

113TH CONGRESS  
2D SESSION

# H. R. 4228

To require the Department of Homeland Security to improve discipline, accountability, and transparency in acquisition program management.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2014

Mr. DUNCAN of South Carolina (for himself, Mr. McCAUL, Mr. BARBER, and Mr. DAINES) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To require the Department of Homeland Security to improve discipline, accountability, and transparency in acquisition program management.

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.**

4 This Act may be cited as the “DHS Acquisition Ac-  
5 countability and Efficiency Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Definitions.

## TITLE I—ACQUISITION AUTHORITIES

- Sec. 101. Acquisition authorities for Under Secretary for management.
- Sec. 102. Acquisition authorities for Chief Financial Officer.
- Sec. 103. Acquisition authorities for Chief Information Officer.
- Sec. 104. Chief Procurement Officer.
- Sec. 105. Requirements to ensure greater accountability for acquisition programs.

## TITLE II—ACQUISITION PROGRAM MANAGEMENT DISCIPLINE

- Sec. 201. Acquisition Review Board.
- Sec. 202. Requirements to reduce duplication in acquisition programs.
- Sec. 203. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.

TITLE III—ACQUISITION PROGRAM MANAGEMENT  
ACCOUNTABILITY AND TRANSPARENCY

- Sec. 301. Congressional notification and other requirements for major acquisition program breach.
- Sec. 302. Multiyear acquisition strategy.
- Sec. 303. Government Accountability Office review of multiyear acquisition strategy.
- Sec. 304. Office of Inspector General report.

**1 SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) The Department of Homeland Security does  
4 not consistently implement its policies and Govern-  
5 ment and private sector best practices for acquisi-  
6 tions and procurement.

7 (2) It is difficult to determine the cost of the  
8 Department's major acquisition programs because  
9 the Department has not provided consistent, com-  
10 parable updates on an annual basis. As of January  
11 2014, the Department identified over 80 major ac-  
12 quisition programs costing over \$300,000,000, and,  
13 based on 2011, estimates it plans to spend about

1       \$170,000,000,000 in the future on major acquisition  
2       programs.

3           (3) Since 2005, the Government Accountability  
4       Office has placed Department acquisition manage-  
5       ment activities on its “High-Risk List”, which iden-  
6       tifies Government operations that have greater sus-  
7       ceptibility to fraud, waste, abuse, and mismanage-  
8       ment or greater need for transformation to address  
9       economy, efficiency, or effectiveness challenges.

10          (4) While the Department has taken actions to  
11       address some high-risk acquisition program manage-  
12       ment issues, many programs continue to experience  
13       challenges with funding instability, workforce short-  
14       falls, reliable cost estimates, realistic schedules,  
15       agreed-upon baseline objectives, and consistent and  
16       reliable data needed to accurately measure program  
17       performance.

18          (5) Of the 77 Department major acquisition  
19       programs in 2011, the Government Accountability  
20       Office identified 42 programs that experienced cost  
21       growth, schedule slips, or both. The Department re-  
22       ported that the magnitude of the cost growth for 16  
23       of the 42 programs, which increased from almost  
24       \$20,000,000,000 to over \$50,000,000,000 in 2011,  
25       had an aggregate increase of 166 percent.

1           (6) In 2012, the Government Accountability Of-  
2           fice found that only 20 of 63 programs had Depart-  
3           ment-approved acquisition program baselines. The  
4           Government Accountability Office also reported that  
5           the Department planned to spend more than \$105  
6           billion on programs lacking acquisition program  
7           baselines.

8 **SEC. 4. DEFINITIONS.**

9           (a) IN GENERAL.—In this Act:

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

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

14           (3) CONGRESSIONAL HOMELAND SECURITY  
15           COMMITTEES.—The term “congressional homeland  
16           security committees” means—

17           (A) the Committee on Homeland Security  
18           of the House of Representatives and the Com-  
19           mittee on Homeland Security and Govern-  
20           mental Affairs of the Senate; and

21           (B) the Committee on Appropriations of  
22           the House of Representatives and of the Sen-  
23           ate.

24           (b) ADDITIONAL DEFINITIONS.—In this Act:

1           (1) ACQUISITION.—The term “acquisition” has  
2           the meaning provided in section 131 of title 41,  
3           United States Code.

4           (2) BEST PRACTICES.—The term “best prac-  
5           tices”, with respect to acquisition, means a knowl-  
6           edge-based approach to capability development that  
7           includes identifying and validating needs; assessing  
8           alternatives to select the most appropriate solution;  
9           clearly establishing well-defined requirements; devel-  
10          oping realistic cost assessments and schedules; se-  
11          curing stable funding that matches resources to re-  
12          quirements; demonstrating technology, design, and  
13          manufacturing maturity; using milestones and exit  
14          criteria or specific accomplishments that dem-  
15          onstrate progress; adopting and executing standard-  
16          ized processes with known success across programs;  
17          establishing an adequate workforce that is qualified  
18          and sufficient to perform necessary functions; and  
19          integrating these capabilities into the Department’s  
20          mission and business operations.

21          (c) AMENDMENTS TO DEFINITIONS IN HOMELAND  
22 SECURITY ACT OF 2002.—Section 2 of the Homeland Se-  
23 curity Act of 2002 is amended—

24           (1) by inserting “(a) IN GENERAL.—In this  
25          Act,”;

1 (2) in section 2(2)—

2 (A) by inserting “(A)” after “(2)”; and

3 (B) by adding at the end the following new  
4 subparagraph:

5 “(B) The term ‘congressional homeland se-  
6 curity committees’ means—

7 “(i) the Committee on Homeland Se-  
8 curity of the House of Representatives and  
9 the Committee on Homeland Security and  
10 Governmental Affairs of the Senate; and

11 “(ii) the Committee on Appropriations  
12 of the House of Representatives and of the  
13 Senate.”; and

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

16 “(b) ACQUISITION-RELATED DEFINITIONS.—In this  
17 Act, the following definitions apply:

18 “(1) ACQUISITION.—The term ‘acquisition’ has  
19 the meaning provided in section 131 of title 41,  
20 United States Code.

21 “(2) ACQUISITION DECISION AUTHORITY.—The  
22 term ‘acquisition decision authority’ means the au-  
23 thority, held by the Secretary acting through the  
24 Under Secretary for Management or Deputy Sec-  
25 retary—

1           “(A) to ensure compliance with Federal  
2 law, the Federal Acquisition Regulation, and  
3 Department acquisition management directives;

4           “(B) to review (including approving, halt-  
5 ing, modifying, or cancelling) an acquisition  
6 program through the life cycle of the program;

7           “(C) to ensure that program managers  
8 have the resources necessary to successfully  
9 execute an approved acquisition program; and

10           “(D) to ensure good program management  
11 of cost, schedule, risk, and system performance  
12 of the acquisition, including assessing acquisi-  
13 tion program baseline breaches and directing  
14 any corrective action for such breaches.

