular tour of duty
13 during the administrative workweek; or

14 “(ii) the Inspector General of an agen-
15 cy;

16 “(6) the term ‘investigative leave’ means leave—

17 “(A) without loss of or reduction in—

18 “(i) pay;

19 “(ii) leave to which an employee is oth-
20 erwise entitled under law; or

21 “(iii) credit for time or service;

22 “(B) that is not authorized under any other
23 provision of law; and

24 “(C) in which an employee who is the sub-
25 ject of an investigation is placed;

1 “(7) the term ‘notice leave’ means leave—

2 “(A) without loss of or reduction in—

3 “(i) pay;

4 “(ii) leave to which an employee is oth-
5 erwise entitled under law; or

6 “(iii) credit for time or service;

7 “(B) that is not authorized under any other
8 provision of law; and

9 “(C) in which an employee who is in a no-
10 tice period is placed; and

11 “(8) the term ‘notice period’ means a period be-
12 ginning on the date on which an employee is provided
13 notice required under law of a proposed adverse ac-
14 tion against the employee and ending on the date on
15 which an agency may take the adverse action.

16 “(b) *LEAVE FOR EMPLOYEES UNDER INVESTIGATION*
17 *OR IN A NOTICE PERIOD.*—

18 “(1) *AUTHORITY.*—An agency may, in accord-
19 ance with paragraph (2), place an employee in—

20 “(A) investigative leave if the employee is
21 the subject of an investigation;

22 “(B) notice leave if the employee is in a no-
23 tice period; or

1 “(C) notice leave following a placement in
2 investigative leave if, not later than the day after
3 the last day of the period of investigative leave—

4 “(i) the agency proposes or initiates an
5 adverse action against the employee; and

6 “(ii) the agency determines that the
7 employee continues to meet 1 or more of the
8 criteria described in subsection (c)(1).

9 “(2) *REQUIREMENTS.*—An agency may place an
10 employee in leave under paragraph (1) only if the
11 agency has—

12 “(A) made a determination with respect to
13 the employee under subsection (c)(1);

14 “(B) considered the available options for the
15 employee under subsection (c)(2); and

16 “(C) determined that none of the available
17 options under subsection (c)(2) is appropriate.

18 “(c) *EMPLOYEES UNDER INVESTIGATION OR IN A NO-*
19 *TICE PERIOD.*—

20 “(1) *DETERMINATIONS.*—An agency may not
21 place an employee in investigative leave or notice
22 leave under subsection (b) unless the continued pres-
23 ence of the employee in the workplace during an in-
24 vestigation of the employee or while the employee is
25 in a notice period, if applicable, may—

1 “(A) pose a threat to the employee or others;

2 “(B) result in the destruction of evidence
3 relevant to an investigation;

4 “(C) result in loss of or damage to Govern-
5 ment property; or

6 “(D) otherwise jeopardize legitimate Gov-
7 ernment interests.

8 “(2) AVAILABLE OPTIONS FOR EMPLOYEES

9 UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

10 After making a determination under paragraph (1)
11 with respect to an employee, and before placing an
12 employee in investigative leave or notice leave under
13 subsection (b), an agency shall consider taking 1 or
14 more of the following actions:

15 “(A) Assigning the employee to duties in
16 which the employee is no longer a threat to—

17 “(i) safety;

18 “(ii) the mission of the agency;

19 “(iii) Government property; or

20 “(iv) evidence relevant to an investiga-
21 tion.

22 “(B) Allowing the employee to take leave for
23 which the employee is eligible.

24 “(C) Requiring the employee to telework
25 under section 6502(c).

