

Calendar No. 41

115TH CONGRESS
1ST SESSION**H. R. 366****[Report No. 115-32]**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

APRIL 24, 2017

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in italics]

AN ACT

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "DHS Stop Asset and
5 Vehicle Excess Act" or the "DHS SAVE Act".

1 **SEC. 2. DHS VEHICLE FLEETS.**

2 Section 701 of the Homeland Security Act of 2002
3 (6 U.S.C. 341) is amended—

4 (1) in subsection (a)(5), by inserting “vehicle
5 fleets (under subsection (c)),” after “equipment,”;

6 (2) by redesignating subsections (c) and (d) as
7 subsections (d) and (e), respectively; and

8 (3) by inserting after subsection (b) the fol-
9 lowing new subsection:

10 “(c) VEHICLE FLEETS.—

11 “(1) IN GENERAL.—In carrying out responsibil-
12 ities regarding vehicle fleets pursuant to subsection
13 (a)(5), the Under Secretary for Management shall
14 be responsible for overseeing and managing vehicle
15 fleets throughout the Department. The Under Sec-
16 retary shall also be responsible for the following:

17 “(A) Ensuring that components are in
18 compliance with Federal law, Federal regula-
19 tions, executive branch guidance, and Depart-
20 ment policy (including associated guidance) re-
21 lating to fleet management and use of vehicles
22 from home to work.

23 “(B) Developing and distributing a stand-
24 dardized vehicle allocation methodology and fleet
25 management plan for components to use to de-

1 termine optimal fleet size in accordance with
2 paragraph (4).

3 “(C) Ensuring that components formally
4 document fleet management decisions.

5 “(D) Approving component fleet manage-
6 ment plans, vehicle leases, and vehicle acqui-
7 sitions.

8 “(2) COMPONENT RESPONSIBILITIES.—

9 “(A) IN GENERAL.—Component heads—

10 “(i) shall—

11 “(I) comply with Federal law,
12 Federal regulations, executive branch
13 guidance, and Department policy (in-
14 cluding associated guidance) relating
15 to fleet management and use of vehi-
16 cles from home to work;

17 “(II) ensure that data related to
18 fleet management is accurate and reli-
19 able;

20 “(III) use such data to develop a
21 vehicle allocation tool derived by using
22 the standardized vehicle allocation
23 methodology provided by the Under
24 Secretary for Management to deter-
25 mine the optimal fleet size for the

1 next fiscal year and a fleet manage-
2 ment plan; and

3 “(IV) use vehicle allocation meth-
4 odologies and fleet management plans
5 to develop annual requests for funding
6 to support vehicle fleets pursuant to
7 paragraph (6); and

8 “(ii) may not, except as provided in
9 subparagraph (B), lease or acquire new ve-
10 hicles or replace existing vehicles without
11 prior approval from the Under Secretary
12 for Management pursuant to paragraph
13 (5)(B).

14 “(B) EXCEPTION REGARDING CERTAIN
15 LEASING AND ACQUISITIONS.—If exigent cir-
16 cumstances warrant such, a component head
17 may lease or acquire a new vehicle or replace an
18 existing vehicle without prior approval from the
19 Under Secretary for Management. If under
20 such exigent circumstances a component head
21 so leases, acquires, or replaces a vehicle, such
22 component head shall provide to the Under Sec-
23 retary an explanation of such circumstances.

24 “(3) ONGOING OVERSIGHT.—

1 “(A) QUARTERLY MONITORING.—In ac-
2 cordance with paragraph (4), the Under Sec-
3 retary for Management shall collect, on a quar-
4 terly basis, information regarding component
5 vehicle fleets, including information on fleet
6 size, composition, cost, and vehicle utilization.

7 “(B) AUTOMATED INFORMATION.—The
8 Under Secretary for Management shall seek to
9 achieve a capability to collect, on a quarterly
10 basis, automated information regarding compo-
11 nent vehicle fleets, including the number of
12 trips, miles driven, hours and days used, and
13 the associated costs of such mileage for leased
14 vehicles.