15           “(3) ACQUISITION DECISION EVENT.—The term  
16 ‘acquisition decision event’, with respect to an in-  
17 vestment or acquisition program, means a predeter-  
18 mined point within the acquisition phases of the in-  
19 vestment or acquisition program at which the invest-  
20 ment or acquisition program will undergo a review  
21 prior to commencement of the next phase.

22           “(4) ACQUISITION DECISION MEMORANDUM.—  
23 The term ‘acquisition decision memorandum’, with  
24 respect to an acquisition, means the official acquisi-  
25 tion decision event record that includes a docu-

1 mented record of decisions, exit criteria, and as-  
2 signed actions for the acquisition as determined by  
3 the person exercising acquisition decision authority  
4 for the acquisition.

5 “(5) ACQUISITION PROGRAM BASELINE.—The  
6 term ‘acquisition program baseline’, with respect to  
7 an acquisition program, means a summary of the  
8 cost, schedule, and performance parameters, ex-  
9 pressed in standard, measurable, quantitative terms,  
10 which must be met in order to accomplish the goals  
11 of the program.

12 “(6) CAPABILITY DEVELOPMENT PLAN.—The  
13 term ‘capability development plan’, with respect to a  
14 proposed acquisition, means the document that the  
15 Accountability Review Board approves for the first  
16 acquisition decision event related to validating the  
17 need of a proposed acquisition.

18 “(7) COMPONENT ACQUISITION EXECUTIVE.—  
19 The term ‘Component Acquisition Executive’ means  
20 the senior acquisition official within a Component  
21 who is designated in writing by the Under Secretary  
22 for Management, in consultation with the Compo-  
23 nent head, with authority and responsibility for lead-  
24 ing a process and staff to provide acquisition and  
25 program management oversight, policy, and guid-



1       ance to ensure that statutory, regulatory, and higher  
2       level policy requirements are fulfilled, including com-  
3       pliance with Federal law, the Federal Acquisition  
4       Regulation, and Department acquisition manage-  
5       ment directives established by the Under Secretary  
6       for Management.

7               “(8) LIFE CYCLE COST.—The term ‘life cycle  
8       cost’, with respect to an acquisition program, means  
9       all costs associated with research, development, pro-  
10      curement, operation, integrated logistics support,  
11      and disposal under the program, including sup-  
12      porting infrastructure that plans, manages, and exe-  
13      cutes the program over its full life, and costs of com-  
14      mon support items incurred as a result of the pro-  
15      gram.

16              “(9) MAJOR ACQUISITION PROGRAM.—The term  
17      ‘major acquisition program’ means a Department  
18      acquisition program that is estimated by the Sec-  
19      retary to require an eventual total expenditure of at  
20      least \$300,000,000 (based on fiscal year 2014 con-  
21      stant dollars) over its life cycle cost.”.

1                   **TITLE I—ACQUISITION**  
2                   **AUTHORITIES**

3   **SEC. 101. ACQUISITION AUTHORITIES FOR UNDER SEC-**  
4                   **RETARY FOR MANAGEMENT.**

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

7                   (1) in subsection (a)(2), by striking “Procure-  
8                   ment” and inserting “Acquisition and procurement”;  
9                   and

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

11           “(d) ACQUISITION AND RELATED RESPONSIBIL-  
12 ITIES.—

13                   “(1) IN GENERAL.—Notwithstanding section  
14                   1702(b) of title 41, United States Code, the Under  
15                   Secretary for Management is the Chief Acquisition  
16                   Officer of the Department. As Chief Acquisition Of-  
17                   ficer, the Under Secretary shall have the authority  
18                   and perform the functions as specified in section  
19                   1702(b) of such title, and perform all other func-  
20                   tions and responsibilities delegated by the Secretary  
21                   or described in this subsection.

22                   “(2) DUTIES AND RESPONSIBILITIES.—In addi-  
23                   tion to the authority and functions specified in sec-  
24                   tion 1702(b) of title 41, United States Code, the du-  
25                   ties and responsibilities of the Under Secretary for

1 Management related to acquisition include the fol-  
2 lowing:

3 “(A) Advising the Secretary regarding ac-  
4 quisition management activities, taking into ac-  
5 count risks of failure to achieve cost, schedule,  
6 or performance parameters, to ensure that the  
7 Department achieves its mission through the  
8 adoption of widely accepted program manage-  
9 ment best practices and standards.

10 “(B) Exercising the acquisition decision  
11 authority to approve, halt, modify (including  
12 the recession of approvals of program mile-  
13 stones), or cancel major acquisition programs,  
14 unless the Under Secretary delegates the au-  
15 thority to a Component Acquisition Executive  
16 pursuant to paragraph (3).

17 “(C) Establishing policies for acquisition  
18 that implement an approach that takes into ac-  
19 count risks of failure to achieve cost, schedule,  
20 or performance parameters that all Components  
21 of the Department shall comply with, including  
22 outlining relevant authorities for program man-  
23 agers to effectively manage acquisition pro-  
24 grams.

1           “(D) Ensuring that the heads of Compo-  
2           nents and Component Acquisition Executives  
3           comply with Federal law, the Federal Acquisi-  
4           tion Regulation, and Department acquisition  
5           management directives.

6           “(3) DELEGATION OF ACQUISITION DECISION  
7           AUTHORITY.—

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

14          “(B) LEVEL 2 ACQUISITIONS.—The Under  
15          Secretary for Management may delegate acqui-  
16          sition decision authority in writing to the rel-  
17          evant Component Acquisition Executive for a  
18          major acquisition program that has a life cycle  
19          cost estimate of at least \$300,000,000 but not  
20          more than \$1,000,000,000 if all of the following  
21          requirements are met:

22                  “(i) The Component concerned pos-  
23                  sesses working policies, processes, and pro-  
24                  cedures that are consistent with Depart-  
25                  ment-level acquisition policy.

1           “(ii) The Component Acquisition Ex-  
2           ecutive has adequate, experienced, dedi-  
3           cated program management professional  
4           staff commensurate with the size of the  
5           delegated portfolio.

6           “(iii) Each major acquisition program  
7           concerned has written documentation  
8           showing that it has a Department-ap-  
9           proved acquisition program baseline and it  
10          is meeting agreed-upon cost, schedule, and  
11          performance thresholds.