1 “(D) *If the employee is absent from duty*
2 *without approved leave, carrying the employee in*
3 *absence without leave status.*

4 “(E) *For an employee subject to a notice*
5 *period, curtailing the notice period if there is*
6 *reasonable cause to believe the employee has com-*
7 *mitted a crime for which a sentence of imprison-*
8 *ment may be imposed.*

9 “(3) *DURATION OF LEAVE.—*

10 “(A) *INVESTIGATIVE LEAVE.—Subject to ex-*
11 *tensions of a period of investigative leave for*
12 *which an employee may be eligible under sub-*
13 *sections (d) and (e), the initial placement of an*
14 *employee in investigative leave shall be for a pe-*
15 *riod not longer than 10 days.*

16 “(B) *NOTICE LEAVE.—Placement of an em-*
17 *ployee in notice leave shall be for a period not*
18 *longer than the duration of the notice period.*

19 “(4) *EXPLANATION OF LEAVE.—*

20 “(A) *IN GENERAL.—If an agency places an*
21 *employee in leave under subsection (b), the agen-*
22 *cy shall provide the employee a written expla-*
23 *nation of the leave placement and the reasons for*
24 *the leave placement.*

1 “(B) *EXPLANATION.*—*The written notice*
2 *under subparagraph (A) shall describe the limi-*
3 *tations of the leave placement, including—*

4 “(i) *the applicable limitations under*
5 *paragraph (3); and*

6 “(ii) *in the case of a placement in in-*
7 *vestigative leave, an explanation that, at the*
8 *conclusion of the period of leave, the agency*
9 *shall take an action under paragraph (5).*

10 “(5) *AGENCY ACTION.*—*Not later than the day*
11 *after the last day of a period of investigative leave for*
12 *an employee under subsection (b)(1), an agency*
13 *shall—*

14 “(A) *return the employee to regular duty*
15 *status;*

16 “(B) *take 1 or more of the actions author-*
17 *ized under paragraph (2), meaning—*

18 “(i) *assigning the employee to duties*
19 *in which the employee is no longer a threat*
20 *to—*

21 “(I) *safety;*

22 “(II) *the mission of the agency;*

23 “(III) *Government property; or*

24 “(IV) *evidence relevant to an in-*
25 *vestigation;*

1 “(ii) allowing the employee to take
2 leave for which the employee is eligible;

3 “(iii) requiring the employee to
4 telework under section 6502(c);

5 “(iv) if the employee is absent from
6 duty without approved leave, carrying the
7 employee in absence without leave status; or

8 “(v) for an employee subject to a notice
9 period, curtailing the notice period if there
10 is reasonable cause to believe the employee
11 has committed a crime for which a sentence
12 of imprisonment may be imposed;

13 “(C) propose or initiate an adverse action
14 against the employee as provided under law; or

15 “(D) extend the period of investigative leave
16 under subsections (d) and (e).

17 “(6) *RULE OF CONSTRUCTION.*—Nothing in
18 paragraph (5) shall be construed to prevent the con-
19 tinued investigation of an employee, except that the
20 placement of an employee in investigative leave may
21 not be extended for that purpose except as provided in
22 subsections (d) and (e).

23 “(d) *INITIAL EXTENSION OF INVESTIGATIVE LEAVE.*—

24 “(1) *IN GENERAL.*—Subject to paragraph (4), if
25 the Chief Human Capital Officer of an agency, or the

1 *designee of the Chief Human Capital Officer, ap-*
2 *proves such an extension after consulting with the in-*
3 *vestigator responsible for conducting the investigation*
4 *to which an employee is subject, the agency may ex-*
5 *tend the period of investigative leave for the employee*
6 *under subsection (b) for not more than 30 days.*

7 *“(2) MAXIMUM NUMBER OF EXTENSIONS.—The*
8 *total period of additional investigative leave for an*
9 *employee under paragraph (1) may not exceed 110*
10 *days.*

11 *“(3) DESIGNATION GUIDANCE.—Not later than 1*
12 *year after the date of enactment of this section, the*
13 *Chief Human Capital Officers Council shall issue*
14 *guidance to ensure that if the Chief Human Capital*
15 *Officer of an agency delegates the authority to ap-*
16 *prove an extension under paragraph (1) to a designee,*
17 *the designee is at a sufficiently high level within the*
18 *agency to make an impartial and independent deter-*
19 *mination regarding the extension.*

20 *“(4) EXTENSIONS FOR OIG EMPLOYEES.—*

21 *“(A) APPROVAL.—In the case of an em-*
22 *ployee of an Office of Inspector General—*

23 *“(i) the Inspector General or the des-*
24 *ignee of the Inspector General, rather than*
25 *the Chief Human Capital Officer or the des-*

