

DHS ACQUISITION DOCUMENTATION INTEGRITY ACT OF 2017

Mr. PERRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 347) to amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, and for other purposes.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS Acquisition Documentation Integrity Act of 2017”.

SEC. 2. DEPARTMENT OF HOMELAND SECURITY ACQUISITION DOCUMENTATION.

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

“SEC. 708. ACQUISITION DOCUMENTATION.

“(a) IN GENERAL.—For each major acquisition program, the Secretary, acting through the Under Secretary for Management, shall require the head of a relevant component or office to—

“(1) maintain acquisition documentation that is complete, accurate, timely, and valid, and that includes, at a minimum—

“(A) operational requirements that are validated consistent with departmental policy and changes to such requirements, as appropriate;

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

“(C) verification of such lifecycle cost estimate against independent cost estimates, and reconciliation of any differences;

“(D) a cost-benefit analysis with supporting documentation; and

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

“(2) prepare cost estimates and schedules for major acquisition programs, as required under subparagraphs (B) and (E), in a manner consistent with best practices as identified by the Comptroller General of the United States; and

“(3) submit certain acquisition documentation to the Secretary to produce an annual comprehensive report on the status of departmental acquisitions for submission to Congress.

“(b) WAIVER.—On a case-by-case basis with respect to any major acquisition program under this section, the Secretary may waive the requirement under paragraph (3) of subsection (a) for a fiscal year if either—

“(1) such program has not—

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

“(B) had a reasonable cost estimate established; and

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

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

“(c) CONGRESSIONAL OVERSIGHT.—At the same time the President’s budget is submitted for a fiscal year under section 1105(a) of title 31, United States Code, the Secretary shall make information available, as applicable, to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the requirement described in subsection (a) in the prior fiscal year that includes the following specific information regarding each

major acquisition program for which the Secretary has issued a waiver under subsection (b):

“(1) The grounds for granting a waiver for such program.

“(2) The projected cost of such program.

“(3) The proportion of a component’s or office’s annual acquisition budget attributed to such program, as available.

“(4) Information on the significance of such program with respect to the component’s or office’s operations and execution of its mission.

“(d) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 (based on fiscal year 2017 constant dollars) over its lifecycle cost.”.

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

“Sec. 708. Acquisition documentation.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PERRY) and the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PERRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PERRY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 347, the Department of Homeland Security Acquisition Documentation Integrity Act. This legislation requires the Department of Homeland Security to improve the management of its major purchases of systems to secure the border, better screen travelers, protect our shores, and other vital missions.

Too often, the DHS has failed to document what these programs will cost, when they will be complete, and what they actually will deliver. It is unacceptable to spend billions of taxpayer dollars and not document this very basic but important information. H.R. 347 will help our committee and congressional watchdogs hold the Department accountable and ensure taxpayer dollars are being spent in both an efficient and effective manner. Safeguarding Americans’ hard-earned tax dollars is why our constituents sent us here in the first place.

I commend Ranking Member WATSON COLEMAN for her leadership on this issue, and I ask all Members to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 347, the DHS Acquisition Documentation Integrity Act of 2017.

I reintroduced H.R. 347, a measure that the House unanimously approved on February 23, 2016, to ensure that the progress that the Department of Homeland Security has made with respect to how it manages acquisitions continues.

H.R. 347 requires complete, accurate, timely, and valid documentation to be maintained for each of the Department’s major acquisition programs, which is defined as one with a life cycle cost estimate of \$300 million or more. The required documentation includes information regarding operational requirements, a complete life cycle cost estimate, a cost-benefit analysis, and a schedule.

Under this legislation, the DHS component heads would also be required to submit certain documentation to the DHS Secretary for inclusion in an annual status report on the Department’s acquisitions. While there have been improvements to acquisitions management under former Secretary Jeh Johnson, the Department has struggled when it comes to delivering a specific program on time and at an established cost.

Most of the DHS’ major acquisition programs continue to cost more than expected, take longer to deploy than planned, or deliver less capability than promised. For example, the DHS’ efforts to deliver a Department-wide human resources IT system—HR-IT—have spanned almost 14 years and have cost millions of dollars with little to show for it. As can be seen with the case of HR-IT, anything less than up-to-date acquisition documentation increases the odds of cost and schedule overruns, risks delayed delivery of critical capabilities, and depletes resources needed to address future requirements.

As such, H.R. 347 codifies “best practices” already embodied in the DHS’ acquisition policy and necessary for the success of the DHS’ mission. H.R. 347 requires the DHS Secretary, through the Under Secretary for Management, to require components to maintain specific types of acquisition documentation.

Representatives MCCAUL and THOMPSON, the chairman and ranking member of our committee, and Representative PERRY, the chairman of the Subcommittee on Oversight and Management Efficiency, cosponsored this legislation, which reflects a strong commitment to bolstering the effectiveness of the DHS’ acquisition programs in a bipartisan fashion.

I urge the passage of H.R. 347, a bill that will help ensure that the DHS is a good steward of taxpayer dollars and can provide the DHS’ operators in the field with the tools they need to protect the American people.