12          “(4) RELATIONSHIP TO UNDER SECRETARY  
13          FOR SCIENCE AND TECHNOLOGY.—Nothing in this  
14          subsection shall diminish the authority granted to  
15          the Under Secretary for Science and Technology  
16          under this Act. The Under Secretary for Manage-  
17          ment and the Under Secretary for Science and  
18          Technology shall cooperate in matters related to the  
19          coordination of acquisitions across the Department  
20          so that investments of the Directorate of Science  
21          and Technology can support current and future re-  
22          quirements of the Components.”.

1 **SEC. 102. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**  
2 **CIAL OFFICER.**

3 Section 702 of the Homeland Security Act of 2002  
4 (6 U.S.C. 342) is amended by adding at the end of sub-  
5 section (b)(2) the following new subparagraph:

6 “(J) Notwithstanding section 902 of title  
7 31, United States Code, provide leadership over  
8 financial management policy and programs for  
9 the Department as they relate to the Depart-  
10 ment’s acquisitions programs, in consultation  
11 with the Under Secretary for Management.”.

12 **SEC. 103. ACQUISITION AUTHORITIES FOR CHIEF INFORMA-**  
13 **TION OFFICER.**

14 Section 703 of the Homeland Security Act of 2002  
15 (6 U.S.C. 343) is amended by adding at the end the fol-  
16 lowing new subsection:

17 “(c) **ACQUISITION RESPONSIBILITIES.**—Notwith-  
18 standing section 11315 of title 40, United States Code,  
19 the acquisition responsibilities of the Chief Information  
20 Officer, in consultation with the Under Secretary for Man-  
21 agement, shall include the following:

22 “(1) Serve as the lead technical authority for  
23 information technology programs and establish de-  
24 partmental information technology priorities, poli-  
25 cies, processes, standards, guidelines, and proce-  
26 dures.

1           “(2) Oversee the management of the Homeland  
2           Security Enterprise Architecture and ensure that,  
3           before each acquisition decision event, approved in-  
4           formation technology acquisitions comply with de-  
5           partmental information technology management  
6           processes, technical requirements, and the Homeland  
7           Security Enterprise Architecture.

8           “(3) Be responsible for providing recommenda-  
9           tions to the Acquisition Review Board established in  
10          section 836 of this Act on information technology  
11          programs, and be responsible for developing infor-  
12          mation technology acquisition strategic guidance.”.

13 **SEC. 104. CHIEF PROCUREMENT OFFICER.**

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

17 **“SEC. 708. CHIEF PROCUREMENT OFFICER.**

18          “(a) IN GENERAL.—There is a Chief Procurement  
19          Officer of the Department, who shall report directly to the  
20          Under Secretary for Management. The Chief Procurement  
21          Officer is the senior procurement executive for purposes  
22          of section 1702(e) of title 41, United States Code, and  
23          shall perform procurement functions as specified in such  
24          section. The Chief Procurement Officer also shall perform  
25          other functions and responsibilities set forth in this section

1 and as may be assigned by the Under Secretary for Man-  
2 agement.

3 “(b) RESPONSIBILITIES.—The Chief Procurement  
4 Officer shall—

5 “(1) exercise leadership and authority to the ex-  
6 tent delegated by the Under Secretary for Manage-  
7 ment over the Department procurement function;

8 “(2) issue acquisition regulations and policies;

9 “(3) account for the integrity, performance, and  
10 oversight of Department procurement and con-  
11 tracting functions and be responsible for ensuring  
12 that a procurement’s contracting strategy and plans  
13 are consistent with the intent and direction of the  
14 Acquisition Review Board established in section 836  
15 of this Act;

16 “(4) serve as the Department’s business advisor  
17 and main liaison to industry on procurement-related  
18 issues by providing advice on industry engagement,  
19 acquisition policy, oversight of the procurement  
20 function, and development of the acquisition work-  
21 force;

22 “(5) oversee a centralized certification and  
23 training program, in consultation with the Under  
24 Secretary for Management, for the entire Depart-  
25 ment acquisition workforce while using, to the great-



1 est extent practicable, best practices and acquisitions  
2 training opportunities already in existence within the  
3 Federal Government, the private sector, or univer-  
4 sities and colleges, as appropriate;

5 “(6) delegate or retain contracting authority, as  
6 appropriate, except as provided in section 701(d)(3)  
7 of this Act;

8 “(7) participate in the selection, and periodic  
9 performance review, of the head of each contracting  
10 activity within the Department; and

11 “(8) ensure that a fair proportion (as defined  
12 pursuant to the Small Business Act (15 U.S.C. 631  
13 et seq.)) of Federal contract and subcontract dollars  
14 are awarded to small businesses and maximize op-  
15 portunities for small business participation.

16 “(c) BEST PRACTICES DEFINED.—In this section,  
17 the term ‘best practices’, with respect to acquisition,  
18 means a knowledge-based approach to capability develop-  
19 ment that includes identifying and validating needs; as-  
20 sessing alternatives to select the most appropriate solu-  
21 tion; clearly establishing well-defined requirements; devel-  
22 oping realistic cost assessments and schedules; securing  
23 stable funding that matches resources to requirements;  
24 demonstrating technology, design, and manufacturing ma-  
25 turity; using milestones and exit criteria or specific accom-

1 plishments that demonstrate progress; adopting and exe-  
 2 cuting standardized processes with known success across  
 3 programs; establishing an adequate workforce that is  
 4 qualified and sufficient to perform necessary functions;  
 5 and integrating these capabilities into the Department’s  
 6 mission and business operations.”.

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

“Sec. 708. Chief Procurement Officer.”.

11 **SEC. 105. REQUIREMENTS TO ENSURE GREATER ACCOUNT-**  
 12 **ABILITY FOR ACQUISITION PROGRAMS.**

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

16 **“SEC. 709. REQUIREMENTS TO ENSURE GREATER AC-**  
 17 **COUNTABILITY FOR ACQUISITION PRO-**  
 18 **GRAMS.**

19 “(a) REQUIREMENT TO ESTABLISH MECHANISM.—  
 20 Within the Management Directorate, the Under Secretary  
 21 for Management shall establish a mechanism to prioritize  
 22 improving the accountability, standardization, and trans-  
 23 parency of major acquisition programs of the Department  
 24 in order to increase opportunities for effectiveness and ef-

1iciencies and to serve as the central oversight function  
2 of all Department acquisition programs.

3 “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-  
4 TOR.—The Under Secretary for Management shall des-  
5 ignate an Executive Director to oversee the requirement  
6 under subsection (a). The Executive Director shall report  
7 directly to the Under Secretary and shall carry out the  
8 following responsibilities:

9 “(1) Monitor the performance of Department  
10 acquisition programs regularly between acquisition  
11 decision events to identify problems with cost, per-  
12 formance, or schedule that Components may need to  
13 address to prevent cost overruns, performance  
14 issues, or schedule delays.