1 *ignee of the Chief Human Capital Officer,*
2 *shall approve an extension of a period of in-*
3 *vestigative leave for the employee under*
4 *paragraph (1); or*

5 *“(ii) at the request of the Inspector*
6 *General, the head of the agency within*
7 *which the Office of Inspector General is lo-*
8 *cated shall designate an official of the agen-*
9 *cy to approve an extension of a period of*
10 *investigative leave for the employee under*
11 *paragraph (1).*

12 *“(B) GUIDANCE.—Not later than 1 year*
13 *after the date of enactment of this section, the*
14 *Council of the Inspectors General on Integrity*
15 *and Efficiency shall issue guidance to ensure*
16 *that if the Inspector General or the head of an*
17 *agency, at the request of the Inspector General,*
18 *delegates the authority to approve an extension*
19 *under subparagraph (A) to a designee, the des-*
20 *ignee is at a sufficiently high level within the Of-*
21 *fice of Inspector General or the agency, as appli-*
22 *cable, to make an impartial and independent de-*
23 *termination regarding the extension.*

24 *“(e) FURTHER EXTENSION OF INVESTIGATIVE*
25 *LEAVE.—*

1 “(1) *IN GENERAL.*—After reaching the limit
2 under subsection (d)(2), an agency may further ex-
3 tend a period of investigative leave for an employee
4 for a period of not more than 60 days if, before the
5 further extension begins, the head of the agency or, in
6 the case of an employee of an Office of Inspector Gen-
7 eral, the Inspector General submits a notification that
8 includes the reasons for the further extension to the—

9 “(A) committees of jurisdiction;

10 “(B) Committee on Homeland Security and
11 Governmental Affairs of the Senate; and

12 “(C) Committee on Oversight and Govern-
13 ment Reform of the House of Representatives.

14 “(2) *NO LIMIT.*—There shall be no limit on the
15 number of further extensions that an agency may
16 grant to an employee under paragraph (1).

17 “(3) *OPM REVIEW.*—An agency shall request
18 from the Director, and include with the notification
19 required under paragraph (1), the opinion of the Di-
20 rector—

21 “(A) with respect to whether to grant a fur-
22 ther extension under this subsection, including
23 the reasons for that opinion; and

24 “(B) which shall not be binding on the
25 agency.

1 “(4) *SUNSET.*—*The authority provided under*
2 *this subsection shall expire on the date that is 6 years*
3 *after the date of enactment of this section.*

4 “(f) *CONSULTATION GUIDANCE.*—*Not later than 1 year*
5 *after the date of enactment of this section, the Council of*
6 *the Inspectors General on Integrity and Efficiency, in con-*
7 *sultation with the Attorney General and the Special Coun-*
8 *sel, shall issue guidance on best practices for consultation*
9 *between an investigator and an agency on the need to place*
10 *an employee in investigative leave during an investigation*
11 *of the employee, including during a criminal investigation,*
12 *because the continued presence of the employee in the work-*
13 *place during the investigation may—*

14 “(1) *pose a threat to the employee or others;*

15 “(2) *result in the destruction of evidence relevant*
16 *to an investigation;*

17 “(3) *result in loss of or damage to Government*
18 *property; or*

19 “(4) *otherwise jeopardize legitimate Government*
20 *interests.*

21 “(g) *REPORTING AND RECORDS.*—

22 “(1) *IN GENERAL.*—*An agency shall keep a*
23 *record of the placement of an employee in investiga-*
24 *tive leave or notice leave by the agency, including—*

1 “(A) *the basis for the determination made*
2 *under subsection (c)(1);*

3 “(B) *an explanation of why an action*
4 *under subsection (c)(2) was not appropriate;*

5 “(C) *the length of the period of leave;*

6 “(D) *the amount of salary paid to the em-*
7 *ployee during the period of leave;*

8 “(E) *the reasons for authorizing the leave,*
9 *including, if applicable, the recommendation*
10 *made by an investigator under subsection (d)(1);*
11 *and*

12 “(F) *the action taken by the agency at the*
13 *end of the period of leave, including, if applica-*
14 *ble, the granting of any extension of a period of*
15 *investigative leave under subsection (d) or (e).*

