

QUADRENNIAL HOMELAND SECURITY REVIEW
TECHNICAL CORRECTION ACT OF 2016

JULY 5, 2016.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 5385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5385) to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	3
Background and Need for Legislation	3
Hearings	4
Committee Consideration	4
Committee Votes	5
Committee Oversight Findings	5
New Budget Authority, Entitlement Authority, and Tax Expenditures	5
Congressional Budget Office Estimate	5
Statement of General Performance Goals and Objectives	6
Duplicative Federal Programs	6
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	6
Federal Mandates Statement	6
Preemption Clarification	6
Disclosure of Directed Rule Makings	6
Advisory Committee Statement	7
Applicability to Legislative Branch	7
Section-by-Section Analysis of the Legislation	7
Changes in Existing Law Made by the Bill, as Reported	8

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Quadrennial Homeland Security Review Technical Correction Act of 2016”.

SEC. 2. TECHNICAL CORRECTIONS TO QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) **IN GENERAL.**—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

- (1) in subsection (a)(3)—
 - (A) in subparagraph (B), by striking “and”;
 - (B) by redesignating subparagraph (C) as subparagraph (D); and
 - (C) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) representatives from appropriate advisory committees established pursuant to section 871 of this Act, 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 successfully” and inserting “resources required to”; and
 - (iii) by striking the semicolon after “paragraph (2)” 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; 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)—
 - (i) 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”; and
 - (ii) by striking “conducted” and inserting “required under subsection (a)(1)”;
 - (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;
 - (iii) in subparagraph (D), by inserting “to the extent practicable,” before “a description”;
 - (iv) in subparagraph (F)—
 - (I) by inserting “to the extent practicable,” before “a discussion”; and
 - (II) by striking “the status of”;
 - (v) in subparagraph (G)—
 - (I) by inserting “to the extent practicable,” before “a discussion”;
 - (II) by striking “the status of”;
 - (III) by inserting “and risks” before “to national homeland”; and
 - (IV) by inserting “and” after the semicolon;
 - (vi) by striking subparagraph (H); and
 - (vii) by redesignating subparagraph (I) as subparagraph (H);
- (C) by redesignating paragraph (3) as paragraph (4); and
- (D) by inserting after paragraph (2) the following new paragraph (3):

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

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

“(i) all written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the interagency process; and

“(ii) information on how feedback received by the Secretary informed the quadrennial homeland security review.

“(B) Information regarding the risk assessment, as required under subsection (c)(2)(B), including—

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

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

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

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

(4) by adding at the end the following new subsection:

“(e) REVIEW.—Not later than 90 days after the submission of the report pursuant to subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the review were integrated into the acquisition strategy and expenditure plans for the Department.”.

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to a quadrennial homeland security review required to be submitted after December 31, 2017.

PURPOSE AND SUMMARY

H.R. 5385, the Quadrennial Homeland Security Review Technical Correction Act of 2016, amends the Homeland Security Act of 2002, revises the requirements for the Quadrennial Homeland Security Review (QHSR) to improve the quality and timeliness of the review that the Department of Homeland Security carries out. Namely, this legislation requires the Department of Homeland Security (“DHS” or “the Department”) to conduct a risk assessment to inform the QHSR, to complete more robust stakeholder engagement, and to maintain all documentation regarding the QHSR, including, but not limited to, all written communications sent out by the Secretary and feedback submitted to the Secretary, information on how feedback received by the Secretary informed the QHSR, and information regarding the risk assessment. Maintaining such documentation should allow Congress to conduct more effective oversight of DHS’s decision-making process regarding the QHSR.