15 “(2) Assist the Chief Acquisition Officer in  
16 managing the Department’s acquisition portfolio.

17 “(3) Conduct oversight of individual acquisition  
18 programs to implement Department acquisition pro-  
19 gram policy, procedures, and guidance with a pri-  
20 ority on ensuring the data it collects and maintains  
21 from its Components is accurate and reliable.

22 “(4) Serve as the focal point within the Depart-  
23 ment for policy, process, and procedure regarding  
24 life cycle cost estimating and analysis.

1           “(5) Serve as the focal point and coordinator  
2 for the acquisition life cycle review process and as  
3 the executive secretariat for the Acquisition Review  
4 Board established under section 836 of this Act.

5           “(6) Advise the persons having acquisition deci-  
6 sion authority in making acquisition decisions con-  
7 sistent with all applicable laws and in establishing  
8 clear lines of authority, accountability, and responsi-  
9 bility for acquisition decisionmaking within the De-  
10 partment.

11           “(7) Engage in the strategic planning and per-  
12 formance evaluation process required under section  
13 306 of title 5, United States Code, and sections  
14 1105(a)(28), 1115, 1116, and 9703 of title 31,  
15 United States Code, by supporting the Chief Pro-  
16 curement Officer in developing strategies and spe-  
17 cific plans for hiring, training, and professional de-  
18 velopment in order to rectify any deficiency within  
19 the Department’s acquisition workforce.

20           “(8) Oversee the Component Acquisition Execu-  
21 tive structure to ensure it has sufficient capabilities  
22 and complies with Department policies.

23           “(9) Develop standardized certification stand-  
24 ards in consultation with the Component Acquisition  
25 Executives for all acquisition program managers.

1           “(10) In the event that a program manager’s  
2           certification or actions need review for purposes of  
3           promotion or removal, provide input, in consultation  
4           with the relevant Component Acquisition Executive,  
5           into the relevant program manager’s performance  
6           evaluation, and report positive or negative experi-  
7           ences to the relevant certifying authority.

8           “(11) Provide technical support and assistance  
9           to Department acquisitions and acquisition per-  
10          sonnel in conjunction with the Chief Procurement  
11          Officer.

12          “(12) Prepare the Department’s Comprehensive  
13          Acquisition Status Report, as required by the De-  
14          partment of Homeland Security Appropriations Act,  
15          2013 (division D of Public Law 113–6; 127 Stat.  
16          343), and make such report available to congress-  
17          sional homeland security committees. The report  
18          shall also include—

19                 “(A) a listing of programs that have been  
20                 cancelled, modified, paused, or referred to the  
21                 Under Secretary for Management or Deputy  
22                 Secretary for additional oversight or action by  
23                 the Board, Department Office of Inspector  
24                 General, or the Comptroller General; and

1           “(B) a listing of established Executive  
2           Steering Committees, which provide governance  
3           of a program or related set of programs and  
4           lower-tiered oversight, and support between ac-  
5           quisition decision events and Component re-  
6           views, including the mission and membership  
7           for each.

8           “(13) Prepare the Department’s Quarterly Pro-  
9           gram Accountability Report to meet the Depart-  
10          ment’s mandate to perform program health assess-  
11          ments and improve program execution and govern-  
12          ance, and make such report available to the congress-  
13          sional homeland security committees.

14          “(c) RESPONSIBILITIES OF COMPONENTS.—Each  
15          head of a Component shall comply with Federal law, the  
16          Federal Acquisition Regulation, and Department acquisi-  
17          tion management directives established by the Under Sec-  
18          retary for Management. For each major acquisition, each  
19          head of a Component shall establish a complete life cycle  
20          estimate with supporting documentation, complete a cost-  
21          benefit analysis with supporting documentation, and en-  
22          sure that all acquisition program information provided by  
23          the Component is complete, accurate, timely, and valid.”.

24          (b) CLERICAL AMENDMENT.—The table of contents  
25          in section 1(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 101 et seq.) is further amended by adding after  
2 the item relating to section 708 the following new item:

“Sec. 709. Requirements to ensure greater accountability for acquisition programs.”.

3 **TITLE II—ACQUISITION PRO-**  
4 **GRAM MANAGEMENT DIS-**  
5 **CIPLINE**

6 **SEC. 201. ACQUISITION REVIEW BOARD.**

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

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

11 “(a) IN GENERAL.—The Under Secretary for Man-  
12 agement shall establish an Acquisition Review Board (in  
13 this section referred to as the ‘Board’) to strengthen ac-  
14 countability and uniformity within the Department acqui-  
15 sition review process, review major acquisition programs,  
16 and review the use of best practices.

17 “(b) COMPOSITION.—The Deputy Secretary or Under  
18 Secretary for Management shall serve as chair of the  
19 Board. The Chief Financial Officer, Chief Information Of-  
20 ficer, Chief Procurement Officer, and Executive Director  
21 referred to in section 709(b) of this Act shall also serve  
22 on the Board. The Board shall also permit participation  
23 by other Department officials, including the Under Sec-  
24 retary for Science and Technology and relevant Compo-

1 nent Acquisition Executives on an ad hoc basis at the invi-  
2 tation of the chair. At least two Component heads or their  
3 designees shall be permanent members of the Board.

4 “(c) MEETINGS.—The Board shall meet every time  
5 a major acquisition program needs authorization to pro-  
6 ceed from acquisition decision events through the acquisi-  
7 tion life cycle and to consider any major acquisition pro-  
8 gram in breach as necessary. The Board may also be con-  
9 vened for non-major acquisitions that are deemed high-  
10 risk by the Executive Director referred to in section  
11 709(b) of this Act. The Board shall also meet regularly  
12 for purposes of ensuring all acquisitions processes proceed  
13 in a timely fashion to achieve mission readiness.

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

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

21 “(2) Oversee executable business strategy, re-  
22 sources, management, accountability, and alignment  
23 to strategic initiatives.

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



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

3 “(4) Conduct systematic reviews of acquisitions  
4 to ensure that they are progressing in compliance  
5 with the approved documents for their current acqui-  
6 sition phase.

7 “(5) Validate the acquisition documents of each  
8 major acquisition program, including the acquisition  
9 program baseline, to ensure the reliability of under-  
10 lying data.

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

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

1           “(B) Full consideration of possible trade-  
2           offs among cost, schedule, and performance ob-  
3           jectives for each alternative is considered.