16 “(2) *AVAILABILITY OF RECORDS.—An agency*
17 *shall make a record kept under paragraph (1) avail-*
18 *able—*

19 “(A) *to any committee of Congress, upon re-*
20 *quest;*

21 “(B) *to the Office of Personnel Management;*
22 *and*

23 “(C) *as otherwise required by law, includ-*
24 *ing for the purposes of the Administrative Leave*

1 *Act of 2016 and the amendments made by that*
2 *Act.*

3 “(h) *REGULATIONS.*—

4 “(1) *OPM ACTION.*—*Not later than 1 year after*
5 *the date of enactment of this section, the Director*
6 *shall prescribe regulations to carry out this section,*
7 *including guidance to agencies regarding—*

8 “(A) *acceptable purposes for the use of—*

9 “(i) *investigative leave; and*

10 “(ii) *notice leave;*

11 “(B) *the proper recording of—*

12 “(i) *the leave categories described in*
13 *subparagraph (A); and*

14 “(ii) *other leave authorized by law;*

15 “(C) *baseline factors that an agency shall*
16 *consider when making a determination that the*
17 *continued presence of an employee in the work-*
18 *place may—*

19 “(i) *pose a threat to the employee or*
20 *others;*

21 “(ii) *result in the destruction of evi-*
22 *dence relevant to an investigation;*

23 “(iii) *result in loss or damage to Gov-*
24 *ernment property; or*

1 “(iv) otherwise jeopardize legitimate
2 Government interests; and

3 “(D) procedures and criteria for the ap-
4 proval of an extension of a period of investiga-
5 tive leave under subsection (d) or (e).

6 “(2) AGENCY ACTION.—Not later than 1 year
7 after the date on which the Director prescribes regula-
8 tions under paragraph (1), each agency shall revise
9 and implement the internal policies of the agency to
10 meet the requirements of this section.

11 “(i) RELATION TO OTHER LAWS.—Notwithstanding
12 subsection (a) of section 7421 of title 38, this section shall
13 apply to an employee described in subsection (b) of that
14 section.”.

15 (2) PERSONNEL ACTION.—Section 2302(a)(2)(A)
16 of title 5, United States Code, is amended—

17 (A) in clause (xi), by striking “and” at the
18 end;

19 (B) by redesignating clause (xii) as clause
20 (xiii); and

21 (C) by inserting after clause (xi) the fol-
22 lowing:

23 “(xii) a determination made by an agency
24 under section 6329b(c)(1) that the continued
25 presence of an employee in the workplace during

1 *an investigation of the employee or while the em-*
2 *ployee is in a notice period, if applicable, may—*

3 *“(I) pose a threat to the employee or*
4 *others;*

5 *“(II) result in the destruction of evi-*
6 *dence relevant to an investigation;*

7 *“(III) result in loss of or damage to*
8 *Government property; or*

9 *“(IV) otherwise jeopardize legitimate*
10 *Government interests; and”.*

11 (3) *GAO REPORT.—Not later than 5 years after*
12 *the date of enactment of this Act, the Comptroller*
13 *General of the United States shall report to the Com-*
14 *mittee on Homeland Security and Governmental Af-*
15 *airs of the Senate and the Committee on Oversight*
16 *and Government Reform of the House of Representa-*
17 *tives on the results of an evaluation of the implemen-*
18 *tation of the authority provided under sections 6329a*
19 *and 6329b of title 5, United States Code, as added by*
20 *subsection (c)(1) and paragraph (1) of this subsection,*
21 *respectively, including—*

22 *(A) an assessment of agency use of the au-*
23 *thority provided under subsection (e) of such sec-*
24 *tion 6329b, including data regarding—*

1 (i) the number and length of extensions
2 granted under that subsection; and

3 (ii) the number of times that the Direc-
4 tor of the Office of Personnel Management,
5 under paragraph (3) of that subsection—

6 (I) concurred with the decision of
7 an agency to grant an extension; and

8 (II) did not concur with the deci-
9 sion of an agency to grant an exten-
10 sion, including the bases for those
11 opinions of the Director;

12 (B) recommendations to Congress, as appro-
13 priate, on the need for extensions beyond the ex-
14 tensions authorized under subsection (d) of such
15 section 6329b; and

16 (C) a review of the practice of agency place-
17 ment of an employee in investigative or notice
18 leave under subsection (b) of such section 6329b
19 because of a determination under subsection
20 (c)(1)(D) of that section that the employee jeop-
21 ardized legitimate Government interests, includ-
22 ing the extent to which such determinations were
23 supported by evidence.

