

115TH CONGRESS
1ST SESSION

H. R. 2825

To amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2017

Mr. McCAUL (for himself and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Department of Homeland Security Authorization Act of
6 2017” or the “DHS Authorization Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Prohibition on additional authorization of appropriations.

Sec. 3. Definition of congressional homeland security committees.

TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS

- Sec. 101. Homeland security enterprise defined.
- Sec. 102. Functions and components of Headquarters of Department of Homeland Security.
- Sec. 103. Repeal of Director of Shared Services and Office of Counternarcotics Enforcement of Department of Homeland Security.
- Sec. 104. Responsibilities and functions of Chief Privacy Officer.
- Sec. 105. Responsibilities of Chief Financial Officer.
- Sec. 106. Chief Information Officer.
- Sec. 107. Quadrennial Homeland Security review.
- Sec. 108. Office of Strategy, Policy, and Plans.
- Sec. 109. Chief Procurement Officer.
- Sec. 110. Chief Security Officer.
- Sec. 111. Office of Inspector General.
- Sec. 112. Department of Homeland Security Rotation Program.
- Sec. 113. Future Years Homeland Security Program.
- Sec. 114. Field efficiencies plan.
- Sec. 115. Submission to Congress of information regarding reprogramming or transfer of Department of Homeland Security resources to respond to operational surges.
- Sec. 116. Report to Congress on cost savings and efficiency.
- Sec. 117. Research and development and CBRNE organizational review.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION ACCOUNTABILITY AND EFFICIENCY

Sec. 201. Definitions.

Subtitle A—Acquisition Authorities

- Sec. 211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.
- Sec. 212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.
- Sec. 213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.
- Sec. 214. Acquisition authorities for Program Accountability and Risk Management.

Subtitle B—Acquisition Program Management Discipline

- Sec. 221. Acquisition Review Board.
- Sec. 222. Requirements to reduce duplication in acquisition programs.
- Sec. 223. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.
- Sec. 224. Excluded party list system waivers.
- Sec. 225. Inspector General oversight of suspension and debarment.

Subtitle C—Acquisition Program Management Accountability and Transparency

- Sec. 231. Congressional notification for major acquisition programs.

Sec. 232. Multiyear Acquisition Strategy.
 Sec. 233. Acquisition reports.

1 SEC. 2. PROHIBITION ON ADDITIONAL AUTHORIZATION OF
2 APPROPRIATIONS.

3 No additional funds are authorized to be appro-
 4 priated to carry out this Act and the amendments made
 5 by this Act. This Act and such amendments shall be car-
 6 ried out using amounts otherwise available for such pur-
 7 poses.

8 SEC. 3. DEFINITION OF CONGRESSIONAL HOMELAND SECU-
9 RITY COMMITTEES.

10 In this Act, the term “congressional homeland secu-
 11 rity committees” means—

12 (1) the Committee on Homeland Security of the
 13 House of Representatives and the Committee on
 14 Homeland Security and Governmental Affairs of the
 15 Senate; and

16 (2) the Committee on Appropriations of the
 17 House of Representatives and the Committee on Ap-
 18 propriations of the Senate.

19 TITLE I—DEPARTMENT OF
20 HOMELAND SECURITY HEAD-
21 QUARTERS

22 SEC. 101. HOMELAND SECURITY ENTERPRISE DEFINED.

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

1 (1) by redesignating paragraphs (9) through
 2 (20) as paragraphs (10) through (21), respectively;
 3 and

4 (2) by inserting after paragraph (8) the fol-
 5 lowing new paragraph (9):

6 “(9) The term ‘homeland security enterprise’
 7 means any relevant governmental or nongovern-
 8 mental entity involved in homeland security, includ-
 9 ing a Federal, State, or local government official,
 10 private sector representative, academic, or other pol-
 11 icy expert.”.

12 **SEC. 102. FUNCTIONS AND COMPONENTS OF HEAD-**
 13 **QUARTERS OF DEPARTMENT OF HOMELAND**
 14 **SECURITY.**

15 Section 102 of the Homeland Security Act of 2002
 16 (6 U.S.C. 112) is amended—

17 (1) in subsection (c)—

18 (A) in the matter preceding paragraph (1),
 19 by striking “through the Office of State and
 20 Local Coordination (established under section
 21 801)” and inserting “through the Office of
 22 Partnership and Engagement”;

23 (B) in paragraph (2), by striking “and”
 24 after the semicolon at the end;

1 (C) in paragraph (3), by striking the pe-
2 riod and inserting “; and”; and

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

4 “(4) entering into agreements with governments
5 of other countries, in consultation with the Secretary
6 of State, and international nongovernmental organi-
7 zations in order to achieve the missions of the De-
8 partment.”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(h) HEADQUARTERS.—

12 “(1) COMPONENTS.—There is in the Depart-
13 ment a Headquarters. The Department Head-
14 quarters shall include each of the following:

15 “(A) The Office of the Secretary.

16 “(B) The Office of the Deputy Secretary.

17 “(C) The Executive Secretary.

18 “(D) The Management Directorate, includ-
19 ing the Office of the Chief Financial Officer.

20 “(E) The Office of Strategy, Policy, and
21 Plans.

22 “(F) The Office of the General Counsel.

23 “(G) The Office of the Chief Privacy Offi-
24 cer.

1 “(H) The Office for Civil Rights and Civil
2 Liberties.

3 “(I) The Office of Operations Coordina-
4 tion.

5 “(J) The Office of Intelligence and Anal-
6 ysis.

7 “(K) The Office of Legislative Affairs.

8 “(L) The Office of Public Affairs.

9 “(M) The Office of the Inspector General.

10 “(N) The Office of the Citizenship and Im-
11 migration Services Ombudsman.

12 “(2) FUNCTIONS.—The Secretary, acting
13 through the appropriate official of the Headquarters,
14 shall—

15 “(A) establish an overall strategy to suc-
16 cessfully further the mission of the Department;

17 “(B) establish initiatives that improve De-
18 partment-wide operational performance;

19 “(C) establish mechanisms to—

20 “(i) ensure that components of the
21 Department comply with Department poli-
22 cies and fully implement the strategies and
23 initiatives of the Secretary; and

24 “(ii) require the head of each compo-
25 nent of the Department and component

1 chief officers to comply with such policies
2 and implement such strategies and initia-
3 tives;

4 “(D) establish annual operational and
5 management objectives to evaluate the perform-
6 ance of the Department;

7 “(E) ensure that the Department success-
8 fully meets operational and management per-
9 formance objectives through conducting over-
10 sight of component agencies;

11 “(F) ensure that the strategies, priorities,
12 investments, and workforce of Department com-
13 ponents align with Department objectives;

14 “(G) establish and implement policies re-
15 lated to Department ethics and compliance
16 standards;

17 “(H) manage and encourage shared serv-
18 ices across Department components;

19 “(I) lead and coordinate interaction with
20 Congress and other external organizations; and

21 “(J) carry out other such functions as the
22 Secretary determines are appropriate.”.

1 **SEC. 103. REPEAL OF DIRECTOR OF SHARED SERVICES AND**
2 **OFFICE OF COUNTERNARCOTICS ENFORCE-**
3 **MENT OF DEPARTMENT OF HOMELAND SECU-**
4 **RITY.**

5 (a) ABOLISHMENT OF DIRECTOR OF SHARED SERV-
6 ICES.—

7 (1) ABOLISHMENT.—The position of Director of
8 Shared Services of the Department of Homeland Se-
9 curity is abolished.

10 (2) CONFORMING AMENDMENT.—The Home-
11 land Security Act of 2002 is amended by striking
12 section 475 (6 U.S.C. 295).

13 (3) CLERICAL AMENDMENT.—The table of con-
14 tents in section 1(b) of such Act is amended by
15 striking the item relating to section 475.

16 (b) ABOLISHMENT OF THE OFFICE OF COUNTER-
17 NARCOTICS ENFORCEMENT.—

18 (1) ABOLISHMENT.—The Office of Counter-
19 narcotics Enforcement is abolished.

20 (2) CONFORMING AMENDMENTS.—The Home-
21 land Security Act of 2002 is amended—

22 (A) in subparagraph (B) of section
23 843(b)(1) (6 U.S.C. 413(b)(1)), by striking
24 “by—” and all that follows through the end of
25 that subparagraph and inserting “by the Sec-
26 retary; and”;

1 (B) by striking section 878 (6 U.S.C.
2 112).

3 (3) CLERICAL AMENDMENT.—The table of con-
4 tents in section 1(b) of such Act is amended by
5 striking the item relating to section 878.

6 **SEC. 104. RESPONSIBILITIES AND FUNCTIONS OF CHIEF**
7 **PRIVACY OFFICER.**

8 (a) IN GENERAL.—Section 222 of the Homeland Se-
9 curity Act of 2002 (6 U.S.C. 142) is amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph
12 (1)—

13 (i) by inserting “to be the Chief Pri-
14 vacy Officer of the Department,” after “in
15 the Department,”; and

16 (ii) by striking “to the Secretary, to
17 assume” and inserting “to the Secretary.
18 Such official shall have”;

19 (B) in paragraph (5), by striking “and” at
20 the end;

21 (C) by striking paragraph (6); and

22 (D) by inserting after paragraph (5) the
23 following new paragraphs:

1 “(6) developing guidance to assist components
2 of the Department in developing privacy policies and
3 practices;

4 “(7) establishing a mechanism to ensure such
5 components are in compliance with Federal, regu-
6 latory, statutory, and Department privacy require-
7 ments, mandates, directives, and policies;

8 “(8) working with the Chief Information Officer
9 of the Department to identify methods for managing
10 and overseeing the records, management policies,
11 and procedures of the Department;

12 “(9) working with components and offices of
13 the Department to ensure that information sharing
14 activities incorporate privacy protections;

15 “(10) serving as the Chief FOIA Officer of the
16 Department for purposes of subsection (j) of section
17 552 of title 5, United States Code (popularly known
18 as the Freedom of Information Act), to manage and
19 process requests related to such section;

20 “(11) developing guidance on procedures to be
21 followed by individuals making requests for informa-
22 tion under section 552 of title 5, United States
23 Code;

24 “(12) overseeing the management and proc-
25 essing of requests for information under section 552

1 of title 5, United States Code, within Department
2 Headquarters and relevant Department component
3 offices;

4 “(13) identifying and eliminating unnecessary
5 and duplicative actions taken by the Department in
6 the course of processing requests for information
7 under section 552 of title 5, United States Code;

8 “(14) preparing an annual report to Congress
9 that includes—

10 “(A) a description of the activities of the
11 Department that affect privacy during the fiscal
12 year covered by the report, including complaints
13 of privacy violations, implementation of section
14 552a of title 5, United States Code (popularly
15 known as the Privacy Act of 1974), internal
16 controls, and other matters; and

17 “(B) the number of new technology pro-
18 grams implemented in the Department during
19 the fiscal year covered by the report, the num-
20 ber of such programs that the Chief Privacy Of-
21 ficer has evaluated to ensure that privacy pro-
22 tections are considered and implemented, the
23 number of such programs that effectively imple-
24 mented privacy protections into new technology
25 programs, and an explanation of why any new

1 programs did not effectively implement privacy
2 protections; and

3 “(15) carrying out such other responsibilities as
4 the Secretary determines are appropriate, consistent
5 with this section.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(f) REASSIGNMENT OF FUNCTIONS.—Notwith-
9 standing subsection (a)(10), the Secretary may reassign
10 the functions related to managing and processing requests
11 for information under section 552 of title 5, United States
12 Code, to another officer within the Department, consistent
13 with requirements of that section.”.

14 **SEC. 105. RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-**
15 **CER.**

16 Section 702 of the Homeland Security Act of 2002
17 (6 U.S.C. 342) is amended—

18 (1) by redesignating subsections (b) and (c) as
19 subsections (c) and (d), respectively; and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection (b):

22 “(b) RESPONSIBILITIES.—The Chief Financial Offi-
23 cer, in consultation with the Under Secretary for Manage-
24 ment and the Under Secretary for Intelligence and Anal-
25 ysis, as appropriate, shall—

1 “(1) oversee Department budget formulation
2 and execution;

3 “(2) lead and provide guidance on performance-
4 based budgeting practices for the Department to en-
5 sure that the Department and its components are
6 meeting missions and goals;

7 “(3) lead cost-estimating practices for the De-
8 partment, including the development of policies on
9 cost estimating and approval of life cycle cost esti-
10 mates;

11 “(4) coordinate with the Office of Strategy,
12 Policy, and Plans to ensure that the development of
13 the budget for the Department is compatible with
14 the long-term strategic plans, priorities, and policies
15 of the Secretary;

16 “(5) develop financial management policy for
17 the Department and oversee the implementation of
18 such policy, including the establishment of effective
19 internal controls over financial reporting systems
20 and processes throughout the Department;

21 “(6) provide guidance for and over financial
22 system modernization efforts throughout the Depart-
23 ment;

1 “(7) lead the efforts of the Department related
2 to financial oversight, including identifying ways to
3 streamline and standardize business processes;

4 “(8) oversee the costs of acquisition programs
5 and related activities to ensure that actual and
6 planned costs are in accordance with budget esti-
7 mates and are affordable, or can be adequately fund-
8 ed, over the life cycle of such programs and activi-
9 ties; and

10 “(9) fully implement a common accounting
11 structure to be used across the entire Department
12 by fiscal year 2020.”.