BACKGROUND AND NEED FOR LEGISLATION

The Department of Homeland Security is required, through the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53), to conduct a QHSR every four years. Modeled after the Quadrennial Defense Review, the QHSR outlines the Department’s vision and strategy to effectively implement its mission. As stated in the first QHSR released in February 2010, “the purpose of the first-ever Quadrennial Homeland Security Review is to outline the strategic framework to guide the activities of participants in homeland security toward a common end. A safe and secure homeland must mean more than preventing terrorist attacks from being carried out. It must also ensure that the liberties of all Americans are assured, privacy is protected, and the means by which we interchange with the world—through travel, lawful immigration, trade, commerce, and exchange—are secured.” The first

QHSR identified five homeland security missions—preventing terrorism and enhancing security; securing and managing our borders; enforcing and administering our immigration laws; safeguarding and securing cyberspace; and ensuring resilience to disasters—as well as goals and objectives to be achieved within each mission area. The Government Accountability Office (GAO) completed an extensive review of the first QHSR and concluded that of the nine 9/11 Commission Act reporting elements to the QHSR, DHS addressed three in full and addressed the remaining six elements only partially, including the requirement that it include budget planning descriptions. GAO recommended that for future reviews, DHS provide more time for stakeholder consultations, explore options for consulting with nonfederal stakeholders, and examine how risk information could be considered in prioritizing QHSR initiatives.

DHS issued its second QHSR in 2014. In April 2016, GAO released its review of the second QHSR and reported that, despite some progress in addressing weaknesses in the first review, there were several areas for improvement for future reviews.¹ Specifically, GAO found that DHS did not document how its various analyses were synthesized to generate results reflected in the second QHSR; DHS’ failure to do so limited the reproducibility and defensibility of the results. In addition, GAO found that while the Department expanded on stakeholder interaction with the Homeland Security Enterprise as was suggested by GAO in 2010, the collaboration needed improvement, particularly when it comes to fostering interactive communication and feedback. GAO made four recommendations for executive action: 1) ensure future QHSR risk assessment methodologies reflect key elements of successful risk assessment methodologies; 2) refine its risk assessment methodology so that in future QHSRs it can compare and prioritize homeland security risks and risk mitigation strategies; 3) identify and implement stakeholder meeting processes to ensure that communication is interactive when project planning for the next QHSR; and 4) clarify component detailee roles and responsibilities when project planning for the next QHSR. DHS concurred with all four recommendations.

HEARINGS

No hearings were held on H.R. 5385 in the 114th Congress.

COMMITTEE CONSIDERATION

The Committee met on June 8, 2016, to consider H.R. 5385, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An amendment by MR. PERRY (#1); was AGREED TO by voice vote. Page 3, beginning on line 12, strike clause (iii) and insert the following: (iii) by inserting after “paragraph (2)” the following: “, including any resources identified from redundant, wasteful, or unnecessary capabilities and capacities that can be redirected to better support other existing capabilities and capacities; and”;

¹ GAO, *Quadrennial Homeland Security Review: Improved Risk Analysis and Stakeholder Consultations Could Enhance Future Reviews*, GAO-16-371 (Washington, D.C.: Apr. 15, 2016).

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5385.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5385, the Quadrennial Homeland Security Review Technical Correction Act of 2016, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 2016.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5385, the Quadrennial Homeland Security Review Technical Correction Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

MARK P. HADLEY
(For Keith Hall, Director).

Enclosure.

H.R. 5385—Quadrennial Homeland Security Review Technical Correction Act of 2016

Current law requires the Department of Homeland Security (DHS), every four years, to conduct a comprehensive review of its strategy to improve the security of the United States, including recommendations relating to the long-term strategy to improve security. H.R. 5385 would make mostly technical changes to the current requirements for that quadrennial review. Based on information from DHS, we estimate that implementing H.R. 5385 would have no significant effect on the department's spending.

Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates

that enacting H.R. 5385 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5385 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 5385 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This legislation provides for DHS to maintain documentation that provides information on the process for developing the Quadrennial Homeland Security Review. It further provides for DHS to conduct a risk assessment to inform the QHSR.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 5385 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 5385 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 5385 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Quadrennial Homeland Security Review Technical Correction Act of 2016”.

Sec. 2. Technical Corrections to Quadrennial Homeland Security Review.

Section 2 amends Section 707 of the Homeland Security Act of 2002. This section outlines various stakeholders to be consulted during the production of the Quadrennial Homeland Security Review, by including representatives from appropriate advisory committees and adds language to prioritize homeland security missions based on a risk assessment required in this legislation. Additionally, this section:

- adds the language “to the extent practicable” in the requirement that the Secretary describe all interagency cooperation, resources required, infrastructure, etc. associated with the homeland security strategies required to fully execute the full range of missions called for in the strategies when gathering information from other agencies;
- adds the language “to the extent practicable” in the requirement that the Secretary identify the resources required to fulfill homeland security strategies and missions when gathering information from other agencies;
- removes the term “budget plan” and replaces it with “resources required”;
- adds the requirement for the QHSR to include any resources identified from redundant, wasteful, or unnecessary capabilities and capacities that can be redirected to support other priorities that were identified during the course of reviewing the resources required to execute the full range of missions; and
- updates the Homeland Security Act of 2002 by striking section 707(b)(6).