1 (4) *TELEWORK.*—Section 6502 of title 5, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 “(c) *REQUIRED TELEWORK.*—If an agency determines
5 under section 6329b(c)(1) that the continued presence of an
6 employee in the workplace during an investigation of the
7 employee or while the employee is in a notice period, if ap-
8 plicable, may pose 1 or more of the threats described in
9 that section and the employee is eligible to telework under
10 subsections (a) and (b) of this section, the agency may re-
11 quire the employee to telework for the duration of the inves-
12 tigation or the notice period, if applicable.”.

13 (5) *TECHNICAL AND CONFORMING AMEND-*
14 *MENT.*—The table of sections for subchapter II of
15 chapter 63 of title 5, United States Code, is amended
16 by inserting after the item relating to section 6329a,
17 as added by this section, the following:

“6329b. *Investigative leave and notice leave.*”.

18 (e) *LEAVE FOR WEATHER AND SAFETY ISSUES.*—

19 (1) *IN GENERAL.*—Subchapter II of chapter 63 of
20 title 5, United States Code, as amended by this sec-
21 tion, is further amended by adding at the end the fol-
22 lowing:

23 “§ 6329c. *Weather and safety leave*

24 “(a) *DEFINITIONS.*—In this section—

25 “(1) the term ‘agency’—

1 “(A) means an *Executive agency* (as defined
2 in section 105 of this title); and

3 “(B) does not include the *Government Ac-*
4 *countability Office*; and

5 “(2) the term ‘employee’—

6 “(A) has the meaning given the term in sec-
7 tion 2105; and

8 “(B) does not include an *intermittent em-*
9 *ployee who does not have an established regular*
10 *tour of duty during the administrative work-*
11 *week.*

12 “(b) *LEAVE FOR WEATHER AND SAFETY ISSUES.*—An
13 agency may approve the provision of leave under this sec-
14 tion to an employee or a group of employees without loss
15 of or reduction in the pay of the employee or employees,
16 leave to which the employee or employees are otherwise enti-
17 tled, or credit to the employee or employees for time or serv-
18 ice only if the employee or group of employees is prevented
19 from safely traveling to or performing work at an approved
20 location due to—

21 “(1) an act of God;

22 “(2) a terrorist attack; or

23 “(3) another condition that prevents the em-
24 ployee or group of employees from safely traveling to
25 or performing work at an approved location.

1 “(c) *RECORDS.*—An agency shall record leave provided
2 under this section separately from leave authorized under
3 any other provision of law.

4 “(d) *REGULATIONS.*—Not later than 1 year after the
5 date of enactment of this section, the Director of the Office
6 of Personnel Management shall prescribe regulations to
7 carry out this section, including—

8 “(1) guidance to agencies regarding the appro-
9 priate purposes for providing leave under this section;
10 and

11 “(2) the proper recording of leave provided under
12 this section.

13 “(e) *RELATION TO OTHER LAWS.*—Notwithstanding
14 subsection (a) of section 7421 of title 38, this section shall
15 apply to an employee described in subsection (b) of that
16 section.”.

17 (2) *TECHNICAL AND CONFORMING AMEND-*
18 *MENT.*—The table of sections for subchapter II of
19 chapter 63 of title 5, United States Code, is amended
20 by inserting after the item relating to section 6329b,
21 as added by this section, the following:

“6329c. Weather and safety leave.”.