13 **SEC. 106. CHIEF INFORMATION OFFICER.**

14 (a) IN GENERAL.—Section 703 of the Homeland Se-
15 curity Act of 2002 (6 U.S.C. 343) is amended—

16 (1) in subsection (a), by adding at the end the
17 following new sentence: “In addition to the functions
18 under section 3506(a)(2) of title 44, United States
19 Code, the Chief Information Officer shall perform
20 the functions set forth in this section and such other
21 functions as may be assigned by the Secretary.”;

22 (2) by redesignating subsection (b) as sub-
23 section (d); and

24 (3) by inserting after subsection (a) the fol-
25 lowing new subsections:

1 “(b) RESPONSIBILITIES.—In addition to performing
2 the functions under section 3506 of title 44, United States
3 Code, the Chief Information Officer shall serve as the lead
4 technical authority for information technology programs
5 of the Department and Department components and, in
6 consultation with the Under Secretary for Management,
7 shall—

8 “(1) advise and assist the Secretary, heads of
9 the components of the Department, and other senior
10 officers in carrying out the responsibilities of the
11 Department for all activities relating to the budgets,
12 programs, security, and operations of the informa-
13 tion technology functions of the Department;

14 “(2) to the extent delegated by the Secretary,
15 exercise leadership and authority over Department
16 information technology management and establish
17 the information technology priorities, policies, proc-
18 esses, standards, guidelines, and procedures of the
19 Department to ensure interoperability and standard-
20 ization of information technology;

21 “(3) maintain a consolidated inventory of the
22 mission critical and mission essential information
23 systems of the Department, and develop and main-
24 tain contingency plans for responding to a disrup-

1 tion in the operation of any of those information sys-
2 tems;

3 “(4) maintain the security, visibility, reliability,
4 integrity, and availability of data and information
5 technology of the Department;

6 “(5) establish and implement policies and pro-
7 cedures to effectively monitor and manage
8 vulnerabilities in the supply chain for purchases of
9 information technology, in consultation with the
10 Chief Procurement Officer of the Department;

11 “(6) review contracts and interagency agree-
12 ments associated with major information technology
13 investments and information technology investments
14 that have had cost, schedule, or performance chal-
15 lenges in the past;

16 “(7) assess the risk of all major information
17 technology investments and publically report the risk
18 rating to the Office of Management and Budget; and

19 “(8) carry out any other responsibilities dele-
20 gated by the Secretary consistent with an effective
21 information system management function.

22 “(c) STRATEGIC PLANS.—In coordination with the
23 Chief Financial Officer, the Chief Information Officer
24 shall develop an information technology strategic plan
25 every five years and report to the Committee on Homeland

1 Security and the Committee on Appropriations of the
2 House of Representatives and the Committee on Home-
3 land Security and Governmental Affairs and the Com-
4 mittee on Appropriations of the Senate on the extent to
5 which—

6 “(1) the budget of the Department aligns with
7 priorities specified in the information technology
8 strategic plan;

9 “(2) the information technology strategic plan
10 informs the budget process of the Department;

11 “(3) information technology priorities were or
12 were not funded and the reasons for not funding all
13 priorities in a given fiscal year;

14 “(4) the Department has identified and ad-
15 dressed skills gaps needed to implement the informa-
16 tion technology strategic plan; and

17 “(5) unnecessary duplicate information tech-
18 nology within and across the components of the De-
19 partment has been eliminated.”.

20 (b) SOFTWARE LICENSING.—

21 (1) SOFTWARE INVENTORY.—Not later than
22 180 days after the date of the enactment of this Act
23 and every two years thereafter until 2022, the Chief
24 Information Officer of the Department of Homeland

1 Security, in consultation with Department compo-
2 nent chief information officers, shall—

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

7 (B) assess the needs of the Department
8 and the components of the Department for soft-
9 ware licenses for the subsequent two fiscal
10 years;

11 (C) examine how the Department can
12 achieve the greatest possible economies of scale
13 and cost savings in the procurement of software
14 licenses;

15 (D) determine how the use of shared
16 cloud-computing services will impact the needs
17 for software licenses for the subsequent two fis-
18 cal years;

19 (E) establish plans and estimated costs for
20 eliminating unutilized software licenses for the
21 subsequent two fiscal years; and

22 (F) submit a copy of each inventory con-
23 ducted under subparagraph (A) to the Com-
24 mittee on Homeland Security of the House of
25 Representatives and the Committee on Home-

1 land Security and Governmental Affairs of the
2 Senate.

3 (2) PLAN TO REDUCE SOFTWARE LICENSES.—

4 If the Chief Information Officer determines through
5 the inventory conducted under paragraph (1) that
6 the number of software licenses held by the Depart-
7 ment and the components of the Department exceed
8 the needs of the Department, not later than 90 days
9 after the date on which the inventory is completed,
10 the Secretary of Homeland Security shall establish a
11 plan for reducing the number of such software li-
12 censes to meet needs of the Department.

13 (3) PROHIBITION ON PROCUREMENT OF NEW
14 SOFTWARE LICENSES.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), upon completion of a plan
17 under paragraph (2), no additional resources
18 may be obligated for the procurement of new
19 software licenses for the Department until such
20 time as the need of the Department exceeds the
21 number of used and unused licenses held by the
22 Department.

23 (B) EXCEPTION.—The Chief Information
24 Officer may authorize the purchase of addi-

1 tional licenses and amend the number of needed
2 licenses as necessary.

3 (c) COMPTROLLER GENERAL REVIEW.—Not later
4 than fiscal year 2019, the Comptroller General of the
5 United States shall review the extent to which the Chief
6 Information Officer fulfilled all requirements established
7 in this section and the amendment made by this section.

8 (d) COMPLETION OF FIRST DEFINITION OF CAPA-
9 BILITIES.—Not later than one year after the date of the
10 enactment of this Act, the Chief Information Officer shall
11 complete the first information technology strategic plan
12 required under subsection (c) of section 701 of the Home-
13 land Security Act of 2002, as added by subsection (a) of
14 this section.

15 **SEC. 107. QUADRENNIAL HOMELAND SECURITY REVIEW.**

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

18 (1) in subsection (a)(3)—

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

21 (B) by redesignating subparagraph (C) as
22 subparagraph (D); and

23 (C) by inserting after subparagraph (B)
24 the following new subparagraph (C):

“(C) representatives from appropriate advisory committees established pursuant to section 871, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code; and”;

(2) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon at the end the following: “based on the risk assessment required pursuant to subsection (c)(2)(B)”;

(B) in paragraph (3)—

(i) by inserting “, to the extent practicable,” after “describe”; and

(ii) by striking “budget plan” and inserting “resources required”;

(C) in paragraph (4)—

(i) by inserting “, to the extent practicable,” after “identify”;

(ii) by striking “budget plan required to provide sufficient resources to success-

fully” and inserting “resources required to”; and

(iii) by striking the semicolon at the end and inserting “, including any resources identified from redundant, wasteful, or unnecessary capabilities and capacities that can be redirected to better support other existing capabilities and capacities, as the case may be; and”;

(D) in paragraph (5), by striking “; and” and inserting a period; and

(E) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1), by striking “December 31 of the year” and inserting “60 days after the date of the submittal of the President’s budget for the fiscal year after the fiscal year”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “description of the threats to” and inserting “risk assessment of”;

(ii) in subparagraph (C), by inserting “, as required under subsection (b)(2)” before the semicolon at the end;

1 (iii) in subparagraph (D)—

2 (I) by inserting “to the extent
3 practicable,” before “a description”;
4 and

5 (II) by striking “budget plan”
6 and inserting “resources required”;

7 (iv) in subparagraph (F)—

8 (I) by inserting “to the extent
9 practicable,” before “a discussion”;
10 and

11 (II) by striking “the status of”;

12 (v) in subparagraph (G)—

13 (I) by inserting “to the extent
14 practicable,” before “a discussion”;

15 (II) by striking “the status of”;

16 (III) by inserting “and risks” be-
17 fore “to national homeland”; and

18 (IV) by inserting “and” after the
19 semicolon at the end;

20 (vi) by striking subparagraph (H);

21 and

22 (vii) by redesignating subparagraph
23 (I) as subparagraph (H);

24 (C) by redesignating paragraph (3) as
25 paragraph (4); and

1 (D) by inserting after paragraph (2) the
2 following new paragraph (3):

3 “(3) DOCUMENTATION.—The Secretary shall
4 retain and, upon request, provide to Congress the
5 following documentation regarding the quadrennial
6 homeland security review:

7 “(A) Records regarding the consultation
8 carried out the pursuant to subsection (a)(3),
9 including—

10 “(i) all written communications, in-
11 cluding communications sent out by the
12 Secretary and feedback submitted to the
13 Secretary through technology, online com-
14 munications tools, in-person discussions,
15 and the interagency process; and

16 “(ii) information on how feedback re-
17 ceived by the Secretary informed the quad-
18 rennial homeland security review.

19 “(B) Information regarding the risk as-
20 sessment, as required under subsection
21 (c)(2)(B), including—

22 “(i) the risk model utilized to generate
23 the risk assessment;

1 “(ii) information, including data used
2 in the risk model, utilized to generate the
3 risk assessment;

4 “(iii) sources of information, including
5 other risk assessments, utilized to generate
6 the risk assessment; and

7 “(iv) information on assumptions,
8 weighing factors, and subjective judgments
9 utilized to generate the risk assessment,
10 together with information on the rationale
11 or basis thereof.”; and

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

14 (5) by inserting after subsection (c) the fol-
15 lowing new subsection (d):

16 “(d) REVIEW.—Not later than 90 days after the sub-
17 mission of each report required under subsection (c)(1),
18 the Secretary shall provide to the Committee on Homeland
19 Security of the House of Representatives and the Com-
20 mittee on Homeland Security and Governmental Affairs
21 of the Senate information on the degree to which the find-
22 ings and recommendations developed in the quadrennial
23 homeland security review covered by the report were inte-
24 grated into the acquisition strategy and expenditure plans
25 for the Department.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to a quadrennial
3 homeland security review conducted after December 31,
4 2017.

5 **SEC. 108. OFFICE OF STRATEGY, POLICY, AND PLANS.**

6 (a) IN GENERAL.—Section 709 of the Homeland Se-
7 curity Act of 2002 (6 U.S.C. 349) is amended—

8 (1) in subsection (a), by adding at the end the
9 following: “The Office of Strategy, Policy, and Plans
10 shall include the following components:

11 “(1) The Office of Partnership and Engage-
12 ment.

13 “(2) The Office of International Affairs.

14 “(3) The Office of Cyber, Infrastructure, and
15 Resilience Policy.

16 “(4) The Office of Strategy, Planning, Analysis,
17 and Risk.

18 “(5) The Office of Threat Prevention and Secu-
19 rity Policy.

20 “(6) The Office of Border, Immigration, and
21 Trade Policy.”;

22 (2) by redesignating subsections (e) through (g)
23 as subsections (f) through (h), respectively; and

24 (3) by inserting after subsection (d) the fol-
25 lowing new subsection (e):

1 “(e) ASSISTANT SECRETARIES AND DIRECTORS.—

2 “(1) ASSISTANT SECRETARY FOR PARTNERSHIP
3 AND ENGAGEMENT.—The Office of Partnership and
4 Engagement shall be led by an Assistant Secretary
5 for Partnership and Engagement appointed by the
6 Secretary. The Assistant Secretary shall—

7 “(A) lead the efforts of the Department to
8 incorporate external feedback from stakeholders
9 into policy and strategic planning efforts, as ap-
10 propriate;

11 “(B) conduct the activities specified in sec-
12 tion 2006(b);

13 “(C) advise the Secretary on the effects of
14 the policies, regulations, processes, and actions
15 of the Department on the private sector and
16 create and foster strategic communications with
17 the private sector to enhance the primary mis-
18 sion of the Department to protect the home-
19 land;

20 “(D) coordinate the activities of the De-
21 partment relating to State and local govern-
22 ment;

23 “(E) provide State and local governments
24 with regular information, research, and tech-

1 nical support to assist local efforts at securing
2 the homeland; and

3 “(F) perform such other functions as are
4 established by law or delegated by the Under
5 Secretary for Policy.

6 “(2) ASSISTANT SECRETARY FOR INTER-
7 NATIONAL AFFAIRS.—The Office of International
8 Affairs shall be led by an Assistant Secretary for
9 International Affairs appointed by the Secretary.
10 The Assistant Secretary shall—

11 “(A) coordinate international activities
12 within the Department, including activities car-
13 ried out by the components of the Department,
14 in consultation with other Federal officials with
15 responsibility for counterterrorism and home-
16 land security matters;

17 “(B) advise, inform, and assist the Sec-
18 retary with respect to the development and im-
19 plementation of the policy priorities of the De-
20 partment, including strategic priorities for the
21 deployment of assets, including personnel, out-
22 side the United States;

23 “(C) develop, in consultation with the
24 Under Secretary for Management, guidance for
25 selecting, assigning, training, and monitoring

1 overseas deployments of Department personnel,
2 including minimum standards for pre-deploy-
3 ment training;

4 “(D) maintain awareness regarding the
5 international travel of senior officers of the De-
6 partment and their intent to pursue negotia-
7 tions with foreign government officials, and re-
8 view resulting draft agreements; and

9 “(E) perform such other functions as are
10 established by law or delegated by the Under
11 Secretary for Policy.”.

12 (b) ABOLISHMENT OF OFFICE OF INTERNATIONAL
13 AFFAIRS.—

14 (1) IN GENERAL.—The Office of International
15 Affairs within the Office of the Secretary of Home-
16 land Security is abolished.

17 (2) TRANSFER OF ASSETS AND PERSONNEL.—
18 The functions authorized to be performed by such
19 office as of the day before the date of the enactment
20 of this Act, and the assets and personnel associated
21 with such functions, are transferred to the head of
22 the Office of International Affairs provided for by
23 section 709 of the Homeland Security Act of 2002,
24 as amended by this section.