4           “(e) ACQUISITION PROGRAM BASELINE REPORT RE-  
5           QUIREMENT.—If the Under Secretary for Management  
6           approves a major acquisition program to proceed beyond  
7           the acquisition decision event requiring a capability devel-  
8           opment plan before it has a Department-approved acquisi-  
9           tion program baseline, then the Under Secretary for Man-  
10          agement shall create and approve an acquisition program  
11          baseline Report on the decision, and the Secretary shall—

12           “(1) within seven days after an acquisition deci-  
13          sion memorandum is signed, notify in writing the  
14          congressional homeland security committees of such  
15          decision; and

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

21          “(f) BEST PRACTICES DEFINED.—In this section,  
22          the term ‘best practices’ has the meaning provided in sec-  
23          tion 708(c) of this Act.”.

24          (b) CLERICAL AMENDMENT.—The table of contents  
25          in section 1(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 101 et seq.) is further amended by adding after  
2 the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.

3 **SEC. 202. REQUIREMENTS TO REDUCE DUPLICATION IN AC-**  
4 **QUISITION PROGRAMS.**

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

9 **“SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN**  
10 **ACQUISITION PROGRAMS.**

11 “(a) REQUIREMENT TO ESTABLISH POLICIES.—In  
12 an effort to reduce duplication and inefficiency for all De-  
13 partment investments, including major acquisition pro-  
14 grams, the Under Secretary for Management shall estab-  
15 lish Department-wide policies to integrate all phases of the  
16 investment life cycle and help the Department identify,  
17 validate, and prioritize standards for common Component  
18 requirements for major acquisition requirements in order  
19 to increase opportunities for effectiveness and efficiencies.

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 duplication and inefficiency

1 for all Department investments, including major acquisi-  
2 tion programs.

3 “(c) COORDINATION.—In coordinating the actions  
4 necessary to carry out subsection (a), the Under Secretary  
5 for Management shall consult with Component Acquisition  
6 Executives and any other department officials, including  
7 the Under Secretary for Science and Technology or his  
8 designee, with specific knowledge of Department or Com-  
9 ponent acquisition capabilities to prevent unnecessary du-  
10 plication of requirements.

11 “(d) ADVISORS.—The Under Secretary for Manage-  
12 ment shall seek and consider input within legal and ethical  
13 boundaries from members of Federal, State, local, and  
14 tribal governments, nonprofit organizations, and the pri-  
15 vate sector, as appropriate, on matters within their au-  
16 thority and expertise in carrying out the Department’s  
17 mission.

18 “(e) MEETINGS.—The Under Secretary for Manage-  
19 ment shall meet at least quarterly and communicate with  
20 Components often to ensure that Components do not over-  
21 lap or duplicate spending or priorities on major invest-  
22 ments and acquisition programs within their areas of re-  
23 sponsibility.

1       “(f) RESPONSIBILITIES.—In carrying out this sec-  
2 tion, the responsibilities of the Under Secretary for Man-  
3 agement are as follows:

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

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

13          “(3) Before any entity of the Department  
14 issues a solicitation for a new contract, coordinate  
15 with other Department entities as appropriate to  
16 prevent duplication and inefficiency 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 overlap and duplication among Compo-  
22 nents; 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          “(g) BEST PRACTICES DEFINED.—In this section,  
13          the term ‘best practices’ has the meaning provided in sec-  
14          tion 708(c) of this Act.”.

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

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

19   **SEC. 203. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**  
20                           **OF BOARD AND OF REQUIREMENTS TO RE-**  
21                           **DUCE DUPLICATION IN ACQUISITION PRO-**  
22                           **GRAMS.**

23          (a) REVIEW REQUIRED.—The Comptroller General  
24          of the United States shall conduct a review of the effec-  
25          tiveness of the Acquisition Review Board established

1 under section 836 of the Homeland Security Act of 2002  
2 (as added by section 201) and the requirements to reduce  
3 duplication in acquisition programs established under sec-  
4 tion 837 of such Act (as added by section 202) in improv-  
5 ing the Department's acquisition management process.

6 (b) SCOPE OF REPORT.—The review shall include the  
7 following:

8 (1) An assessment of the effectiveness of the  
9 Department in increasing program management  
10 oversight, best practices and standards, and dis-  
11 cipline among the Components of the Department,  
12 including in working together and in preventing  
13 overlap and duplication.

14 (2) An assessment of the effectiveness of the  
15 Department in instilling program management dis-  
16 cipline.

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

1 (c) REPORT REQUIRED.—The Comptroller General  
2 shall submit to the congressional homeland security com-  
3 mittees a report on the review required by this section not  
4 later than one year after the date of the enactment of this  
5 Act. The report shall be submitted in unclassified form  
6 but may include a classified annex.

7 **TITLE III—ACQUISITION PRO-**  
8 **GRAM MANAGEMENT AC-**  
9 **COUNTABILITY AND TRANS-**  
10 **PARENCY**

11 **SEC. 301. CONGRESSIONAL NOTIFICATION AND OTHER RE-**  
12 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**  
13 **GRAM BREACH.**

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

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

21 “(a) BREACH DEFINED.—The term ‘breach’, with re-  
22 spect to a major acquisition program, means a failure to  
23 meet any cost, schedule, or performance parameter speci-  
24 fied in the acquisition program baseline.



1       “(b) REQUIREMENTS WITHIN DEPARTMENT IF  
2 BREACH OCCURS.—

3               “(1) NOTIFICATIONS.—

4                       “(A) NOTIFICATION OF POTENTIAL  
5 BREACH.—If a major acquisition program has a  
6 potential for a breach, notification of the poten-  
7 tial breach shall be made to the head of the  
8 Component concerned and to the Component  
9 Acquisition Executive for the program.

10                      “(B) NOTIFICATION OF ACTUAL  
11 BREACH.—If an actual breach occurs in a  
12 major acquisition program, notification of the  
13 breach shall be made to the head of the Compo-  
14 nent concerned, to the Component Acquisition  
15 Executive for the program, to the Executive Di-  
16 rector referred to in section 709(b) of this Act,  
17 and to the Under Secretary for Management.

18                      “(C) NOTIFICATION TO SECRETARY.—If a  
19 major acquisition program has a potential for a  
20 breach that is likely to result in a cost overrun  
21 greater than 20 percent or a likely delay is  
22 greater than 12 months from the costs and  
23 schedule described in the acquisition program  
24 baseline, within five business days notification  
25 of the breach shall be made to the Secretary.

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

3           “(A) IN GENERAL.—The Under Secretary  
4 for Management or his designee shall establish  
5 a date for submission within the Department of  
6 a breach remediation plan and root cause anal-  
7 ysis in accordance with this subsection.