22 “(f) *ADDITIONAL OVERSIGHT.*—

23 (1) *IN GENERAL.*—Not later than 3 years after
24 the date of enactment of this Act, the Director of the
25 Office of Personnel Management shall complete a re-

1 *view of agency policies to determine whether agencies*
2 *have complied with the requirements of this section*
3 *and the amendments made by this section.*

4 (2) *REPORT TO CONGRESS.*—Not later than 90
5 *days after completing the review under paragraph*
6 *(1), the Director shall submit to Congress a report*
7 *evaluating the results of the review.*

8 **SEC. 402. UNITED STATES GOVERNMENT REVIEW OF CER-**
9 **TAIN FOREIGN FIGHTERS.**

10 (a) *REVIEW.*—Not later than 30 days after the date
11 *of enactment of this Act, the President shall initiate a re-*
12 *view of known instances since 2011 in which a person has*
13 *traveled or attempted to travel to a conflict zone in Iraq*
14 *or Syria from the United States to join or provide material*
15 *support or resources to a terrorist organization.*

16 (b) *SCOPE OF REVIEW.*—The review under subsection
17 (a) shall—

18 (1) *include relevant unclassified and classified*
19 *information held by the United States Government re-*
20 *lated to each instance described in subsection (a);*

21 (2) *ascertain which factors, including oper-*
22 *ational issues, security vulnerabilities, systemic chal-*
23 *lenges, or other issues, which may have undermined*
24 *efforts to prevent the travel of persons described in*
25 *subsection (a) to a conflict zone in Iraq or Syria from*

1 *the United States, including issues related to the*
2 *timely identification of suspects, information sharing,*
3 *intervention, and interdiction; and*

4 *(3) identify lessons learned and areas that can*
5 *be improved to prevent additional travel by persons*
6 *described in subsection (a) to a conflict zone in Iraq*
7 *or Syria, or other terrorist safe haven abroad, to join*
8 *or provide material support or resources to a terrorist*
9 *organization.*

10 *(c) INFORMATION SHARING.—The President shall di-*
11 *rect the heads of relevant Federal agencies to provide the*
12 *appropriate information that may be necessary to complete*
13 *the review required under this section.*

14 *(d) SUBMISSION TO CONGRESS.—Not later than 120*
15 *days after the date of enactment of this Act, the President,*
16 *consistent with the protection of classified information,*
17 *shall submit a report to the appropriate congressional com-*
18 *mittees that includes the results of the review required under*
19 *this section, including information on travel routes of great-*
20 *est concern, as appropriate.*

21 *(e) PROHIBITION ON ADDITIONAL FUNDING.—No addi-*
22 *tional funds are authorized to be appropriated to carry out*
23 *this section.*

24 *(f) DEFINITIONS.—In this section:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.—The term “appropriate congressional commit-*
3 *tees” means—*

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

6 (B) *the Select Committee on Intelligence of*
7 *the Senate;*

8 (C) *the Committee on the Judiciary of the*
9 *Senate;*

10 (D) *the Committee on Armed Services of the*
11 *Senate;*

12 (E) *the Committee on Foreign Relations of*
13 *the Senate;*

14 (F) *the Committee on Banking, Housing,*
15 *and Urban Affairs of the Senate;*

16 (G) *the Committee on Appropriations of the*
17 *Senate;*

18 (H) *the Committee on Homeland Security*
19 *of the House of Representatives;*

20 (I) *the Permanent Select Committee on In-*
21 *telligence of the House of Representatives;*

22 (J) *the Committee on the Judiciary of the*
23 *House of Representatives;*

24 (K) *the Committee on Armed Services of the*
25 *House of Representatives;*

1 (L) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (M) the Committee on Appropriations of the
4 House of Representatives; and

5 (N) the Committee on Financial Services of
6 the House of Representatives.

7 (2) *MATERIAL SUPPORT OR RESOURCES*.—The
8 term “material support or resources” has the meaning
9 given such term in section 2339A of title 18, United
10 States Code.