1 (3) CONFORMING AMENDMENT.—The Home-
2 land Security Act of 2002 is amended by striking
3 section 879 (6 U.S.C. 459).

4 (4) CLERICAL AMENDMENT.—The table of con-
5 tents in section 1(b) of such Act is amended by
6 striking the item relating to section 879.

7 (c) TRANSFER OF FUNCTIONS, ASSETS, AND PER-
8 SONNEL OF OFFICE FOR STATE AND LOCAL LAW EN-
9 FORCEMENT.—The functions authorized to be performed
10 by the Office for State and Local Law Enforcement of
11 the Department of Homeland Security as of the day before
12 the date of the enactment of this Act, and the assets and
13 personnel associated with such functions, are transferred
14 to the head of the Office of Partnership and Engagement
15 provided for by section 709 of the Homeland Security Act
16 of 2002, as amended by this section.

17 (d) ABOLISHMENT OF OFFICE FOR STATE AND
18 LOCAL GOVERNMENT COORDINATION.—

19 (1) IN GENERAL.—The Office for State and
20 Local Government Coordination of the Department
21 of Homeland Security is abolished.

22 (2) TRANSFER OF FUNCTIONS AND ASSETS.—
23 The functions authorized to be performed by such
24 office immediately before the enactment of this Act,
25 and the assets and personnel associated with such

1 functions, are transferred to the head of Office of
2 Partnership and Engagement provided for by section
3 709 of the Homeland Security Act of 2002, as
4 amended by this section.

5 (3) CONFORMING AMENDMENT.—The Home-
6 land Security Act of 2002 is amended by striking
7 section 801 (6 U.S.C. 631).

8 (4) CLERICAL AMENDMENT.—The table of con-
9 tents in section 1(b) of such Act is amended by
10 striking the item relating to section 801.

11 (e) ABOLISHMENT OF SPECIAL ASSISTANT TO SEC-
12 RETARY OF HOMELAND SECURITY.—

13 (1) IN GENERAL.—The Special Assistant to the
14 Secretary authorized by section 102(f) of the Home-
15 land Security Act of 2002 (6 U.S.C. 112(f)), as in
16 effect immediately before the enactment of this Act,
17 is abolished.

18 (2) TRANSFER OF FUNCTIONS AND ASSETS.—
19 The functions authorized to be performed by such
20 Special Assistant to the Secretary immediately be-
21 fore the enactment of this Act, and the assets and
22 personnel associated with such functions, are trans-
23 ferred to the head of the Office of Partnership and
24 Engagement provided for by section 709 of the

1 Homeland Security Act of 2002, as amended by this
2 section.

3 (3) CONFORMING AMENDMENT.—Section 102
4 of the Homeland Security Act of 2002 (6 U.S.C.
5 112) is amended by striking subsection (f).

6 (f) CONFORMING AMENDMENTS RELATING TO AS-
7 SISTANT SECRETARIES.—Subsection (a) of section 103 of
8 the Homeland Security Act of 2002 (6 U.S.C. 113) is
9 amended—

10 (1) in the subsection heading, by inserting “;
11 ASSISTANT SECRETARIES” after “UNDER SECRE-
12 TARIES”;

13 (2) in paragraph (1), by striking subparagraph
14 (I) and redesignating subparagraphs (J) and (K) as
15 subparagraphs (I) and (J), respectively;

16 (3) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) ASSISTANT SECRETARIES AND OTHER OF-
19 FICIALS.—

20 “(A) ADVICE AND CONSENT APPOINT-
21 MENTS.—The Department shall have the fol-
22 lowing officials appointed by the President, by
23 and with the advice and consent of the Senate:

24 “(i) The Assistant Secretary, U.S.
25 Immigration and Customs Enforcement.

1 “(ii) The Administrator, Transpor-
2 tation Security Administration.

3 “(B) OTHER PRESIDENTIAL APPOINT-
4 MENTS.—The Department shall have the fol-
5 lowing Assistant Secretaries appointed by the
6 President:

7 “(i) The Assistant Secretary, Infra-
8 structure Protection.

9 “(ii) The Assistant Secretary, Office
10 of Public Affairs.

11 “(iii) The Assistant Secretary, Office
12 of Legislative Affairs.

13 “(C) SECRETARIAL APPOINTMENTS.—The
14 Department shall have the following Assistant
15 Secretaries appointed by the Secretary:

16 “(i) The Assistant Secretary, Office of
17 Cybersecurity and Communications.

18 “(ii) The Assistant Secretary for
19 International Affairs.

20 “(iii) The Assistant Secretary for
21 Partnership and Engagement.

22 “(iv) The Assistant Secretary for
23 Threat Prevention and Security Policy.

24 “(v) The Assistant Secretary for Bor-
25 der, Immigration, and Trade Policy.

1 “(vi) The Assistant Secretary for
2 Cyber, Infrastructure, and Resilience Pol-
3 icy.

4 “(vii) The Assistant Secretary for
5 Strategy, Planning, Analysis, and Risk.

6 “(viii) The Assistant Secretary for
7 State and Local Law Enforcement.”; and

8 (4) by adding at the end the following new
9 paragraphs:

10 “(3) ASSISTANT SECRETARY, LEGISLATIVE AF-
11 FAIRS.—The Assistant Secretary, Legislative Affairs
12 shall oversee one internal reporting structure for en-
13 gaging with authorizing and appropriating congres-
14 sional committees.

15 “(4) LIMITATION ON CREATION OF POSI-
16 TIONS.—No Assistant Secretary position may be cre-
17 ated in addition to the positions provided for by this
18 section unless such position is authorized by a stat-
19 ute enacted after the date of the enactment of the
20 Department of Homeland Security Authorization
21 Act of 2017.”.

22 (g) HOMELAND SECURITY ADVISORY COUNCIL.—
23 Subsection (b) of section 102 of the Homeland Security
24 Act of 2002 (6 U.S.C. 112) is amended—

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

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

5 (3) by adding at the end the following new
6 paragraph:

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

10 (h) PROHIBITION ON NEW OFFICES.—No new office
11 may be created to perform functions transferred by this
12 section, other than as provided in section 709 of the
13 Homeland Security Act of 2002, as amended by this Act.

14 (i) DEFINITIONS.—In this section each of the terms
15 “functions”, “assets”, and “personnel” has the meaning
16 given each such term under section 2 of the Homeland
17 Security Act of 2002 (6 U.S.C. 101).

18 (j) DUPLICATION REVIEW.—

19 (1) REVIEW REQUIRED.—Not later than one
20 year after the date of the enactment of this Act, the
21 Secretary of Homeland Security shall complete a re-
22 view of the functions and responsibilities of each De-
23 partment of Homeland Security component respon-
24 sible for international affairs to identify and elimi-
25 nate areas of unnecessary duplication.

1 (2) SUBMITTAL TO CONGRESS.—Not later than
2 30 days after the completion of the review required
3 under paragraph (1), the Secretary shall provide the
4 results of the review to the Committee on Homeland
5 Security of the House of Representatives and the
6 Committee on Homeland Security and Governmental
7 Affairs of the Senate.

8 (3) ACTION PLAN.—Not later than one year
9 after the date of the enactment of this Act, the Sec-
10 retary shall submit to the congressional homeland
11 security committees an action plan, including correc-
12 tive steps and an estimated date of completion, to
13 address areas of duplication, fragmentation, and
14 overlap and opportunities for cost savings and rev-
15 enue enhancement, as identified by the Government
16 Accountability Office based on the annual report of
17 the Government Accountability Office entitled “Ad-
18 ditional Opportunities to Reduce Fragmentation,
19 Overlap, and Duplication and Achieve Other Finan-
20 cial Benefits”.

21 **SEC. 109. CHIEF PROCUREMENT OFFICER.**

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

1 **“SEC. 710. CHIEF PROCUREMENT OFFICER.**

2 “(a) IN GENERAL.—There is in the Department a
3 Chief Procurement Officer, who shall serve as a senior
4 business advisor to agency officials on procurement-re-
5 lated matters and report directly to the Under Secretary
6 for Management. The Chief Procurement Officer is the
7 senior procurement executive for purposes of subsection
8 (c) of section 1702 of title 41, United States Code, and
9 shall perform procurement functions as specified in such
10 subsection.

11 “(b) RESPONSIBILITIES.—The Chief Procurement
12 Officer shall—

13 “(1) delegate or retain contracting authority, as
14 appropriate;

15 “(2) issue procurement policies and oversee the
16 heads of contracting activity of the Department to
17 ensure compliance with those policies;

18 “(3) serve as the main liaison of the Depart-
19 ment to industry on procurement-related issues;

20 “(4) account for the integrity, performance, and
21 oversight of Department procurement and con-
22 tracting functions;

23 “(5) ensure that procurement contracting strat-
24 egies and plans are consistent with the intent and
25 direction of the Acquisition Review Board;

1 “(6) oversee a centralized acquisition workforce
2 certification and training program using, as appro-
3 priate, existing best practices and acquisition train-
4 ing opportunities from the Federal Government, pri-
5 vate sector, or universities and colleges to include
6 training on how best to identify actions that warrant
7 referrals for suspension or debarment;

8 “(7) provide input on the periodic performance
9 reviews of each head of contracting activity of the
10 Department;

11 “(8) collect baseline data and use such data to
12 establish performance measures on the impact of
13 strategic sourcing initiatives on the private sector,
14 including small businesses;

15 “(9) establish and implement policies and pro-
16 cedures to effectively monitor and manage
17 vulnerabilities in the supply chain for all Depart-
18 ment purchases;

19 “(10) ensure that a fair proportion of the value
20 of Federal contracts and subcontracts are awarded
21 to small businesses (in accordance with the procure-
22 ment contract goals under section 15(g) of the Small
23 Business Act (15 U.S.C. 644(g))), maximize oppor-
24 tunities for small business participation in such con-
25 tracts, and ensure, to the extent practicable, small

1 businesses that achieve qualified vendor status for
2 security-related technologies are provided an oppor-
3 tunity to compete for contracts for such technology;

4 “(11) conduct oversight of implementation of
5 administrative agreements to resolve suspension or
6 debarment proceedings and, upon request, provide
7 information to the Committee on Homeland Security
8 of the House of Representatives and the Committee
9 on Homeland Security and Governmental Affairs of
10 the Senate about the effectiveness of such agree-
11 ments at improving contractor responsibility; and

12 “(12) carry out any other procurement duties
13 that the Under Secretary for Management may des-
14 ignate.

15 “(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—
16 In this section the term ‘head of contracting activity’
17 means an official responsible for the creation, manage-
18 ment, and oversight of a team of procurement profes-
19 sionals properly trained, certified, and warranted to ac-
20 complish the acquisition of products and services on behalf
21 of the designated components, offices, and organizations
22 of the Department, and as authorized, other government
23 entities.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of such Act is amended by adding at the

1 end of the items relating to title VII the following new
2 item:

“Sec. 710. Chief Procurement Officer.”.

3 **SEC. 110. CHIEF SECURITY OFFICER.**

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

7 **“SEC. 711. CHIEF SECURITY OFFICER.**

8 “(a) IN GENERAL.—There is in the Department a
9 Chief Security Officer, who shall report directly to the
10 Under Secretary for Management.

11 “(b) RESPONSIBILITIES.—The Chief Security Officer
12 shall—

13 “(1) develop and implement the security poli-
14 cies, programs, and standards of the Department;

15 “(2) identify training and provide education to
16 Department personnel on security-related matters;
17 and

18 “(3) provide support to Department compo-
19 nents on security-related matters.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is further amended by adding
22 at the end of the items relating to title VII the following
23 new item:

“Sec. 711. Chief Security Officer.”.

1 **SEC. 111. OFFICE OF INSPECTOR GENERAL.**

2 (a) NOTIFICATION.—The heads of offices and compo-
3 nents of the Department of Homeland Security shall
4 promptly advise the Inspector General of the Department
5 of all allegations of misconduct with respect to which the
6 Inspector General has investigative authority under the
7 Inspector General Act of 1978. The Inspector General
8 may waive the notification requirement under this sub-
9 section with respect to any category or subset of allega-
10 tions of misconduct.

11 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as affecting the authority of the
13 Secretary of Homeland Security under subsection (a) of
14 section 8I of the Inspector General Act of 1978 (5 U.S.C.
15 App. 8I).