8           “(B) REMEDIATION PLAN.—The remedi-  
9 ation plan required under this subsection shall  
10 be submitted in writing to the head of the Com-  
11 ponent concerned, the Executive Director re-  
12 ferred to in section 709(b) of this Act, and the  
13 Under Secretary for Management. The plan  
14 shall—

15           “(i) explain the circumstances of the  
16 breach;

17           “(ii) provide prior cost estimating in-  
18 formation;

19           “(iii) propose corrective action to con-  
20 trol cost growth, schedule delays, or per-  
21 formance issues;

22           “(iv) in coordination with Component  
23 Acquisition Executive, discuss all options  
24 considered, including the estimated impact  
25 on cost, schedule, or performance of the

1 program if no changes are made to current  
2 requirements, the estimated cost of the  
3 program if requirements are modified, and  
4 the extent to which funding from other  
5 programs will need to be reduced to cover  
6 the cost growth of the program; and

7 “(v) explain the rationale for why the  
8 proposed corrective action is recommended.

9 “(C) ROOT CAUSE ANALYSIS.—The root  
10 cause analysis required under this subsection  
11 shall determine the underlying cause or causes  
12 of shortcomings in cost, schedule, or perform-  
13 ance of the program, including the role, if any,  
14 of the following:

15 “(i) Unrealistic performance expecta-  
16 tions.

17 “(ii) Unrealistic baseline estimates for  
18 cost or schedule or changes in program re-  
19 quirements.

20 “(iii) Immature technologies or exces-  
21 sive manufacturing or integration risk.

22 “(iv) Unanticipated design, engineer-  
23 ing, manufacturing, or technology integra-  
24 tion issues arising during program per-  
25 formance.

1                   “(v) Changes in procurement quan-  
2                   tities.

3                   “(vi) Inadequate program funding or  
4                   changes in planned out-year funding from  
5                   one five-year funding plan to the next five-  
6                   year funding plan as outlined in the Fu-  
7                   ture Years Homeland Security Program  
8                   required under section 874 of this Act.

9                   “(vii) Legislative, legal, or regulatory  
10                  changes.

11                  “(viii) Inadequate program manage-  
12                  ment personnel, including lack of training,  
13                  credentials, certifications, or use of best  
14                  practices.

15                  “(3) CORRECTION OF BREACH.—The Under  
16                  Secretary for Management or his designee shall es-  
17                  tablish a date for submission within the Department  
18                  of a program of corrective action that ensures that  
19                  one of the following actions has occurred:

20                  “(A) The breach has been corrected and  
21                  the program is again in compliance with the re-  
22                  vised acquisition program baseline parameters.

23                  “(B) A revised acquisition program base-  
24                  line has been approved.

1                   “(C) The program has been halted or can-  
2                   celled.

3                   “(c) REQUIREMENTS RELATING TO CONGRESSIONAL  
4 NOTIFICATION IF BREACH OCCURS.—

5                   “(1) NOTIFICATION TO CONGRESS.—If a notifi-  
6 cation is made under subsection (b)(1)(B) for a  
7 breach in a major acquisition program with a cost  
8 overrun greater than 15 percent of the acquisition  
9 program baseline, or with a schedule delay of more  
10 than 180 days in the delivery schedule specified in  
11 the acquisition program baseline, or with an antici-  
12 pated failure for any key performance threshold or  
13 parameter specified in the acquisition program base-  
14 line, the Under Secretary for Management shall no-  
15 tify the congressional homeland security committees  
16 of the breach in the next quarterly Comprehensive  
17 Acquisition Status Report after the Under Secretary  
18 for Management receives the notification from the  
19 program manager under subsection (b)(1)(B).

20                   “(2) SUBSTANTIAL VARIANCES IN COSTS OR  
21 SCHEDULE.—If a likely cost overrun is greater than  
22 20 percent or a likely delay is greater than 12  
23 months from the costs and schedule described in the  
24 acquisition program baseline for a major acquisition  
25 program, the Under Secretary for Management shall

1 include in the notification required in (c)(1) a writ-  
2 ten certification, with supporting explanation, that—

3 “(A) the acquisition is essential to the ac-  
4 complishment of the Department’s mission;

5 “(B) there are no alternatives to such ca-  
6 pability or asset that will provide equal or  
7 greater capability in both a more cost-effective  
8 and timely manner;

9 “(C) the new acquisition schedule and esti-  
10 mates for total acquisition cost are reasonable;  
11 and

12 “(D) the management structure for the ac-  
13 quisition program is adequate to manage and  
14 control performance, cost, and schedule.

15 “(3) SUBMISSIONS TO CONGRESS.—Not later  
16 than 90 business days after submission to such com-  
17 mittees of a breach notification under paragraph (1)  
18 for a major acquisition program, the Under Sec-  
19 retary for Management shall submit to such commit-  
20 tees the following:

21 “(A) A copy of the remediation plan and  
22 the root cause analysis prepared under sub-  
23 section (b)(2) for the program.

24 “(B) A statement describing the action or  
25 actions that have occurred pursuant to sub-

1 section (b)(3) for the program, with a justifica-  
2 tion for the action or actions.

3 “(d) ADDITIONAL ACTIONS IF BREACH OCCURS.—

4 “(1) PROHIBITION ON OBLIGATION OF  
5 FUNDS.—If a notification is made under subsection  
6 (b)(1)(B) for a breach that is in a major acquisition  
7 program, funds appropriated for the major acquisi-  
8 tion program shall not be obligated until the Under  
9 Secretary for Management submits the certification  
10 with respect to the program described in paragraph  
11 (3) to the congressional homeland security commit-  
12 tees.

13 “(2) CERTIFICATION.—For purposes of para-  
14 graph (1), the certification described in this para-  
15 graph is a certification that—

16 “(A) the Department has adjusted or re-  
17 structured the program in a manner that ad-  
18 dresses the root cause or causes of the cost  
19 growth in the program; and

20 “(B) the Department has conducted a  
21 thorough review of the breached program’s ac-  
22 quisition decision event approvals and the cur-  
23 rent acquisition decision event approval for the  
24 breached program has been adjusted as nec-

1           essary to account for the restructured pro-  
2           gram.”.

3           (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of the Homeland Security Act of 2002 (6  
5 U.S.C. 101 et seq.) is further amended by adding after  
6 the item relating to section 837 the following new item:

“Sec. 838. Congressional notification and other requirements for major acquisi-  
tion program breach.”.