Mr. Speaker, I yield back the balance of my time.

□ 1545

Mr. PERRY. Mr. Speaker, I, once again, commend my good friend and

colleague from New Jersey (Mrs. WATSON COLEMAN) on her hard work in offering this viable and meaningful solution.

I urge my colleagues to support H.R. 347.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PERRY) that the House suspend the rules and pass the bill, H.R. 347.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRANSIT SECURITY GRANT PROGRAM FLEXIBILITY ACT

Mr. DONOVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 549) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Transit Security Grant Program Flexibility Act”.

SEC. 2. ALLOWABLE USES OF FUNDS FOR PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANTS.

Subparagraph (A) of section 1406(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(b)(2); Public Law 110-53) is amended by inserting “and associated backfill” after “security training”.

SEC. 3. PERIODS OF PERFORMANCE FOR PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANTS.

Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110-53) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following new subsection:

“(m) PERIODS OF PERFORMANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds provided pursuant to a grant awarded under this section for a use specified in subsection (b) shall remain available for use by a grant recipient for a period of not fewer than 36 months.

“(2) EXCEPTION.—Funds provided pursuant to a grant awarded under this section for a use specified in subparagraph (M) or (N) of subsection (b)(1) shall remain available for use by a grant recipient for a period of not fewer than 55 months.”.

SEC. 4. GAO REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the transit security grant program under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110-53).

(b) SCOPE.—The review required under paragraph (1) shall include the following:

(1) An assessment of the type of projects funded under the transit security grant program referred to in such paragraph.

(2) An assessment of the manner in which such projects address threats to transportation infrastructure.

(3) An assessment of the impact, if any, of this Act (including the amendments made by this Act) on types of projects funded under the transit security grant program.

(4) An assessment of the management and administration of transit security grant program funds by grantees.

(5) Recommendations to improve the manner in which transit security grant program funds address vulnerabilities in transportation infrastructure.

(6) Recommendations to improve the management and administration of the transit security grant program.

(c) REPORT.—Not later than one year after the date of the enactment of this Act and again not later than five years after such date of enactment, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the review required under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. DONOVAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. DONOVAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DONOVAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 549, the Transit Security Grant Program Flexibility Act. With more than 10 billion riders using surface transportation annually and limited security screening, it should not be surprising to us that terrorists have an interest in targeting mass transit. We saw it in London, Madrid, Brussels, and when a terrorist left a backpack of IEDs at a transit station in Elizabeth, New Jersey, last fall.

Given the repeated calls from ISIS and other radical Islamic terrorist groups for lone wolves and sympathizers to plan smaller attacks where larger crowds gather, we must ensure that the first responders and transit agencies have the tools they need to secure our transit systems.

That is why, last Congress, I introduced the Transit Security Grant Program Flexibility Act. This bill addresses concerns raised during a field hearing the Subcommittee on Emergency Preparedness, Response, and Communications held last year in Ranking Member PAYNE’s district on preparedness for incidents impacting surface transportation. As chairman of that subcommittee, I introduced this legislation to ensure action follows our sub-

committee’s oversight, and that is why I reintroduced this commonsense legislation in the 115th Congress.

Witnesses at last year’s field hearing testified about the importance of the transit security grant program, but found that the period of performance was a challenging timeframe to meet, especially for completing vital, large-scale capital security projects. These projects are vital to transit agencies to help enhance their security features systemwide and harden infrastructure.

H.R. 549 addresses this challenge by codifying the period of performance for transit security grant program awards at 36 months for the majority of eligible projects and extending the period of performance for large-scale capital security projects to 55 months.

Additionally, transit security grant program awards can be used to provide personnel with effective security training. Unfortunately, recipients of these awards are not currently permitted to use transit security grant program funds to pay for backfilling personnel attending such training. In some cases, that extra cost at the transit agency has resulted in an inability to send staff for vital security training. My bill will permit transit security grant program funds to be used for this purpose, consistent with other Homeland Security grant programs.

The current threat environment is evolving and complex, which makes it even more imperative that the transit security grant program provide flexible solutions for grant recipients. I am proud to sponsor this bipartisan legislation, which passed the House by voice vote last year.

I urge all Members to join me in supporting H.R. 549.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 549, the Transit Security Grant Program Flexibility Act.

As the threats to our homeland continue to evolve, transit systems, domestically and abroad, have become a leading target for terrorists. Last year, the Committee on Homeland Security’s Subcommittee for Emergency Preparedness, Response, and Communications held field hearings in New Jersey to assess how transit owners and operators and local first responders were coordinating efforts to secure domestic mass transit and to determine what the Federal Government could do to assist those efforts.

At the hearing, transit operators repeatedly praised the transit security grant program, although they raised serious concerns about funding, which has decreased dramatically since its peak in 2009. Witnesses also testified that the period of the performance for the transit safety grant program was too short to support infrastructure-hardening projects.

Under H.R. 549, the period of performance for security-hardening projects would be extended from 36 months to 55