16 **SEC. 112. DEPARTMENT OF HOMELAND SECURITY ROTA-**
17 **TION PROGRAM.**

18 (a) ENHANCEMENTS TO THE ROTATION PROGRAM.—
19 Section 844 of the Homeland Security Act of 2002 (6
20 U.S.C. 414(a)) is amended—

21 (1) by striking “(a) ESTABLISHMENT.—”;

22 (2) by redesignating paragraphs (1) through
23 (5) as subsections (a) through (e), respectively, and
24 adjusting the margins accordingly;

25 (3) in subsection (a), as so redesignated—

1 (A) by striking “Not later than 180 days
2 after the date of enactment of this section, the”
3 and inserting “The”; and

4 (B) by striking “for employees of the De-
5 partment” and inserting “for certain personnel
6 within the Department”;

7 (4) in subsection (b), as so redesignated—

8 (A) by redesignating subparagraphs (A)
9 through (G) as paragraphs (3) through (9), re-
10 spectively, and adjusting the margins accord-
11 ingly;

12 (B) by inserting before paragraph (3), as
13 so redesignated, the following new paragraphs:

14 “(1) seek to foster greater departmental inte-
15 gration and unity of effort;

16 “(2) seek to help enhance the knowledge, skills,
17 and abilities of participating personnel with respect
18 to the programs, policies, and activities of the De-
19 partment;”;

20 (C) in paragraph (4), as so redesignated,
21 by striking “middle and senior level”; and

22 (D) in paragraph (7), as so redesignated,
23 by inserting before “invigorate” the following:
24 “seek to improve morale and retention through-
25 out the Department and”;

1 (5) in subsection (c), as redesignated by para-
2 graph (2)—

3 (A) by redesignating subparagraphs (A)
4 and (B) as paragraphs (1) and (2), respectively,
5 and adjusting the margins accordingly; and

6 (B) in paragraph (2), as so redesignated—

7 (i) by striking clause (iii); and

8 (ii) by redesignating clauses (i), (ii),
9 and (iv) through (viii) as subparagraphs
10 (A) through (G), respectively, and adjust-
11 ing the margins accordingly;

12 (6) by redesignating subsections (d) and (e), as
13 redesignated by paragraph (2), as subsections (e)
14 and (f), respectively;

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

17 “(d) ADMINISTRATIVE MATTERS.—In carrying out
18 the Rotation Program the Secretary shall—

19 “(1) before selecting employees for participation
20 in the Rotation Program, disseminate information
21 broadly within the Department about the availability
22 of the Rotation Program, qualifications for partici-
23 pation in the Rotation Program, including full-time
24 employment within the employing component or of-

1 fice not less than one year, and the general provi-
2 sions of the Rotation Program;

3 “(2) require as a condition of participation in
4 the Rotation Program that an employee—

5 “(A) is nominated by the head of the com-
6 ponent or office employing the employee; and

7 “(B) is selected by the Secretary, or the
8 Secretary’s designee, solely on the basis of rel-
9 ative ability, knowledge, and skills, after fair
10 and open competition that assures that all can-
11 didates receive equal opportunity;

12 “(3) ensure that each employee participating in
13 the Rotation Program shall be entitled to return,
14 within a reasonable period of time after the end of
15 the period of participation, to the position held by
16 the employee, or a corresponding or higher position,
17 in the component or office that employed the em-
18 ployee prior to the participation of the employee in
19 the Rotation Program;

20 “(4) require that the rights that would be avail-
21 able to the employee if the employee were detailed
22 from the employing component or office to another
23 Federal agency or office remain available to the em-
24 ployee during the employee participation in the Ro-
25 tation Program; and

1 “(5) require that, during the period of partici-
2 pation by an employee in the Rotation Program, per-
3 formance evaluations for the employee—

4 “(A) shall be conducted by officials in the
5 office or component employing the employee
6 with input from the supervisors of the employee
7 at the component or office in which the em-
8 ployee is placed during that period; and

9 “(B) shall be provided the same weight
10 with respect to promotions and other rewards
11 as performance evaluations for service in the of-
12 fice or component employing the employee.”;
13 and

14 (8) by adding at the end the following new sub-
15 section:

16 “(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-
17 GRAM.—

18 “(1) ESTABLISHMENT.—The Secretary shall es-
19 tablish an Intelligence Rotational Assignment Pro-
20 gram as part of the Rotation Program under sub-
21 section (a).

22 “(2) ADMINISTRATION.—The Chief Human
23 Capital Officer, in conjunction with the Chief Intel-
24 ligence Officer, shall administer the Intelligence Ro-

1 tational Assignment Program established pursuant
2 to paragraph (1).

3 “(3) ELIGIBILITY.—The Intelligence Rotational
4 Assignment Program established pursuant to para-
5 graph (1) shall be open to employees serving in ex-
6 isting analyst positions within the Department’s In-
7 telligence Enterprise and other Department employ-
8 ees as determined appropriate by the Chief Human
9 Capital Officer and the Chief Intelligence Officer.

10 “(4) COORDINATION.—The responsibilities
11 specified in subsection (c)(2) that apply to the Rota-
12 tion Program under such subsection shall, as appli-
13 cable, also apply to the Intelligence Rotational As-
14 signment Program under this subsection.”.

15 (b) CONGRESSIONAL NOTIFICATION AND OVER-
16 SIGHT.—Not later than 120 days after the date of the en-
17 actment of this Act, the Secretary of Homeland Security
18 shall provide to the Committee on Homeland Security of
19 the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate information about the status of the Homeland Security
22 Rotation Program authorized by section 844 of the Home-
23 land Security Act of 2002, as amended by subsection (a)
24 of this section.

1 **SEC. 113. FUTURE YEARS HOMELAND SECURITY PROGRAM.**

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

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

6 (2) by striking subsection (a) and inserting the
7 following:

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

19 (3) by striking subsection (c) and inserting the
20 following new subsections:

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

24 “(1) acquisition estimates for the fiscal year for
25 which the budget is submitted and the four suc-
26 ceeding fiscal years, with specified estimates for each

1 fiscal year, for all major acquisitions by the Depart-
2 ment and each component of the Department; and

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

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

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

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is further amended by striking
22 the item relating to section 874 and inserting the following
23 new item:

“874. Future Years Homeland Security Program.”.

1 **SEC. 114. FIELD EFFICIENCIES PLAN.**

2 (1) IN GENERAL.—Not later than 270 days
3 after the date of the enactment of this Act, the Sec-
4 retary of Homeland Security shall submit to the
5 Committee on Homeland Security and the Com-
6 mittee on Transportation and Infrastructure of the
7 House of Representatives and Committee on Home-
8 land Security and Governmental Affairs of the Sen-
9 ate a field efficiencies plan that—

10 (A) examines the facilities and administra-
11 tive and logistics functions of components of the
12 Department of Homeland Security located with-
13 in designated geographic areas; and

14 (B) provides specific recommendations and
15 an associated cost-benefit analysis for the con-
16 solidation of the facilities and administrative
17 and logistics functions of components of the De-
18 partment within each designated geographic
19 area.

20 (2) CONTENTS.—The field efficiencies plan sub-
21 mitted under paragraph (1) shall include the fol-
22 lowing:

23 (A) An accounting of leases held by the
24 Department or its components that have ex-
25 pired in the current fiscal year or will be expir-
26 ing in the next fiscal year, that have begun or

1 been renewed in the current fiscal year, or that
2 the Department or its components plan to sign
3 or renew in the next fiscal year.

4 (B) For each designated geographic area—

5 (i) an evaluation of specific facilities
6 at which components, or operational enti-
7 ties of components, of the Department may
8 be closed or consolidated, including consid-
9 eration of when leases expire or facilities
10 owned by the government become available;

11 (ii) an evaluation of potential consoli-
12 dation with facilities of other Federal,
13 State, or local entities, including—

14 (I) offices;

15 (II) warehouses;

16 (III) training centers;

17 (IV) housing;

18 (V) ports, shore facilities, and
19 airfields;

20 (VI) laboratories; and

21 (VII) other assets as determined
22 by the Secretary; and

23 (iii) an evaluation of the potential for
24 the consolidation of administrative and lo-
25 gistics functions, including—

- 1 (I) facility maintenance;
- 2 (II) fleet vehicle services;
- 3 (III) mail handling and shipping
- 4 and receiving;
- 5 (IV) facility security;
- 6 (V) procurement of goods and
- 7 services;
- 8 (VI) information technology and
- 9 telecommunications services and sup-
- 10 port; and
- 11 (VII) additional ways to improve
- 12 unity of effort and cost savings for
- 13 field operations and related support
- 14 activities as determined by the Sec-
- 15 retary.
- 16 (C) An implementation plan, including—
- 17 (i) near-term actions that can co-lo-
- 18 cate, consolidate, or dispose of property
- 19 within 24 months;
- 20 (ii) identifying long-term occupancy
- 21 agreements or leases that cannot be
- 22 changed without a significant cost to the
- 23 Government; and
- 24 (iii) how the Department can ensure
- 25 it has the capacity, in both personnel and

1 funds, needed to cover up-front costs to
2 achieve consolidation and efficiencies.

3 (D) An accounting of any consolidation of
4 the real estate footprint of the Department or
5 any component of the Department, including
6 the co-location of personnel from different com-
7 ponents, offices, and agencies within the De-
8 partment.

9 **SEC. 115. SUBMISSION TO CONGRESS OF INFORMATION RE-**
10 **GARDING REPROGRAMMING OR TRANSFER**
11 **OF DEPARTMENT OF HOMELAND SECURITY**
12 **RESOURCES TO RESPOND TO OPERATIONAL**
13 **SURGES.**

14 (a) IN GENERAL.—Title VII of the Homeland Secu-
15 rity Act of 2002 is further amended by adding at the end
16 the following new section:

17 **“SEC. 712. ANNUAL SUBMITTAL TO CONGRESS OF INFOR-**
18 **MATION ON REPROGRAMMING OR TRANS-**
19 **FERS OF FUNDS TO RESPOND TO OPER-**
20 **ATIONAL SURGES.**

21 “For each fiscal year until fiscal year 2023, the Sec-
22 retary of Homeland Security shall provide to the Com-
23 mittee on Homeland Security of the House of Representa-
24 tives and the Committee on Homeland Security and Gov-

1 ernmental Affairs of the Senate, together with the annual
2 budget request for the Department, information on—

3 “(1) any circumstance during the year covered
4 by the report in which the Secretary exercised the
5 authority to reprogram or transfer funds to address
6 unforeseen costs, including costs associated with
7 operational surges; and

8 “(2) any circumstance in which any limitation
9 on the transfer or reprogramming of funds affected
10 the ability of the Secretary to address such unfore-
11 seen costs.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of such Act is further amended by adding
14 at the end of the items relating to title VII the following
15 new item:

“712. Annual submittal to Congress of information on reprogramming or trans-
fers of funds to respond to operational surges.”.

16 **SEC. 116. REPORT TO CONGRESS ON COST SAVINGS AND**
17 **EFFICIENCY.**

18 (a) IN GENERAL.—Not later than two years after the
19 date of the enactment of this Act, the Secretary of Home-
20 land Security, acting through the Under Secretary of
21 Homeland Security for Management, shall submit to the
22 congressional homeland security committees a report that
23 includes each of the following:

1 (1) A detailed accounting of the management
2 and administrative expenditures and activities of
3 each component of the Department of Homeland Se-
4 curity and identifies potential cost savings,
5 avoidances, and efficiencies for those expenditures
6 and activities.

7 (2) An examination of major physical assets of
8 the Department, as defined by the Secretary;

9 (3) A review of the size, experience level, and
10 geographic distribution of the operational personnel
11 of the Department.

12 (4) Recommendations for adjustments in the
13 management and administration of the Department
14 that would reduce deficiencies in the capabilities of
15 the Department, reduce costs, and enhance effi-
16 ciencies.

17 (b) FORM OF REPORT.—The report required under
18 subsection (a) shall be submitted in unclassified form but
19 may include a classified annex.

20 **SEC. 117. RESEARCH AND DEVELOPMENT AND CBRNE OR-**
21 **GANIZATIONAL REVIEW.**

22 (a) DEPARTMENT OF HOMELAND SECURITY RE-
23 SEARCH AND DEVELOPMENT ACTIVITIES.—

24 (1) IN GENERAL.—The Secretary of Homeland
25 Security shall assess the organization and manage-

1 ment of the Department of Homeland Security’s re-
2 search and development activities, and shall develop
3 and submit to the Committee on Homeland Security
4 and the Committee on Science, Space, and Tech-
5 nology of the House of Representatives and the
6 Committee on Homeland Security and Governmental
7 Affairs of the Senate, not later than six months
8 after the date of the enactment of this Act, a pro-
9 posed organizational structure for the management
10 of such research and development activities.

11 (2) ORGANIZATIONAL JUSTIFICATION.—The
12 proposed organizational structure for the manage-
13 ment of the Department of Homeland Security’s re-
14 search and development activities included in the as-
15 sessment required under paragraph (1) shall include
16 the following:

17 (A) A discussion of the methodology for
18 determining such proposed organizational struc-
19 ture.

20 (B) A comprehensive inventory of research
21 and development activities of the Department,
22 and the proposed location of each activity under
23 such proposed organizational structure.

24 (C) Information relating to how such pro-
25 posed organizational structure will facilitate and

1 promote enhanced coordination and better col-
2 laboration between the Under Secretary for
3 Science and Technology of the Department and
4 the offices and components of the Department.

5 (D) Information relating to how such pro-
6 posed organizational structure will support the
7 development of research and development prior-
8 ities and capabilities across the Department.

9 (E) A discussion of the resulting cost sav-
10 ings and efficiencies from such proposed organi-
11 zational structure.

12 (F) Recommendations for any necessary
13 statutory changes.

14 (b) DEPARTMENT OF HOMELAND SECURITY CHEM-
15 ICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EX-
16 PLOSIVES ACTIVITIES.—

17 (1) IN GENERAL.—The Secretary of Homeland
18 Security shall assess the organization and manage-
19 ment of the Department of Homeland Security's
20 chemical, biological, radiological, nuclear, and explo-
21 sives activities, and shall develop and submit to the
22 Committee on Homeland Security of the House of
23 Representatives and the Committee on Homeland
24 Security and Governmental Affairs of the Senate,
25 not later than six months after the date of the en-

1 actment of this Act, a proposed organizational struc-
2 ture to ensure enhanced coordination and provide
3 strengthened chemical, biological, radiological, nu-
4 clear, and explosives capabilities in support of home-
5 land security.

6 (2) ORGANIZATIONAL JUSTIFICATION.—The
7 proposed organizational structure for the manage-
8 ment of the Department of Homeland Security’s
9 chemical, biological, radiological, nuclear, and explo-
10 sives activities included in the assessment required
11 under paragraph (1) shall include the following:

12 (A) A discussion of the methodology for
13 determining such proposed organizational struc-
14 ture.

15 (B) A comprehensive inventory of chem-
16 ical, biological, radiological, nuclear, and explo-
17 sives activities of the Department, and the pro-
18 posed location of each activity under such pro-
19 posed organizational structure.