11 **SEC. 403. NATIONAL STRATEGY TO COMBAT TERRORIST**
12 **TRAVEL.**

13 (a) *SENSE OF CONGRESS*.—It is the sense of Congress
14 that it should be the policy of the United States—

15 (1) to continue to regularly assess the evolving
16 terrorist threat to the United States;

17 (2) to catalog existing Federal Government ef-
18 forts to obstruct terrorist and foreign fighter travel
19 into, out of, and within the United States, and over-
20 seas;

21 (3) to identify such efforts that may benefit from
22 reform or consolidation, or require elimination;

23 (4) to identify potential security vulnerabilities
24 in United States defenses against terrorist travel; and

1 (5) *to prioritize resources to address any such se-*
2 *curity vulnerabilities in a risk-based manner.*

3 **(b) NATIONAL STRATEGY AND UPDATES.—**

4 (1) *IN GENERAL.—Not later than 180 days after*
5 *the date of enactment of this Act, the President shall*
6 *submit a national strategy to combat terrorist travel*
7 *to the appropriate congressional committees. The*
8 *strategy shall address efforts to intercept terrorists*
9 *and foreign fighters and constrain the domestic and*
10 *international travel of such persons. Consistent with*
11 *the protection of classified information, the strategy*
12 *shall be submitted in unclassified form, including, as*
13 *appropriate, a classified annex.*

14 (2) *UPDATED STRATEGIES.—Not later than 180*
15 *days after the date on which a new President is inau-*
16 *gurated, the President shall submit an updated*
17 *version of the strategy described in paragraph (1) to*
18 *the appropriate congressional committees.*

19 (3) *CONTENTS.—The strategy required under*
20 *this subsection shall—*

21 (A) *include an accounting and description*
22 *of all Federal Government programs, projects,*
23 *and activities designed to constrain domestic and*
24 *international travel by terrorists and foreign*
25 *fighters;*

1 (B) identify specific security vulnerabilities
2 within the United States and outside of the
3 United States that may be exploited by terrorists
4 and foreign fighters;

5 (C) delineate goals for—

6 (i) closing the security vulnerabilities
7 identified under subparagraph (B); and

8 (ii) enhancing the ability of the Fed-
9 eral Government to constrain domestic and
10 international travel by terrorists and for-
11 eign fighters; and

12 (D) describe the actions that will be taken
13 to achieve the goals delineated under subpara-
14 graph (C) and the means needed to carry out
15 such actions, including—

16 (i) steps to reform, improve, and
17 streamline existing Federal Government ef-
18 forts to align with the current threat envi-
19 ronment;

20 (ii) new programs, projects, or activi-
21 ties that are requested, under development,
22 or undergoing implementation;

23 (iii) new authorities or changes in ex-
24 isting authorities needed from Congress;

1 (iv) *specific budget adjustments being*
2 *requested to enhance United States security*
3 *in a risk-based manner; and*

4 (v) *the Federal departments and agen-*
5 *cies responsible for the specific actions de-*
6 *scribed in this subparagraph.*

7 (4) *SUNSET.—The requirement to submit up-*
8 *dated national strategies under this subsection shall*
9 *terminate on the date that is 7 years after the date*
10 *of enactment of this Act.*

11 (c) *DEVELOPMENT OF IMPLEMENTATION PLANS.—For*
12 *each national strategy required under subsection (b), the*
13 *President shall direct the heads of relevant Federal agencies*
14 *to develop implementation plans for each such agency.*

15 (d) *IMPLEMENTATION PLANS.—*

16 (1) *IN GENERAL.—The President shall submit an*
17 *implementation plan developed under subsection (c)*
18 *to the appropriate congressional committees with each*
19 *national strategy required under subsection (b). Con-*
20 *sistent with the protection of classified information,*
21 *each such implementation plan shall be submitted in*
22 *unclassified form, but may include a classified annex.*

23 (2) *ANNUAL UPDATES.—The President shall sub-*
24 *mit an annual updated implementation plan to the*
25 *appropriate congressional committees during the 10-*

1 *year period beginning on the date of enactment of this*
2 *Act.*

3 *(e) PROHIBITION ON ADDITIONAL FUNDING.—No addi-*
4 *tional funds are authorized to be appropriated to carry out*
5 *this section.*

6 *(f) DEFINITION.—In this section, the term “appro-*
7 *priate congressional committees” means—*

8 *(1) the Committee on Homeland Security and*
9 *Governmental Affairs of the Senate;*

10 *(2) the Committee on Armed Services of the Sen-*
11 *ate;*

12 *(3) the Select Committee on Intelligence of the*
13 *Senate;*

14 *(4) the Committee on the Judiciary of the Sen-*
15 *ate;*

16 *(5) the Committee on Foreign Relations of the*
17 *Senate;*

18 *(6) the Committee on Appropriations of the Sen-*
19 *ate;*

20 *(7) the Committee on Homeland Security of the*
21 *House of Representatives;*