7 **SEC. 302. MULTIYEAR ACQUISITION STRATEGY.**

8           (a) IN GENERAL.—

9           (1) AMENDMENT.—Subtitle D of title VIII of  
10 the Homeland Security Act of 2002 (6 U.S.C. 391  
11 et seq.) is further amended by adding at the end the  
12 following new section:

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

14           “(a) MULTIYEAR ACQUISITION STRATEGY RE-  
15 QUIRED.—Not later than one year after the date of the  
16 enactment of this section, the Secretary shall submit to  
17 the appropriate homeland security committees a multiyear  
18 acquisition strategy to guide the overall direction of the  
19 acquisitions of the Department while allowing flexibility  
20 to deal with ever-changing threats and risks and to help  
21 industry better understand, plan, and align resources to  
22 meet the future acquisition needs of the Department. The  
23 strategy shall be updated and included in each Future



1 Years Homeland Security Program required under section  
2 874 of this Act.

3 “(b) CONSULTATION.—In developing the strategy,  
4 the Secretary shall consult with others as the Secretary  
5 deems appropriate, including headquarters, Components,  
6 employees in the field, and when appropriate, individuals  
7 from industry and the academic community.

8 “(c) FORM OF STRATEGY.—The report shall be sub-  
9 mitted in unclassified form but may include a classified  
10 annex for any sensitive or classified information if nec-  
11 essary. The Department also shall publish the plan in an  
12 unclassified format that is publicly available.

13 “(d) CONTENTS OF STRATEGY.—The strategy shall  
14 include the following:

15 “(1) PRIORITIZED LIST.—A systematic and in-  
16 tegrated prioritized list developed by the Under Sec-  
17 retary for Management or his designee in coordina-  
18 tion with all of the Component Acquisition Execu-  
19 tives of Department major acquisition programs  
20 ranked based on mission and greatest security risks  
21 to the homeland that Department and Component  
22 acquisition investments seek to address.

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

1 et, schedule, and acquire upgrades of its systems  
2 and equipment and plan for the acquisition and  
3 management of future systems and equipment.

4 “(3) FUNDING GAPS.—A plan to address fund-  
5 ing gaps between funding requirements for major ac-  
6 quisition programs and known available resources in-  
7 cluding, to the maximum extent practicable, ways of  
8 leveraging commercial leading practices on com-  
9 modity purchases to identify and eliminate overpay-  
10 ment for items to prevent wasteful purchasing,  
11 achieve the greatest level of efficiency and cost sav-  
12 ings by rationalizing purchases, aligning pricing for  
13 similar items, and utilizing purchase timing and  
14 economies of scale.

15 “(4) IDENTIFICATION OF CAPABILITIES.—An  
16 identification of test, evaluation, modeling, and sim-  
17 ulation capabilities that will be required to support  
18 the acquisition of the technologies to meet the needs  
19 of the plan and ways to leverage to the greatest ex-  
20 tent possible the emerging technology trends and re-  
21 search and development trends within the public and  
22 private sectors and an identification of ways to en-  
23 sure that the appropriate technology is acquired and  
24 integrated into the Department’s operating doctrine

1 and procured in ways that improve mission perform-  
2 ance.

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 the Nation’s homeland security.

10 “(6) FOCUS ON ADDRESSING DELAYS AND BID  
11 PROTESTS.—An assessment of ways the Department  
12 can improve the acquisition process to minimize cost  
13 overruns and maximize use of flexibilities in the ac-  
14 quisition process, including in requirements develop-  
15 ment, procurement announcements, requests for pro-  
16 posals, evaluation of proposals, protests of decisions  
17 and awards and through the use of best practices as  
18 defined in section 708(c) of this Act and lessons  
19 learned by the Department and other Federal agen-  
20 cies.

21 “(7) FOCUS ON IMPROVING OUTREACH.—An  
22 identification and assessment of ways to increase op-  
23 portunities for communication and collaboration with  
24 industry, small and disadvantaged businesses, intra-  
25 government entities, university centers of excellence,

1 accredited certification and standards development  
2 organizations, and national laboratories to ensure  
3 that the Department understands the market for  
4 technologies, products, and innovation that is avail-  
5 able to meet its mission needs to inform the require-  
6 ments-setting process and before engaging in an ac-  
7 quisition, including—

8 “(A) methods designed especially to engage  
9 small and disadvantaged businesses and a cost-  
10 benefit analysis of the tradeoffs that small and  
11 disadvantaged businesses provide, barriers to  
12 entry for small and disadvantaged businesses,  
13 and unique requirements for small and dis-  
14 advantaged businesses; and

15 “(B) within the Department Vendor Com-  
16 munication Plan and Market Research Guide,  
17 instructions for interaction by program man-  
18 agers with such entities to prevent misinter-  
19 pretation of acquisition regulations and to per-  
20 mit freedom within legal and ethical boundaries  
21 for program managers to interact with such  
22 businesses with transparency.

23 “(8) COMPETITION.—A plan regarding competi-  
24 tion as described in subsection (e).

1           “(9) ACQUISITION WORKFORCE.—A plan re-  
2           garding the Department acquisition workforce as de-  
3           scribed in subsection (f).

4           “(10) FEASIBILITY OF WORKFORCE DEVELOP-  
5           MENT FUND PILOT PROGRAM.—An assessment of  
6           the feasibility of conducting a pilot program to es-  
7           tablish an acquisition workforce development fund as  
8           described in subsection (g).

9           “(e) COMPETITION PLAN.—The strategy shall also  
10          include a plan (referred to in subsection (d)(8)) that shall  
11          address actions to ensure competition, or the option of  
12          competition, for major acquisition programs. The plan  
13          may include assessments of the following measures in ap-  
14          propriate cases if such measures are cost effective:

15                 “(1) Competitive prototyping.

16                 “(2) Dual-sourcing.

17                 “(3) Unbundling of contracts.

18                 “(4) Funding of next-generation prototype sys-  
19          tems or subsystems.

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

22                 “(6) Acquisition of complete technical data  
23          packages.

24                 “(7) Periodic competitions for subsystem up-  
25          grades.

1           “(8) Licensing of additional suppliers, including  
2 small businesses.

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

6           “(f) ACQUISITION WORKFORCE PLAN.—

7           “(1) ACQUISITION WORKFORCE.—The strategy  
8 shall also include a plan (referred to in subsection  
9 (d)(9)) to address Department acquisition workforce  
10 accountability and talent management that identifies  
11 the acquisition workforce needs of each Component  
12 performing acquisition functions and develops op-  
13 tions for filling those needs with qualified individ-  
14 uals, including a cost-benefit analysis of contracting  
15 for acquisition assistance.