20 (C) Information relating to how such pro-
21 posed organizational structure will enhance the
22 development of chemical, biological, radiological,
23 nuclear, and explosives priorities and capabili-
24 ties across the Department.

1 (D) A discussion of the resulting cost sav-
 2 ings and efficiencies from such proposed organi-
 3 zational structure.

4 (E) Recommendations for any necessary
 5 statutory changes.

6 **TITLE II—DEPARTMENT OF**
 7 **HOMELAND SECURITY ACQUI-**
 8 **SITION ACCOUNTABILITY**
 9 **AND EFFICIENCY**

10 **SEC. 201. DEFINITIONS.**

11 (a) IN GENERAL.—Subtitle D of title VIII of the
 12 Homeland Security Act of 2002 is amended by inserting
 13 before section 831 the following new section:

14 **“SEC. 830. DEFINITIONS.**

15 “In this subtitle:

16 “(1) The term ‘acquisition’ has the meaning
 17 given such term in section 131 of title 41, United
 18 States Code.

19 “(2) The term ‘acquisition decision authority’
 20 means the authority, held by the Secretary acting
 21 through the Deputy Secretary or Under Secretary
 22 for Management to—

23 “(A) ensure compliance with Federal law,
 24 the Federal Acquisition Regulation, and De-
 25 partment acquisition management directives;

1 “(B) review (including approving, pausing,
2 modifying, or canceling) an acquisition program
3 through the life cycle of such program;

4 “(C) ensure that acquisition program man-
5 agers have the resources necessary to success-
6 fully execute an approved acquisition program;

7 “(D) ensure good acquisition program
8 management of cost, schedule, risk, and system
9 performance of the acquisition program at
10 issue, including assessing acquisition program
11 baseline breaches and directing any corrective
12 action for such breaches; and

13 “(E) ensure that acquisition program man-
14 agers, on an ongoing basis, monitor cost, sched-
15 ule, and performance against established base-
16 lines and use tools to assess risks to an acquisi-
17 tion program at all phases of the life cycle of
18 such program to avoid and mitigate acquisition
19 program baseline breaches.

20 “(3) The term ‘acquisition decision event’
21 means, with respect to an acquisition program, a
22 predetermined point within each of the acquisition
23 phases at which the acquisition decision authority
24 determines whether such acquisition program shall
25 proceed to the next acquisition phase.

1 “(4) The term ‘acquisition decision memo-
2 randum’ means, with respect to an acquisition, the
3 official acquisition decision event record that in-
4 cludes a documented record of decisions, exit cri-
5 teria, and assigned actions for such acquisition, as
6 determined by the person exercising acquisition deci-
7 sion authority for such acquisition.

8 “(5) The term ‘acquisition program’ means the
9 process by which the Department acquires, with any
10 appropriated amounts, by contract for purchase or
11 lease, property or services (including construction)
12 that support the missions and goals of the Depart-
13 ment.

14 “(6) The term ‘acquisition program baseline’,
15 with respect to an acquisition program, means a
16 summary of the cost, schedule, and performance pa-
17 rameters, expressed in standard, measurable, quan-
18 titative terms, which must be met in order to accom-
19 plish the goals of such program.

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

23 “(A) identifying and validating needs;

24 “(B) assessing alternatives to select the
25 most appropriate solution;

1 “(C) clearly establishing well-defined re-
2 quirements;

3 “(D) developing realistic cost assessments
4 and schedules;

5 “(E) securing stable funding that matches
6 resources to requirements;

7 “(F) demonstrating technology, design,
8 and manufacturing maturity;

9 “(G) using milestones and exit criteria or
10 specific accomplishments that demonstrate
11 progress;

12 “(H) adopting and executing standardized
13 processes with known success across programs;

14 “(I) establishing an adequate workforce
15 that is qualified and sufficient to perform nec-
16 essary functions; and

17 “(J) integrating the capabilities described
18 in subparagraphs (A) through (I) into the De-
19 partment’s mission and business operations.

20 “(8) The term ‘breach’, with respect to a major
21 acquisition program, means a failure to meet any
22 cost, schedule, or performance threshold specified in
23 the most recently approved acquisition program
24 baseline.

1 “(9) The term ‘congressional homeland security
2 committees’ means—

3 “(A) the Committee on Homeland Security
4 of the House of Representatives and the Com-
5 mittee on Homeland Security and Govern-
6 mental Affairs of the Senate; and

7 “(B) the Committee on Appropriations of
8 the House of Representatives and of the Sen-
9 ate.

10 “(10) The term ‘Component Acquisition Execu-
11 tive’ means the senior acquisition official within a
12 component who is designated in writing by the
13 Under Secretary for Management, in consultation
14 with the component head, with authority and re-
15 sponsibility for leading a process and staff to provide
16 acquisition and program management oversight, pol-
17 icy, and guidance to ensure that statutory, regu-
18 latory, and higher level policy requirements are ful-
19 filled, including compliance with Federal law, the
20 Federal Acquisition Regulation, and Department ac-
21 quisition management directives established by the
22 Under Secretary for Management.

23 “(11) The term ‘major acquisition program’
24 means a Department acquisition program that is es-
25 timated by the Secretary to require an eventual total

1 expenditure of at least \$300,000,000 (based on fis-
 2 cal year 2017 constant dollars) over its life cycle
 3 cost.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
 5 in section 1(b) of such Act is further amended by inserting
 6 before the item relating to section 831 the following new
 7 item:

“830. Definitions.”.

8 **Subtitle A—Acquisition Authorities**

9 **SEC. 211. ACQUISITION AUTHORITIES FOR UNDER SEC-** 10 **RETARY FOR MANAGEMENT OF THE DEPART-** 11 **MENT OF HOMELAND SECURITY.**

12 Section 701 of the Homeland Security Act of 2002
 13 (6 U.S.C. 341) is amended—

14 (1) in subsection (a)(2), by inserting “and ac-
 15 quisition management” after “procurement”;

16 (2) by redesignating subsections (d) and (e) as
 17 subsections (e) and (f), respectively; and

18 (3) by inserting after subsection (c) the fol-
 19 lowing new subsection:

20 “(d) ACQUISITION AND RELATED RESPONSIBIL-
 21 ITIES.—

22 “(1) IN GENERAL.—Notwithstanding subsection
 23 (a) of section 1702 of title 41, United States Code,
 24 the Under Secretary for Management is the Chief
 25 Acquisition Officer of the Department. As Chief Ac-

1 quisition Officer, the Under Secretary shall have the
2 authorities and perform the functions specified in
3 subsection (b) of such section and shall perform all
4 other functions and responsibilities delegated by the
5 Secretary or described in this subsection.

6 “(2) FUNCTIONS AND RESPONSIBILITIES.—In
7 addition to the authorities and functions specified in
8 section 1702(b) of title 41, United States Code, the
9 functions and responsibilities of the Under Secretary
10 for Management related to acquisition include the
11 following:

12 “(A) Advising the Secretary regarding ac-
13 quisition management activities, taking into ac-
14 count risks of failure to achieve cost, schedule,
15 or performance parameters, to ensure that the
16 Department achieves its mission through the
17 adoption of widely accepted program manage-
18 ment best practices and standards and, where
19 appropriate, acquisition innovation best prac-
20 tices.

21 “(B) Leading the acquisition oversight
22 body of the Department, the Acquisition Review
23 Board, and exercising the acquisition decision
24 authority to approve, pause, modify (including
25 the rescission of approvals of program mile-

stones), or cancel major acquisition programs, unless the Under Secretary delegates such authority to a Component Acquisition Executive pursuant to paragraph (3).

“(C) Establishing policies for acquisition that implement an approach that takes into account risks of failure to achieve cost, schedule, or performance parameters that all components of the Department shall comply with, including outlining relevant authorities for program managers to effectively manage acquisition programs.

“(D) Ensuring that each major acquisition program has a Department-approved acquisition program baseline, pursuant to the Department’s acquisition management policy.

“(E) Ensuring that the heads of components and Component Acquisition Executives comply with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives.

“(F) Ensuring that grants and financial assistance are provided only to individuals and organizations that are not suspended or debarred.

1 “(G) Distributing guidance throughout the
2 Department to ensure that contractors involved
3 in acquisitions, particularly contractors that ac-
4 cess the Department’s information systems and
5 technologies, adhere to relevant Department
6 policies related to physical and information se-
7 curity as identified by the Under Secretary for
8 Management.

9 “(H) Overseeing the Component Acquisi-
10 tion Executive organizational structure to en-
11 sure Component Acquisition Executives have
12 sufficient capabilities and comply with Depart-
13 ment acquisition policies.

14 “(3) DELEGATION OF ACQUISITION DECISION
15 AUTHORITY.—

16 “(A) LEVEL 3 ACQUISITIONS.—The Under
17 Secretary for Management may delegate acqui-
18 sition decision authority in writing to the rel-
19 evant Component Acquisition Executive for an
20 acquisition program that has a life cycle cost
21 estimate of less than \$300,000,000.

22 “(B) LEVEL 2 ACQUISITIONS.—The Under
23 Secretary for Management may delegate acqui-
24 sition decision authority in writing to the rel-
25 evant Component Acquisition Executive for a

1 major acquisition program that has a life cycle
2 cost estimate of at least \$300,000,000 but not
3 more than \$1,000,000,000 if all of the following
4 requirements are met:

5 “(i) The component concerned pos-
6 sesses working policies, processes, and pro-
7 cedures that are consistent with Depart-
8 ment-level acquisition policy.

9 “(ii) The Component Acquisition Ex-
10 ecutive concerned has adequate, experi-
11 enced, and dedicated professional employ-
12 ees with program management training, as
13 applicable, commensurate with the size of
14 the acquisition programs and related ac-
15 tivities delegated to such Component Ac-
16 quisition Executive by the Under Secretary
17 for Management.

18 “(iii) Each major acquisition program
19 concerned has written documentation
20 showing that it has a Department-ap-
21 proved acquisition program baseline and it
22 is meeting agreed-upon cost, schedule, and
23 performance thresholds.

24 “(4) RELATIONSHIP TO UNDER SECRETARY
25 FOR SCIENCE AND TECHNOLOGY.—

1 “(A) IN GENERAL.—Nothing in this sub-
2 section shall diminish the authority granted to
3 the Under Secretary for Science and Tech-
4 nology under this Act. The Under Secretary for
5 Management and the Under Secretary for
6 Science and Technology shall cooperate in mat-
7 ters related to the coordination of acquisitions
8 across the Department so that investments of
9 the Directorate of Science and Technology are
10 able to support current and future requirements
11 of the components of the Department.

12 “(B) OPERATIONAL TESTING AND EVALUA-
13 TION.—The Under Secretary for Science and
14 Technology shall—

15 “(i) ensure, in coordination with rel-
16 evant component heads, that major acqui-
17 sition programs—

18 “(I) complete operational testing
19 and evaluation of technologies and
20 systems;

21 “(II) use independent verification
22 and validation of operational test and
23 evaluation implementation and re-
24 sults; and

1 “(III) document whether such
2 programs meet all performance re-
3 quirements included in their acquisi-
4 tion program baselines;

5 “(ii) ensure that such operational
6 testing and evaluation includes all system
7 components and incorporates operators
8 into the testing to ensure that systems per-
9 form as intended in the appropriate oper-
10 ational setting; and

11 “(iii) determine if testing conducted
12 by other Federal agencies and private enti-
13 ties is relevant and sufficient in deter-
14 mining whether systems perform as in-
15 tended in the operational setting.

16 “(5) DEFINITIONS.—In this subsection, the
17 terms ‘acquisition’, ‘best practices’, ‘acquisition deci-
18 sion authority’, ‘major acquisition program’, ‘acqui-
19 sition program baseline’, and ‘Component Acquisi-
20 tion Executive’ have the meanings given such terms
21 in section 830.”.

1 **SEC. 212. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**
2 **CIAL OFFICER OF THE DEPARTMENT OF**
3 **HOMELAND SECURITY.**

4 Paragraph (2) of section 702(b) of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 342(b)) is amended by add-
6 ing at the end the following new subparagraph:

7 “(J) Oversee the costs of acquisition pro-
8 grams and related activities to ensure that ac-
9 tual and planned costs are in accordance with
10 budget estimates and are affordable, or can be
11 adequately funded, over the life cycle of such
12 programs and activities.”.

13 **SEC. 213. ACQUISITION AUTHORITIES FOR CHIEF INFORMA-**
14 **TION OFFICER OF THE DEPARTMENT OF**
15 **HOMELAND SECURITY.**

16 Section 703 of the Homeland Security Act of 2002
17 (6 U.S.C. 343) is amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c); and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection:

22 “(b) ACQUISITION RESPONSIBILITIES.—Notwith-
23 standing section 11315 of title 40, United States Code,
24 the acquisition responsibilities of the Chief Information
25 Officer, in consultation with the Under Secretary for Man-
26 agement, shall include the following:

1 “(1) Oversee the management of the Homeland
2 Security Enterprise Architecture and ensure that,
3 before each acquisition decision event (as such term
4 is defined in section 830), approved information
5 technology acquisitions comply with departmental in-
6 formation technology management processes, tech-
7 nical requirements, and the Homeland Security En-
8 terprise Architecture, and in any case in which infor-
9 mation technology acquisitions do not comply with
10 the Department’s management directives, make rec-
11 ommendations to the Acquisition Review Board re-
12 garding such noncompliance.

13 “(2) Be responsible for providing recommenda-
14 tions to the Acquisition Review Board regarding in-
15 formation technology programs, and be responsible
16 for developing information technology acquisition
17 strategic guidance.”.