22 *(8) the Committee on Armed Services of the*
23 *House of Representatives;*

24 *(9) the Permanent Select Committee on Intel-*
25 *ligence of the House of Representatives;*

1 (10) *the Committee on the Judiciary of the*
2 *House of Representatives;*

3 (11) *the Committee on Foreign Affairs of the*
4 *House of Representatives; and*

5 (12) *the Committee on Appropriations of the*
6 *House of Representatives.*

7 **SEC. 404. NORTHERN BORDER THREAT ANALYSIS.**

8 (a) *DEFINITIONS.—In this section:*

9 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
10 *TEES.—The term “appropriate congressional commit-*
11 *tees” means—*

12 (A) *the Committee on Homeland Security*
13 *and Governmental Affairs of the Senate;*

14 (B) *the Committee on Appropriations of the*
15 *Senate;*

16 (C) *the Committee on the Judiciary of the*
17 *Senate;*

18 (D) *the Committee on Homeland Security*
19 *of the House of Representatives;*

20 (E) *the Committee on Appropriations of the*
21 *House of Representatives; and*

22 (F) *the Committee on the Judiciary of the*
23 *House of Representatives.*

1 (2) *NORTHERN BORDER.*—*The term “Northern*
2 *Border” means the land and maritime borders be-*
3 *tween the United States and Canada.*

4 (b) *IN GENERAL.*—*Not later than 180 days after the*
5 *date of enactment of this Act, the Secretary shall submit*
6 *to the appropriate congressional committees a Northern*
7 *Border threat analysis that includes—*

8 (1) *current and potential terrorism and criminal*
9 *threats posed by individuals and organized groups*
10 *seeking—*

11 (A) *to enter the United States through the*
12 *Northern Border; or*

13 (B) *to exploit border vulnerabilities on the*
14 *Northern Border;*

15 (2) *improvements needed at and between ports of*
16 *entry along the Northern Border—*

17 (A) *to prevent terrorists and instruments of*
18 *terrorism from entering the United States; and*

19 (B) *to reduce criminal activity, as meas-*
20 *ured by the total flow of illegal goods, illicit*
21 *drugs, and smuggled and trafficked persons*
22 *moved in either direction across the Northern*
23 *Border;*

24 (3) *gaps in law, policy, cooperation between*
25 *State, tribal, and local law enforcement, international*

1 *agreements, or tribal agreements that hinder effective*
2 *and efficient border security, counter-terrorism, and*
3 *anti-human smuggling and trafficking efforts, and the*
4 *flow of legitimate trade along the Northern Border;*
5 *and*

6 *(4) whether additional U.S. Customs and Border*
7 *Protection preclearance and preinspection operations*
8 *at ports of entry along the Northern Border could*
9 *help prevent terrorists and instruments of terror from*
10 *entering the United States.*

11 *(c) ANALYSIS REQUIREMENTS.—For the threat anal-*
12 *ysis required under subsection (b), the Secretary shall con-*
13 *sider and examine—*

14 *(1) technology needs and challenges;*

15 *(2) personnel needs and challenges;*

16 *(3) the role of State, tribal, and local law en-*
17 *forcement in general border security activities;*

18 *(4) the need for cooperation among Federal,*
19 *State, tribal, local, and Canadian law enforcement*
20 *entities relating to border security;*

21 *(5) the terrain, population density, and climate*
22 *along the Northern Border; and*

23 *(6) the needs and challenges of Department fa-*
24 *cilities, including the physical approaches to such fa-*
25 *cilities.*

1 (d) *CLASSIFIED THREAT ANALYSIS.*—*To the extent*
2 *possible, the Secretary shall submit the threat analysis re-*
3 *quired under subsection (b) in unclassified form. The Sec-*
4 *retary may submit a portion of the threat analysis in clas-*
5 *sified form if the Secretary determines that such form is*
6 *appropriate for that portion.*

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114TH CONGRESS
2^D SESSION

S. 2976

[Report No. 114-287]

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.

JUNE 28, 2016

Reported with amendments