This section also requires the Department to submit a report to Congress on the QHSR 60 days after the date of the submittal of the President’s budget for the fiscal year, which shall include, among other items, a risk assessment of the threats examined for the purpose of the review. Additionally, this section requires the Secretary to retain all documentation regarding the QHSR, including but not limited to all written communications sent out by the Secretary and feedback submitted to the Secretary, information on how feedback received by the Secretary informed the QHSR, and

information regarding the risk assessment. Paragraph (4) of this subsection requires the Secretary to provide information to the Homeland Security Committees of the House and Senate on the degree to which findings and recommendations developed in the review were integrated into the acquisition strategy and expenditure plans of the Department.

Finally, this section states that the changes made by this Act shall apply to any QHSR required to be submitted after December 31, 2017.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE VII—MANAGEMENT

* * * * *

SEC. 707. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) REQUIREMENT.—

(1) **QUADRENNIAL REVIEWS REQUIRED.**—In fiscal year 2009, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a “quadrennial homeland security review”).

(2) **SCOPE OF REVIEWS.**—Each quadrennial homeland security review shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.

(3) **CONSULTATION.**—The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with—

(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture, and the Director of National Intelligence;

(B) key officials of the Department; **[and]**

(C) *representatives from appropriate advisory committees established pursuant to section 871 of this Act, 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*

[(C)] (D) other relevant governmental and nongovernmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.

(4) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under section 874.

(b) CONTENTS OF REVIEW.—In each quadrennial homeland security review, the Secretary shall—

(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation *based on the risk assessment required pursuant to subsection (c)(2)(B)*;

(3) describe, *to the extent practicable*, the interagency cooperation, preparedness of Federal response assets, infrastructure, [budget plan] *resources required*, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

(4) identify, *to the extent practicable*, the [budget plan required to provide sufficient resources to successfully] *resources required to execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2)[;], including any resources identified from redundant, wasteful, or unnecessary capabilities and capacities that can be redirected to better support other existing capabilities and capacities*; and

(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2)[; and].

[(6) review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.]

(c) REPORTING.—

(1) IN GENERAL.—Not later than [December 31 of the year] *60 days after the date of the submittal of the President's budget for the fiscal year after the fiscal year in which a quadrennial homeland security review is [conducted] required under subsection (a)(1)*, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) a [description of the threats to] *risk assessment* of the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review;

(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation, *as required under subsection (b)(2)*;

(D) *to the extent practicable*, a description of the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

(F) *to the extent practicable*, a discussion of [the status of] cooperation among Federal agencies in the effort to promote national homeland security;

(G) *to the extent practicable*, a discussion of [the status of] cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats *and risks* to national homeland security; *and*

[(H) an explanation of any underlying assumptions used in conducting the review; and]

[(I)] (H) any other matter the Secretary considers appropriate.

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

(A) *Records regarding the consultation carried out the pursuant to subsection (a)(3), including—*

(i) *all written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the inter-agency process; and*

(ii) *information on how feedback received by the Secretary informed the quadrennial homeland security review.*

(B) *Information regarding the risk assessment, as required under subsection (c)(2)(B), including—*

(i) *the risk model utilized to generate the risk assessment;*

(ii) *information, including data used in the risk model, utilized to generate the risk assessment;*

(iii) *sources of information, including other risk assessments, utilized to generate the risk assessment; and*

(iv) *information on assumptions, weighing factors, and subjective judgments utilized to generate the risk assessment, together with information on the rationale or basis thereof.*

【(3)】 (4) PUBLIC AVAILABILITY.—The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) REVIEW.—*Not later than 90 days after the submission of the report pursuant to subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the review were integrated into the acquisition strategy and expenditure plans for the Department.*

* * * * *