18 **SEC. 214. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
19 **COUNTABILITY AND RISK MANAGEMENT.**

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

1 **“SEC. 713. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
2 **COUNTABILITY AND RISK MANAGEMENT.**

3 “(a) ESTABLISHMENT OF OFFICE.—There is in the
4 Management Directorate of the Department an office to
5 be known as ‘Program Accountability and Risk Manage-
6 ment’. The purpose of the office is to—

7 “(1) provide consistent accountability, stand-
8 ardization, and transparency of major acquisition
9 programs of the Department; and

10 “(2) serve as the central oversight function for
11 all Department acquisition programs.

12 “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-
13 TOR.—The Program Accountability and Risk Management
14 shall be led by an Executive Director to oversee the re-
15 quirement under subsection (a). The Executive Director
16 shall report directly to the Under Secretary for Manage-
17 ment, and shall carry out the following responsibilities:

18 “(1) Monitor regularly the performance of De-
19 partment acquisition programs between acquisition
20 decision events to identify problems with cost, per-
21 formance, or schedule that components may need to
22 address to prevent cost overruns, performance
23 issues, or schedule delays.

24 “(2) Assist the Under Secretary for Manage-
25 ment in managing the acquisition programs and re-
26 lated activities of the Department.

1 “(3) Conduct oversight of individual acquisition
2 programs to implement Department acquisition pro-
3 gram policy, procedures, and guidance with a pri-
4 ority on ensuring the data the office collects and
5 maintains from Department components is accurate
6 and reliable.

7 “(4) Serve as the focal point and coordinator
8 for the acquisition life cycle review process and as
9 the executive secretariat for the Acquisition Review
10 Board.

11 “(5) Advise the persons having acquisition deci-
12 sion authority in making acquisition decisions con-
13 sistent with all applicable laws and in establishing
14 clear lines of authority, accountability, and responsi-
15 bility for acquisition decision making within the De-
16 partment.

17 “(6) Engage in the strategic planning and per-
18 formance evaluation process required under section
19 306 of title 5, United States Code, and sections
20 1105(a)(28), 1115, 1116, and 9703 of title 31,
21 United States Code, by supporting the Chief Pro-
22 curement Officer in developing strategies and spe-
23 cific plans for hiring, training, and professional de-
24 velopment in order to rectify any deficiency within
25 the Department’s acquisition workforce.

1 “(7) Develop standardized certification stand-
2 ards in consultation with the Component Acquisition
3 Executives for all acquisition program managers.

4 “(8) In the event that a certification or action
5 of an acquisition program manager needs review for
6 purposes of promotion or removal, provide input, in
7 consultation with the relevant Component Acquisi-
8 tion Executive, into the performance evaluation of
9 the relevant acquisition program manager and report
10 positive or negative experiences to the relevant certi-
11 fying authority.

12 “(9) Provide technical support and assistance
13 to Department acquisitions and acquisition per-
14 sonnel in conjunction with the Chief Procurement
15 Officer.

16 “(10) Prepare the Comprehensive Acquisition
17 Status Report for the Department, as required by
18 title I of division D of the Consolidated Appropria-
19 tions Act, 2016 (Public Law 114–113), and make
20 such report available to the congressional homeland
21 security committees.

22 “(c) RESPONSIBILITIES OF COMPONENTS.—Each
23 head of a component shall comply with Federal law, the
24 Federal Acquisition Regulation, and Department acquisi-
25 tion management directives established by the Under Sec-

1 retary for Management. For each major acquisition pro-
2 gram, each head of a component shall—

3 “(1) define baseline requirements and document
4 changes to such requirements, as appropriate;

5 “(2) establish a complete life cycle cost estimate
6 with supporting documentation, including an acquisi-
7 tion program baseline;

8 “(3) verify each life cycle cost estimate against
9 independent cost estimates, and reconcile any dif-
10 ferences;

11 “(4) complete a cost-benefit analysis with sup-
12 porting documentation;

13 “(5) develop and maintain a schedule that is
14 consistent with scheduling best practices as identi-
15 fied by the Comptroller General of the United
16 States, including, in appropriate cases, an integrated
17 master schedule; and

18 “(6) ensure that all acquisition program infor-
19 mation provided by the component is complete, accu-
20 rate, timely, and valid.

21 “(d) CONGRESSIONAL HOMELAND SECURITY COM-
22 MITTEES DEFINED.—In this section, the term ‘congres-
23 sional homeland security committees’ means—

24 “(1) the Committee on Homeland Security of
25 the House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs of the
2 Senate; and

3 “(2) the Committee on Appropriations of the
4 House of Representatives and the Committee on Ap-
5 propriations of the Senate.

6 **“SEC. 714. ACQUISITION DOCUMENTATION.**

7 “(a) IN GENERAL.—For each major acquisition pro-
8 gram, the Executive Director responsible for the prepara-
9 tion of the Comprehensive Acquisition Status Report, pur-
10 suant to paragraph (11) of section 710(b), shall require
11 certain acquisition documentation to be submitted by De-
12 partment components or offices.

13 “(b) WAIVER.—The Secretary may waive the require-
14 ment for submission under subsection (a) for a program
15 for a fiscal year if either—

16 “(1) the program has not—

17 “(A) entered the full rate production phase
18 in the acquisition life cycle;

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

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

23 “(2) the program does not meet the definition
24 of ‘capital asset’, as defined by the Director of the
25 Office of Management and Budget.

1 “(c) CONGRESSIONAL OVERSIGHT.—At the same
 2 time the President’s budget is submitted for a fiscal year
 3 under section 1105(a) of title 31, United States Code, the
 4 Secretary shall submit to the Committee on Homeland Se-
 5 curity of the House of Representatives and Committee on
 6 Homeland Security and Governmental Affairs of the Sen-
 7 ate information on the exercise of authority under sub-
 8 section (b) in the prior fiscal year that includes the fol-
 9 lowing specific information regarding each program for
 10 which a waiver is issued under subsection (b):

11 “(1) The grounds for granting a waiver for that
 12 program.

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

14 “(3) The proportion of a component’s annual
 15 acquisition budget attributed to that program, as
 16 available.

17 “(4) Information on the significance of the pro-
 18 gram with respect to the component’s operations and
 19 execution of its mission.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
 21 in section 1(b) of the Homeland Security Act of 2002 is
 22 amended by inserting after the item relating to section
 23 709 the following new items:

“Sec. 713. Acquisition authorities for Program Accountability and Risk Man-
 agement.

“Sec. 714. Acquisition documentation.”.

1 **Subtitle B—Acquisition Program**
2 **Management Discipline**

3 **SEC. 221. ACQUISITION REVIEW BOARD.**

4 (a) IN GENERAL.—Subtitle D of title VIII of the
5 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
6 is amended by adding at the end the following new section:

7 **“SEC. 836. ACQUISITION REVIEW BOARD.**

8 “(a) IN GENERAL.—The Secretary shall establish an
9 Acquisition Review Board (in this section referred to as
10 the ‘Board’) to—

11 “(1) strengthen accountability and uniformity
12 within the Department acquisition review process;

13 “(2) review major acquisition programs; and

14 “(3) review the use of best practices.

15 “(b) COMPOSITION.—The Under Secretary for Man-
16 agement shall serve as chair of the Board. The Secretary
17 shall also ensure participation by other relevant Depart-
18 ment officials, including at least two component heads or
19 their designees, as permanent members of the Board.

20 “(c) MEETINGS.—The Board shall meet regularly for
21 purposes of ensuring all acquisitions processes proceed in
22 a timely fashion to achieve mission readiness. The Board
23 shall convene at the discretion of the Secretary and at any
24 time—

25 “(1) a major acquisition program—

1 “(A) requires authorization to proceed
2 from one acquisition decision event to another
3 throughout the acquisition life cycle;

4 “(B) is in breach of its approved require-
5 ments; or

6 “(C) requires additional review, as deter-
7 mined by the Under Secretary for Management;
8 or

9 “(2) a non-major acquisition program requires
10 review, as determined by the Under Secretary for
11 Management.

12 “(d) RESPONSIBILITIES.—The responsibilities of the
13 Board are as follows:

14 “(1) Determine whether a proposed acquisition
15 has met the requirements of key phases of the acqui-
16 sition life cycle framework and is able to proceed to
17 the next phase and eventual full production and de-
18 ployment.

19 “(2) Oversee whether a proposed acquisition’s
20 business strategy, resources, management, and ac-
21 countability is executable and is aligned to strategic
22 initiatives.

23 “(3) Support the person with acquisition deci-
24 sion authority for an acquisition in determining the

1 appropriate direction for such acquisition at key ac-
2 quisition decision events.

3 “(4) Conduct systematic reviews of acquisitions
4 to ensure that such acquisitions are progressing in
5 compliance with the approved documents for their
6 current acquisition phases.

7 “(5) Review the acquisition documents of each
8 major acquisition program, including the acquisition
9 program baseline and documentation reflecting con-
10 sideration of tradeoffs among cost, schedule, and
11 performance objectives, to ensure the reliability of
12 underlying data.

13 “(6) Ensure that practices are adopted and im-
14 plemented to require consideration of trade-offs
15 among cost, schedule, and performance objectives as
16 part of the process for developing requirements for
17 major acquisition programs prior to the initiation of
18 the second acquisition decision event, including, at a
19 minimum, the following practices:

20 “(A) Department officials responsible for
21 acquisition, budget, and cost estimating func-
22 tions are provided with the appropriate oppor-
23 tunity to develop estimates and raise cost and
24 schedule matters before performance objectives
25 are established for capabilities when feasible.

1 “(B) Full consideration is given to possible
2 trade-offs among cost, schedule, and perform-
3 ance objectives for each alternative.

4 “(e) ACQUISITION PROGRAM BASELINE REPORT RE-
5 QUIREMENT.—If the person exercising acquisition decision
6 authority over a major acquisition program approves such
7 program to proceed into the planning phase before such
8 program has a Department-approved acquisition program
9 baseline, the Under Secretary for Management shall cre-
10 ate and approve an acquisition program baseline report
11 regarding such approval, and the Secretary shall—

12 “(1) within seven days after an acquisition deci-
13 sion memorandum is signed, notify in writing the
14 Committee on Homeland Security of the House of
15 Representatives and the Committee on Homeland
16 Security and Governmental Affairs of the Senate of
17 such decision; and

18 “(2) within 60 days after the acquisition deci-
19 sion memorandum is signed, submit to such commit-
20 tees a report stating the rationale for such decision
21 and a plan of action to require an acquisition pro-
22 gram baseline for such program.

23 “(f) REPORT.—The Under Secretary for Manage-
24 ment shall provide information to the Committee on
25 Homeland Security of the House of Representatives and

1 the Committee on Homeland Security and Governmental
 2 Affairs of the Senate on an annual basis through fiscal
 3 year 2022 on the activities of the Board for the prior fiscal
 4 year that includes information relating to the following:

5 “(1) For each meeting of the Board, any acqui-
 6 sition decision memoranda.

7 “(2) Results of the systematic reviews con-
 8 ducted pursuant to paragraph (4) of subsection (d).

9 “(3) Results of acquisition document reviews re-
 10 quired pursuant to paragraph (5) of subsection (d).

11 “(4) Activities to ensure that practices are
 12 adopted and implemented throughout the Depart-
 13 ment pursuant to paragraph (6) of subsection (d).”.

14 (b) CLERICAL AMENDMENT.—The table of contents
 15 in section 1(b) of the Homeland Security Act of 2002 (6
 16 U.S.C. 101 et seq.) is further amended by adding after
 17 the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.

18 **SEC. 222. REQUIREMENTS TO REDUCE DUPLICATION IN AC-**
 19 **QUISITION PROGRAMS.**

20 (a) IN GENERAL.—Subtitle D of title VIII of the
 21 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
 22 is further amended by adding at the end the following new
 23 section:

1 **“SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN**
2 **ACQUISITION PROGRAMS.**

3 “(a) REQUIREMENT TO ESTABLISH POLICIES.—In
4 an effort to reduce unnecessary duplication and ineffi-
5 ciency for all Department investments, including major ac-
6 quisition programs, the Deputy Secretary, in consultation
7 with the Under Secretary for Management, shall establish
8 Department-wide policies to integrate all phases of the in-
9 vestment life cycle and help the Department identify, vali-
10 date, and prioritize common component requirements for
11 major acquisition programs in order to increase opportuni-
12 ties for effectiveness and efficiencies. The policies shall
13 also include strategic alternatives for developing and facili-
14 tating a Department component-driven requirements proc-
15 ess that includes oversight of a development test and eval-
16 uation capability; identification of priority gaps and over-
17 laps in Department capability needs; and provision of fea-
18 sible technical alternatives, including innovative commer-
19 cially available alternatives, to meet capability needs.

20 “(b) MECHANISMS TO CARRY OUT REQUIREMENT.—
21 The Under Secretary for Management shall coordinate the
22 actions necessary to carry out subsection (a), using such
23 mechanisms as considered necessary by the Secretary to
24 help the Department reduce unnecessary duplication and
25 inefficiency for all Department investments, including
26 major acquisition programs.

1 “(c) COORDINATION.—In coordinating the actions
2 necessary to carry out subsection (a), the Deputy Sec-
3 retary shall consult with the Under Secretary for Manage-
4 ment, Component Acquisition Executives, and any other
5 Department officials, including the Under Secretary for
6 Science and Technology or his designee, with specific
7 knowledge of Department or component acquisition capa-
8 bilities to prevent unnecessary duplication of require-
9 ments.

10 “(d) ADVISORS.—The Deputy Secretary, in consulta-
11 tion with the Under Secretary for Management, shall seek
12 and consider input within legal and ethical boundaries
13 from members of Federal, State, local, and tribal govern-
14 ments, nonprofit organizations, and the private sector, as
15 appropriate, on matters within their authority and exper-
16 tise in carrying out the Department’s mission.