16           “(2) ADDITIONAL MATTERS COVERED.—The  
17 acquisition workforce plan shall address ways to—

18           “(A) improve the recruitment, hiring,  
19 training, and retention of Department acquisi-  
20 tion workforce personnel in order to retain  
21 highly qualified individuals that have experience  
22 in the acquisition life cycle, complex procure-  
23 ments, and management of large programs;

24           “(B) empower program managers to have  
25 the authority to manage their programs in an

1           accountable and transparent manner as they  
2           work with the acquisition workforce;

3           “(C) prevent duplication within Depart-  
4           ment acquisition workforce training and certifi-  
5           cation requirements through leveraging already-  
6           existing training within the Federal Govern-  
7           ment, academic community, or private industry;

8           “(D) achieve integration and consistency  
9           with Government-wide training and accredita-  
10          tion standards, acquisition training tools, and  
11          training facilities;

12          “(E) professionalize the Department’s ac-  
13          quisition workforce; and

14          “(F) designate the acquisition positions  
15          that will be necessary to support the Depart-  
16          ment acquisition requirements, including in the  
17          fields of—

18                  “(i) program management;

19                  “(ii) systems engineering;

20                  “(iii) procurement, including con-  
21          tracting;

22                  “(iv) test and evaluation;

23                  “(v) life cycle logistics;

24                  “(vi) cost estimating and program fi-  
25          nancial management; and

1                   “(vii) additional disciplines appro-  
2                   priate to Department mission needs.

3           “(g) FEASIBILITY OF WORKFORCE DEVELOPMENT  
4 FUND PILOT PROGRAM.—The strategy shall also include  
5 an assessment (referred to in subsection (d)(10)) of the  
6 feasibility of conducting a pilot program to establish a  
7 Homeland Security Acquisition Workforce Development  
8 Fund (in this subsection referred to as the ‘Fund’) to en-  
9 sure the Department acquisition workforce has the capac-  
10 ity, in both personnel and skills, needed to properly per-  
11 form its mission and ensure that the Department receives  
12 the best value for the expenditure of public resources. The  
13 assessment shall address the following:

14                   “(1) Ways to credit, transfer, or deposit unobli-  
15                   gated or unused funds from Department Compo-  
16                   nents into the Fund to remain available for obliga-  
17                   tion in the fiscal year for which credited, trans-  
18                   ferred, or deposited and to remain available for suc-  
19                   cessive fiscal years.

20                   “(2) Ways to reward the Department acquisi-  
21                   tion workforce and program managers for good pro-  
22                   gram management in controlling cost growth, lim-  
23                   iting schedule delays, and ensuring operational effec-  
24                   tiveness through providing a percentage of the sav-  
25                   ings or general acquisition bonuses.



1           “(3) Guidance for the administration of the  
2 Fund that includes provisions to do the following:

3           “(A) Describe the manner and timing for  
4 applications for amounts in the Fund to be sub-  
5 mitted.

6           “(B) Explain the evaluation criteria to be  
7 used for approving or prioritizing applications  
8 for amounts in the Fund in any fiscal year.

9           “(C) Detail measurable performance  
10 metrics to determine if the Fund is meeting the  
11 objective to improve the acquisition workforce  
12 and to achieve cost savings in acquisition man-  
13 agement.”.

14           (2) CLERICAL AMENDMENT.—The table of con-  
15 tents in section 1(b) of the Homeland Security Act  
16 of 2002 (6 U.S.C. 101 et seq.) is further amended  
17 by adding after the item relating to section 838 the  
18 following new item:

“Sec. 839. Multiyear acquisition strategy.”.

19           (b) CONFORMING AMENDMENT TO FUTURE YEARS  
20 HOMELAND SECURITY PROGRAM.—Section 874(a) of the  
21 Homeland Security Act of 2002 (6 U.S.C. 454(a)) is  
22 amended—

23           (1) by striking “and” at the end of paragraph  
24           (2);

1           (2) by striking the period at the end of para-  
2           graph (3) and inserting “; and”; and

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

5           “(4) include the multiyear acquisition strategy  
6           required under section 839 of this Act.”.

7   **SEC. 303. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**  
8                           **OF MULTIYEAR ACQUISITION STRATEGY.**

9           (a) REVIEW REQUIRED.—After submission to Con-  
10          gress of the first multiyear acquisition strategy (pursuant  
11          to section 839 of the Homeland Security Act of 2002)  
12          after the date of the enactment of this Act, the Comp-  
13          troller General of the United States shall conduct a review  
14          of the plan within 180 days to analyze the viability of the  
15          plan’s effectiveness in the following:

16               (1) Complying with the requirements in section  
17               839 of the Homeland Security Act of 2002, as  
18               added by section 302 of this Act.

19               (2) Establishing clear connections between De-  
20               partment objectives and acquisition priorities.

21               (3) Demonstrating that Department acquisition  
22               policy reflects program management best practices  
23               and standards.

24               (4) Ensuring competition or the option of com-  
25               petition for major acquisition programs.

1           (5) Considering potential cost savings through  
2           using already-existing technologies when developing  
3           acquisition program requirements.

4           (6) Preventing duplication within Department  
5           acquisition workforce training requirements through  
6           leveraging already-existing training within the Fed-  
7           eral Government, academic community, or private  
8           industry.

9           (7) Providing incentives for program managers  
10          to reduce acquisition and procurement costs through  
11          the use of best practices and disciplined program  
12          management.

13          (8) Assessing the feasibility of conducting a  
14          pilot program to establish a Homeland Security Ac-  
15          quisition Workforce Development Fund.

16          (b) REPORT REQUIRED.—The Comptroller General  
17          shall submit to the congressional homeland security com-  
18          mittees a report on the review required by this section.  
19          The report shall be submitted in unclassified form but  
20          may include a classified annex.

21          **SEC. 304. OFFICE OF INSPECTOR GENERAL REPORT.**

22          (a) REVIEW REQUIRED.—No later than 2 years fol-  
23          lowing the submission of the report submitted by the  
24          Comptroller General of the United States as required by  
25          section 303, the Department’s Inspector General shall

1 conduct a review of whether the Department has complied  
2 with the multiyear acquisition strategy (pursuant to sec-  
3 tion 839 of the Homeland Security Act of 2002) and ad-  
4 hered to the strategies set forth in the plan. The review  
5 shall also consider whether the Department has complied  
6 with the requirements to provide the Acquisition Review  
7 Board with a capability development plan for each major  
8 acquisition.

9 (b) REPORT REQUIRED.—The Inspector General  
10 shall submit to the congressional homeland security com-  
11 mittees a report of the review required by this section. The  
12 report shall be submitted in unclassified form but may in-  
13 clude a classified annex.

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