17 “(e) MEETINGS.—The Deputy Secretary, in consulta-
18 tion with the Under Secretary for Management, shall meet
19 at least quarterly and communicate with components often
20 to ensure that components do not overlap or duplicate
21 spending or activities on major investments and acquisi-
22 tion programs within their areas of responsibility.

23 “(f) RESPONSIBILITIES.—In carrying out this sec-
24 tion, the responsibilities of the Deputy Secretary, in con-

1 sultation with the Under Secretary for Management, are
2 as follows:

3 “(1) To review and validate the requirements
4 documents of major investments and acquisition pro-
5 grams prior to acquisition decision events of the in-
6 vestments or programs.

7 “(2) To ensure the requirements and scope of
8 a major investment or acquisition program are sta-
9 ble, measurable, achievable, at an acceptable risk
10 level, and match the resources planned to be avail-
11 able.

12 “(3) Before any entity of the Department
13 issues a solicitation for a new contract, coordinate
14 with other Department entities as appropriate to
15 prevent unnecessary duplication and inefficiency
16 and—

17 “(A) to implement portfolio reviews to
18 identify common mission requirements and
19 crosscutting opportunities among components
20 to harmonize investments and requirements and
21 prevent unnecessary overlap and duplication
22 among components; and

23 “(B) to the extent practicable, to stand-
24 ardize equipment purchases, streamline the ac-

1 quisition process, improve efficiencies, and con-
2 duct best practices for strategic sourcing.

3 “(4) To ensure program managers of major in-
4 vestments and acquisition programs conduct anal-
5 yses, giving particular attention to factors such as
6 cost, schedule, risk, performance, and operational ef-
7 ficiency in order to determine that programs work as
8 intended within cost and budget expectations.

9 “(5) To propose schedules for delivery of the
10 operational capability needed to meet each Depart-
11 ment investment and major acquisition program.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 (6
14 U.S.C. 101 et seq.) is further amended by adding after
15 the item relating to section 836 the following new item:

“Sec. 837. Requirements to reduce duplication in acquisition programs.”.

16 **SEC. 223. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**
17 **OF BOARD AND OF REQUIREMENTS TO RE-**
18 **DUCE DUPLICATION IN ACQUISITION PRO-**
19 **GRAMS.**

20 (a) REVIEW REQUIRED.—The Comptroller General
21 of the United States shall conduct a review of the effec-
22 tiveness of the Acquisition Review Board established
23 under section 836 of the Homeland Security Act of 2002
24 (as added by section 221) and the requirements to reduce
25 unnecessary duplication in acquisition programs estab-

1 lished under section 837 of such Act (as added by section
2 222) in improving the Department's acquisition manage-
3 ment process.

4 (b) SCOPE OF REPORT.—The review shall include the
5 following:

6 (1) An assessment of the effectiveness of the
7 Board in increasing program management oversight,
8 best practices and standards, and discipline among
9 the components of the Department, including in
10 working together and in preventing overlap and un-
11 necessary duplication.

12 (2) An assessment of the effectiveness of the
13 Board in instilling program management discipline.

14 (3) A statement of how regularly each major
15 acquisition program is reviewed by the Board, how
16 often the Board stops major acquisition programs
17 from moving forward in the phases of the acquisition
18 life cycle process, and the number of major acquisi-
19 tion programs that have been halted because of
20 problems with operational effectiveness, schedule
21 delays, or cost overruns.

22 (4) An assessment of the effectiveness of the
23 Board in impacting acquisition decisionmaking with-
24 in the Department, including the degree to which
25 the Board impacts decision making within other

1 headquarters mechanisms and bodies involved in the
2 administration of acquisition activities.

3 (c) **REPORT REQUIRED.**—Not later than one year
4 after the date of the enactment of this Act, the Comp-
5 troller General shall submit to the congressional homeland
6 security committees a report on the review required by this
7 section. The report shall be submitted in unclassified form
8 but may include a classified annex.

9 **SEC. 224. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

10 Not later than five days after the issuance of a waiver
11 by the Secretary of Homeland Security of Federal require-
12 ments that an agency not engage in business with a con-
13 tractor in the Excluded Party List System (or successor
14 system) as maintained by the General Services Adminis-
15 tration, the Secretary shall submit to Congress notice of
16 such waiver and an explanation for a finding by the Sec-
17 retary that a compelling reason exists for issuing such
18 waiver.

19 **SEC. 225. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**
20 **SION AND DEBARMENT.**

21 The Inspector General of the Department of Home-
22 land Security—

23 (1) may audit decisions about grant and pro-
24 curement awards to identify instances where a con-
25 tract or grant was improperly awarded to a sus-

1 pended or debarred entity and whether corrective ac-
 2 tions were taken to prevent recurrence; and

3 (2) shall review the suspension and debarment
 4 program throughout the Department of Homeland
 5 Security to assess whether suspension and debar-
 6 ment criteria are consistently applied throughout the
 7 Department and whether disparities exist in the ap-
 8 plication of such criteria, particularly with respect to
 9 business size and categories.

10 **Subtitle C—Acquisition Program**
 11 **Management Accountability and**
 12 **Transparency**

13 **SEC. 231. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-**
 14 **QUISITION PROGRAMS.**

15 (a) IN GENERAL.—Subtitle D of title VIII of the
 16 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
 17 is further amended by adding at the end the following new
 18 section:

19 **“SEC. 838. CONGRESSIONAL NOTIFICATION AND OTHER RE-**
 20 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**
 21 **GRAM BREACH.**

22 “(a) REQUIREMENTS WITHIN DEPARTMENT IN
 23 EVENT OF BREACH.—

24 “(1) NOTIFICATIONS.—

1 “(A) NOTIFICATION OF BREACH.—If a
2 breach occurs in a major acquisition program,
3 the program manager for such program shall
4 notify the Component Acquisition Executive for
5 such program, the head of the component con-
6 cerned, the Executive Director of the Program
7 Accountability and Risk Management division,
8 the Under Secretary for Management, and the
9 Deputy Secretary not later than 30 calendar
10 days after such breach is identified.

11 “(B) NOTIFICATION TO SECRETARY.—If a
12 breach occurs in a major acquisition program
13 and such breach results in a cost overrun great-
14 er than 15 percent, a schedule delay greater
15 than 180 days, or a failure to meet any of the
16 performance thresholds from the cost, schedule,
17 or performance parameters specified in the
18 most recently approved acquisition program
19 baseline for such program, the Component Ac-
20 quisition Executive for such program shall no-
21 tify the Secretary and the Inspector General of
22 the Department not later than five business
23 days after the Component Acquisition Executive
24 for such program, the head of the component
25 concerned, the Executive Director of the Pro-

1 gram Accountability and Risk Management Di-
2 vision, the Under Secretary for Management,
3 and the Deputy Secretary are notified of the
4 breach pursuant to subparagraph (A).

5 “(2) REMEDIATION PLAN AND ROOT CAUSE
6 ANALYSIS.—

7 “(A) IN GENERAL.—If a breach occurs in
8 a major acquisition program, the program man-
9 ager for such program shall submit to the head
10 of the component concerned, the Executive Di-
11 rector of the Program Accountability and Risk
12 Management division, and the Under Secretary
13 for Management in writing a remediation plan
14 and root cause analysis relating to such breach
15 and program. Such plan and analysis shall be
16 submitted at a date established at the discretion
17 of the Under Secretary for Management.

18 “(B) REMEDIATION PLAN.—The remedi-
19 ation plan required under this subparagraph
20 (A) shall—

21 “(i) explain the circumstances of the
22 breach at issue;

23 “(ii) provide prior cost estimating in-
24 formation;

1 “(iii) include a root cause analysis
2 that determines the underlying cause or
3 causes of shortcomings in cost, schedule,
4 or performance of the major acquisition
5 program with respect to which such breach
6 has occurred, including the role, if any,
7 of—

8 “(I) unrealistic performance ex-
9 pectations;

10 “(II) unrealistic baseline esti-
11 mates for cost or schedule or changes
12 in program requirements;

13 “(III) immature technologies or
14 excessive manufacturing or integra-
15 tion risk;

16 “(IV) unanticipated design, engi-
17 neering, manufacturing, or technology
18 integration issues arising during pro-
19 gram performance;

20 “(V) changes to the scope of such
21 program;

22 “(VI) inadequate program fund-
23 ing or changes in planned out-year
24 funding from one 5-year funding plan
25 to the next 5-year funding plan as

1 outlined in the Future Years Home-
2 land Security Program required under
3 section 874;

4 “(VII) legislative, legal, or regu-
5 latory changes; or

6 “(VIII) inadequate program
7 management personnel, including lack
8 of sufficient number of staff, training,
9 credentials, certifications, or use of
10 best practices;

11 “(iv) propose corrective action to ad-
12 dress cost growth, schedule delays, or per-
13 formance issues;

14 “(v) explain the rationale for why a
15 proposed corrective action is recommended;
16 and

17 “(vi) in coordination with the Compo-
18 nent Acquisition Executive for such pro-
19 gram, discuss all options considered, in-
20 cluding the estimated impact on cost,
21 schedule, or performance of such program
22 if no changes are made to current require-
23 ments, the estimated cost of such program
24 if requirements are modified, and the ex-
25 tent to which funding from other programs

1 will need to be reduced to cover the cost
2 growth of such program.

3 “(3) REVIEW OF CORRECTIVE ACTIONS.—

4 “(A) IN GENERAL.—The Under Secretary
5 for Management shall review the remediation
6 plan required under paragraph (2). The Under
7 Secretary may approve such plan or provide an
8 alternative proposed corrective action within 30
9 days of the submission of such plan under such
10 paragraph.

11 “(B) SUBMISSION TO CONGRESS.—Not
12 later than 30 days after the review required
13 under subparagraph (A) is completed, the
14 Under Secretary for Management shall submit
15 to the congressional homeland security commit-
16 tees the following:

17 “(i) A copy of the remediation plan
18 and the root cause analysis required under
19 paragraph (2).

20 “(ii) A statement describing the cor-
21 rective action or actions that have occurred
22 pursuant to paragraph (2)(b)(iv) for the
23 major acquisition program at issue, with a
24 justification for such action or actions.

1 “(b) REQUIREMENTS RELATING TO CONGRESSIONAL
2 NOTIFICATION IF BREACH OCCURS.—

3 “(1) NOTIFICATION TO CONGRESS.—If a notifi-
4 cation to the Secretary is made under subsection
5 (a)(1)(B) relating to a breach in a major acquisition
6 program, the Under Secretary for Management shall
7 notify the congressional homeland security commit-
8 tees of such breach in the next quarterly Com-
9 prehensive Acquisition Status Report, as required by
10 title I of division D of the Consolidated Appropria-
11 tions Act, 2016 (Public Law 114–113), following re-
12 ceipt by the Under Secretary of notification under
13 such subsection.

14 “(2) SIGNIFICANT VARIANCES IN COSTS OR
15 SCHEDULE.—If a likely cost overrun is greater than
16 20 percent or a likely delay is greater than 12
17 months from the costs and schedule specified in the
18 acquisition program baseline for a major acquisition
19 program, the Under Secretary for Management shall
20 include in the notification required in paragraph (1)
21 a written certification, with supporting explanation,
22 that—

23 “(A) such program is essential to the ac-
24 complishment of the Department’s mission;

1 “(B) there are no alternatives to the capa-
 2 bility or asset provided by such program that
 3 will provide equal or greater capability in both
 4 a more cost-effective and timely manner;

5 “(C) the new acquisition schedule and esti-
 6 mates for total acquisition cost are reasonable;
 7 and

8 “(D) the management structure for such
 9 program is adequate to manage and control
 10 cost, schedule, and performance.

11 “(c) CONGRESSIONAL HOMELAND SECURITY COM-
 12 MITTEES DEFINED.—In this section, the term ‘congres-
 13 sional homeland security committees’ means—

14 “(1) the Committee on Homeland Security of
 15 the House of Representatives and the Committee on
 16 Homeland Security and Governmental Affairs of the
 17 Senate; and

18 “(2) the Committee on Appropriations of the
 19 House of Representatives and the Committee on Ap-
 20 propriations of the Senate.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
 22 in section 1(b) of the Homeland Security Act of 2002 is
 23 amended by inserting after the item relating to section
 24 835 the following new item:

“Sec. 838. Congressional notification and other requirements for major acqui-
 sition program breach.”.

1 **SEC. 232. MULTIYEAR ACQUISITION STRATEGY.**

2 (a) IN GENERAL.—Subtitle D of title VIII of the
3 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
4 is further amended by adding at the end the following new
5 section:

6 **“SEC. 839. MULTIYEAR ACQUISITION STRATEGY.**

7 “(a) MULTIYEAR ACQUISITION STRATEGY RE-
8 QUIRED.—

9 “(1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this section, the
11 Secretary shall submit to the appropriate congres-
12 sional committees and the Comptroller General of
13 the United States a multiyear acquisition strategy to
14 guide the overall direction of the acquisitions of the
15 Department while allowing flexibility to deal with
16 ever-changing threats and risks, and to help indus-
17 try better understand, plan, and align resources to
18 meet the future acquisition needs of the Depart-
19 ment. Such strategy shall be updated and included
20 in each Future Years Homeland Security Program
21 required under section 874.

22 “(2) FORM.—The strategy required under para-
23 graph (1) shall be submitted in unclassified form but
24 may include a classified annex for any sensitive or
25 classified information if necessary. The Secretary

1 shall publish such strategy in an unclassified format
2 that is publicly available.

3 “(b) CONSULTATION.—In developing the strategy re-
4 quired under subsection (a), the Secretary shall, as the
5 Secretary determines appropriate, consult with head-
6 quarters, components, employees in the field, and individ-
7 uals from industry and the academic community.

8 “(c) CONTENTS OF STRATEGY.—The strategy shall
9 include the following:

10 “(1) PRIORITIZED LIST.—A systematic and in-
11 tegrated prioritized list developed by the Under Sec-
12 retary for Management in coordination with all of
13 the Component Acquisition Executives of Depart-
14 ment major acquisition programs that Department
15 and component acquisition investments seek to ad-
16 dress, including the expected security and economic
17 benefit of the program or system that is the subject
18 of acquisition and an analysis of how the security
19 and economic benefit derived from such program or
20 system will be measured.

21 “(2) INVENTORY.—A plan to develop a reliable
22 Department-wide inventory of investments and real
23 property assets to help the Department—

24 “(A) plan, budget, schedule, and acquire
25 upgrades of its systems and equipment; and

1 “(B) plan for the acquisition and manage-
2 ment of future systems and equipment.

3 “(3) FUNDING GAPS.—A plan to address fund-
4 ing gaps between funding requirements for major ac-
5 quisition programs and known available resources,
6 including, to the maximum extent practicable, ways
7 of leveraging best practices to identify and eliminate
8 overpayment for items to—

9 “(A) prevent wasteful purchasing;

10 “(B) achieve the greatest level of efficiency
11 and cost savings by rationalizing purchases;

12 “(C) align pricing for similar items; and

13 “(D) utilize purchase timing and econo-
14 mies of scale.

15 “(4) IDENTIFICATION OF CAPABILITIES.—An
16 identification of test, evaluation, modeling, and sim-
17 ulation capabilities that will be required to—

18 “(A) support the acquisition of tech-
19 nologies to meet the needs of such strategy;

20 “(B) leverage to the greatest extent pos-
21 sible emerging technological trends and re-
22 search and development trends within the pub-
23 lic and private sectors; and

24 “(C) identify ways to ensure that appro-
25 priate technology is acquired and integrated

1 into the Department’s operating doctrine to im-
2 prove mission performance.

3 “(5) FOCUS ON FLEXIBLE SOLUTIONS.—An as-
4 sessment of ways the Department can improve its
5 ability to test and acquire innovative solutions to
6 allow needed incentives and protections for appro-
7 priate risk-taking in order to meet its acquisition
8 needs with resiliency, agility, and responsiveness to
9 assure homeland security and facilitate trade.

10 “(6) FOCUS ON INCENTIVES TO SAVE TAX-
11 PAYER DOLLARS.—An assessment of ways the De-
12 partment can develop incentives for program man-
13 agers and senior Department acquisition officials
14 to—

15 “(A) prevent cost overruns;

16 “(B) avoid schedule delays; and

17 “(C) achieve cost savings in major acqui-
18 sition programs.

19 “(7) FOCUS ON ADDRESSING DELAYS AND BID
20 PROTESTS.—An assessment of ways the Department
21 can improve the acquisition process to minimize cost
22 overruns in—

23 “(A) requirements development;

24 “(B) procurement announcements;

25 “(C) requests for proposals;

1 “(D) evaluation of proposals;

2 “(E) protests of decisions and awards; and

3 “(F) the use of best practices.

4 “(8) FOCUS ON IMPROVING OUTREACH.—An
5 identification and assessment of ways to increase op-
6 portunities for communication and collaboration with
7 industry, small and disadvantaged businesses, intra-
8 government entities, university centers of excellence,
9 accredited certification and standards development
10 organizations, and national laboratories to ensure
11 that the Department understands the market for
12 technologies, products, and innovation that is avail-
13 able to meet its mission needs and to inform the De-
14 partment’s requirements-setting process before en-
15 gaging in an acquisition, including—

16 “(A) methods designed especially to engage
17 small and disadvantaged businesses, a cost-ben-
18 efit analysis of the tradeoffs that small and dis-
19 advantaged businesses provide, information re-
20 lating to barriers to entry for small and dis-
21 advantaged businesses, and information relating
22 to unique requirements for small and disadvan-
23 tagged businesses; and

24 “(B) within the Department Vendor Com-
25 munication Plan and Market Research Guide,

1 instructions for interaction by acquisition pro-
2 gram managers with such entities to—

3 “(i) prevent misinterpretation of ac-
4 quisition regulations; and

5 “(ii) permit, within legal and ethical
6 boundaries, interacting with such entities
7 with transparency.

8 “(9) COMPETITION.—A plan regarding competi-
9 tion under subsection (d).

10 “(10) ACQUISITION WORKFORCE.—A plan re-
11 garding the Department acquisition workforce under
12 subsection (e).

13 “(d) COMPETITION PLAN.—The strategy required
14 under subsection (a) shall also include a plan to address
15 actions to ensure competition, or the option of competi-
16 tion, for major acquisition programs. Such plan may in-
17 clude assessments of the following measures in appro-
18 priate cases if such measures are cost effective:

19 “(1) Competitive prototyping.

20 “(2) Dual-sourcing.

21 “(3) Unbundling of contracts.

22 “(4) Funding of next-generation prototype sys-
23 tems or subsystems.

24 “(5) Use of modular, open architectures to en-
25 able competition for upgrades.

1 “(6) Acquisition of complete technical data
2 packages.

3 “(7) Periodic competitions for subsystem up-
4 grades.

5 “(8) Licensing of additional suppliers, including
6 small businesses.

7 “(9) Periodic system or program reviews to ad-
8 dress long-term competitive effects of program deci-
9 sions.

10 “(e) ACQUISITION WORKFORCE PLAN.—

11 “(1) ACQUISITION WORKFORCE.—The strategy
12 required under subsection (a) shall also include a
13 plan to address Department acquisition workforce
14 accountability and talent management that identifies
15 the acquisition workforce needs of each component
16 performing acquisition functions and develops op-
17 tions for filling such needs with qualified individuals,
18 including a cost-benefit analysis of contracting for
19 acquisition assistance.

20 “(2) ADDITIONAL MATTERS COVERED.—The
21 acquisition workforce plan under this subsection
22 shall address ways to—

23 “(A) improve the recruitment, hiring,
24 training, and retention of Department acquisi-
25 tion workforce personnel, including contracting

1 officer's representatives, in order to retain high-
2 ly qualified individuals who have experience in
3 the acquisition life cycle, complex procurements,
4 and management of large programs;

5 “(B) empower program managers to have
6 the authority to manage their programs in an
7 accountable and transparent manner as such
8 managers work with the acquisition workforce;

9 “(C) prevent duplication within Depart-
10 ment acquisition workforce training and certifi-
11 cation requirements through leveraging already-
12 existing training within the Federal Govern-
13 ment, academic community, or private industry;

14 “(D) achieve integration and consistency
15 with Government-wide training and accredita-
16 tion standards, acquisition training tools, and
17 training facilities;

18 “(E) designate the acquisition positions
19 that will be necessary to support the Depart-
20 ment acquisition requirements, including in the
21 fields of—

22 “(i) program management;

23 “(ii) systems engineering;

24 “(iii) procurement, including con-
25 tracting;

1 “(iv) test and evaluation;

2 “(v) life cycle logistics;

3 “(vi) cost estimating and program fi-
4 nancial management; and

5 “(vii) additional disciplines appro-
6 priate to Department mission needs;

7 “(F) strengthen the performance of con-
8 tracting officers’ representatives (as defined in
9 subpart 1.602–2 and subpart 2.101 of the Fed-
10 eral Acquisition Regulation), including by—

11 “(i) assessing the extent to which
12 such representatives are certified and re-
13 ceive training that is appropriate;

14 “(ii) assessing what training is most
15 effective with respect to the type and com-
16 plexity of assignment; and

17 “(iii) implementing actions to improve
18 training based on such assessments; and

19 “(G) identify ways to increase training for
20 relevant investigators and auditors of the De-
21 partment to examine fraud in major acquisition
22 programs, including identifying opportunities to
23 leverage existing Government and private sector
24 resources in coordination with the Inspector
25 General of the Department.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 835 the following new item:

“Sec. 839. Multiyear acquisition strategy.”.

5 (c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW
6 OF MULTIYEAR ACQUISITION STRATEGY.—

7 (1) REVIEW.—After submission of the first
8 multiyear acquisition strategy in accordance with
9 section 839 of the Homeland Security Act of 2002,
10 as added by subsection (a), after the date of the en-
11 actment of this Act, the Comptroller General of the
12 United States shall conduct a review of such plan
13 within 180 days to analyze the viability of such
14 plan’s effectiveness in the following:

15 (A) Complying with the requirements of
16 such section 839.

17 (B) Establishing clear connections between
18 Department of Homeland Security objectives
19 and acquisition priorities.

20 (C) Demonstrating that Department acqui-
21 sition policy reflects program management best
22 practices and standards.

23 (D) Ensuring competition or the option of
24 competition for major acquisition programs.

1 (E) Considering potential cost savings
2 through using already-existing technologies
3 when developing acquisition program require-
4 ments.

5 (F) Preventing duplication within Depart-
6 ment acquisition workforce training require-
7 ments through leveraging already-existing train-
8 ing within the Federal Government, academic
9 community, or private industry.

10 (G) Providing incentives for acquisition
11 program managers to reduce acquisition and
12 procurement costs through the use of best prac-
13 tices and disciplined program management.

14 (2) DEFINITIONS.—The terms “acquisition”,
15 “best practices”, and “major acquisition programs”
16 have the meaning given such terms in section 830
17 of the Homeland Security Act of 2002, as added by
18 section 201.

19 (3) REPORT.—Not later than 180 days after
20 the completion of the review required by subsection
21 (a), the Comptroller General of the United States
22 shall submit to the Committee on Homeland Secu-
23 rity and the Committee on Appropriations of the
24 House of Representatives and the Committee on
25 Homeland Security and Governmental Affairs and

1 the Committee on Appropriations of the Senate a re-
2 port on the review. Such report shall be submitted
3 in unclassified form but may include a classified
4 annex.

5 **SEC. 233. ACQUISITION REPORTS.**

6 (a) IN GENERAL.—Subtitle D of title VIII of the
7 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
8 is further amended by adding at the end the following new
9 section:

10 **“SEC. 840. ACQUISITION REPORTS.**

11 “(a) COMPREHENSIVE ACQUISITION STATUS RE-
12 PORT.—

13 “(1) IN GENERAL.—At the same time as the
14 President’s budget is submitted for a fiscal year
15 under section 1105(a) of title 31, United States
16 Code, the Under Secretary for Management shall
17 submit to the congressional homeland security com-
18 mittees an annual comprehensive acquisition status
19 report. The report shall include the following:

20 “(A) The information required under the
21 heading ‘Office of the Under Secretary for
22 Management’ under title I of division D of the
23 Consolidated Appropriations Act, 2012 (Public
24 Law 112–74) (as required under the Depart-

1 ment of Homeland Security Appropriations Act,
2 2013 (Public Law 113–6)).

3 “(B) A listing of programs that have been
4 canceled, modified, paused, or referred to the
5 Under Secretary for Management or Deputy
6 Secretary for additional oversight or action by
7 the Board, Department Office of Inspector
8 General, or the Comptroller General.

9 “(C) A listing of established Executive
10 Steering Committees, which provide governance
11 of a program or related set of programs and
12 lower-tiered oversight, and support between ac-
13 quisition decision events and component re-
14 views, including the mission and membership
15 for each.

16 “(2) INFORMATION FOR MAJOR ACQUISITION
17 PROGRAMS.—For each major acquisition program,
18 the report shall include the following:

19 “(A) A narrative description, including
20 current gaps and shortfalls, the capabilities to
21 be fielded, and the number of planned incre-
22 ments or units.

23 “(B) Acquisition Review Board (or other
24 board designated to review the acquisition) sta-
25 tus of each acquisition, including the current

1 acquisition phase, the date of the last review,
2 and a listing of the required documents that
3 have been reviewed with the dates reviewed or
4 approved.

5 “(C) The most current, approved acquisi-
6 tion program baseline (including project sched-
7 ules and events).

8 “(D) A comparison of the original acquisi-
9 tion program baseline, the current acquisition
10 program baseline, and the current estimate.

11 “(E) Whether or not an independent
12 verification and validation has been imple-
13 mented, with an explanation for the decision
14 and a summary of any findings.

15 “(F) A rating of cost risk, schedule risk,
16 and technical risk associated with the program
17 (including narrative descriptions and mitigation
18 actions).

19 “(G) Contract status (including earned
20 value management data as applicable).

21 “(H) A life cycle cost of the acquisition,
22 and time basis for the estimate.

23 “(3) UPDATES.—The Under Secretary shall
24 submit quarterly updates to such report not later
25 than 45 days after the completion of each quarter.

1 “(b) QUARTERLY PROGRAM ACCOUNTABILITY RE-
2 PORT.—The Under Secretary for Management shall pre-
3 pare a quarterly program accountability report to meet the
4 mandate of the Department to perform program health
5 assessments and improve program execution and govern-
6 ance. The report shall be submitted to the congressional
7 homeland security committees.

8 “(c) CONGRESSIONAL HOMELAND SECURITY COM-
9 MITTEES DEFINED.—In this section, the term ‘congres-
10 sional homeland security committees’ means—

11 “(1) the Committee on Homeland Security of
12 the House of Representatives and the Committee on
13 Homeland Security and Governmental Affairs of the
14 Senate; and

15 “(2) the Committee on Appropriations of the
16 House of Representatives and the Committee on Ap-
17 propriations of the Senate.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of such Act is further amended by inserting
20 after the item relating to section 839 the following new
21 item:

“840. Acquisition reports.”.

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