15 “(C) MONITORING.—The Under Secretary
16 for Management shall track and monitor com-
17 ponent information provided pursuant to sub-
18 paragraph (A) and, as appropriate, subpara-
19 graph (B), to ensure that component vehicle
20 fleets are the optimal fleet size and cost effec-
21 tive. The Under Secretary shall use such infor-
22 mation to inform the annual component fleet
23 analyses referred to in paragraph (4).

24 “(4) ANNUAL REVIEW OF COMPONENT FLEET
25 ANALYSES.—

1 “(A) IN GENERAL.—To determine the opti-
2 mal fleet size and associated resources needed
3 for each fiscal year beginning with fiscal year
4 2018, component heads shall annually submit
5 to the Under Secretary for Management a vehi-
6 cle allocation tool and fleet management plan
7 using information described in paragraph
8 (3)(A). Such tools and plans may be submitted
9 in classified form if a component head deter-
10 mines that such is necessary to protect oper-
11 ations or mission requirements.

12 “(B) VEHICLE ALLOCATION TOOL.—Com-
13 ponent heads *shall* develop a vehicle allocation
14 tool in accordance with subclause (III) of para-
15 graph (2)(A)(i) that includes an analysis of the
16 following:

17 “(i) Vehicle utilization data, including
18 the number of trips, miles driven, hours
19 and days used, and the associated costs of
20 such mileage for leased vehicles, in accord-
21 ance with such paragraph.

22 “(ii) The role of vehicle fleets in sup-
23 porting mission requirements for each com-
24 ponent.

1 “(iii) Any other information deter-
2 mined relevant by such component heads.

3 “(C) FLEET MANAGEMENT PLANS.—Com-
4 ponent heads shall use information described in
5 subparagraph (B) to develop a fleet manage-
6 ment plan for each such component. Such fleet
7 management plans shall include the following:

8 “(i) A plan for how each such compo-
9 nent may achieve optimal fleet size deter-
10 mined by the vehicle allocation tool re-
11 quired under such subparagraph, including
12 the elimination of excess vehicles in accord-
13 ance with paragraph (5), if applicable.

14 “(ii) A cost benefit analysis sup-
15 porting such plan.

16 “(iii) A schedule each such component
17 will follow to obtain optimal fleet size.

18 “(iv) Any other information deter-
19 mined relevant by component heads.

20 “(D) REVIEW.—The Under Secretary for
21 Management shall review and make a deter-
22 mination on the results of each component’s ve-
23 hicle allocation tool and fleet management plan
24 under this paragraph to ensure each such com-
25 ponent’s vehicle fleets are the optimal fleet size

1 and that components are in compliance with ap-
2 plicable Federal law, Federal regulations, execu-
3 tive branch guidance, and Department policy
4 (including associated guidance) pursuant to
5 paragraph (2) relating to fleet management and
6 use of vehicles from home to work. The Under
7 Secretary shall use such tools and plans when
8 reviewing annual component requests for vehicle
9 fleet funding in accordance with paragraph (6).

10 “(5) GUIDANCE TO DEVELOP FLEET MANAGE-
11 MENT PLANS.—The Under Secretary for Manage-
12 ment shall provide guidance, pursuant to paragraph
13 (1)(B), on how component heads may achieve opti-
14 mal fleet size in accordance with paragraph (4), in-
15 cluding processes for the following:

16 “(A) Leasing or acquiring additional vehi-
17 cles or replacing existing vehicles, if determined
18 necessary.

19 “(B) Disposing of excess vehicles that the
20 Under Secretary determines should not be re-
21 allocated under subparagraph (C).

22 “(C) Reallocating excess vehicles to other
23 components that may need temporary or long-
24 term use of additional vehicles.

1 “(6) ANNUAL REVIEW OF VEHICLE FLEET
2 FUNDING REQUESTS.—As part of the annual budget
3 process, the Under Secretary for Management shall
4 review and make determinations regarding annual
5 component requests for funding for vehicle fleets. If
6 component heads have not taken steps in further-
7 ance of achieving optimal fleet size in the prior fiscal
8 year pursuant to paragraphs (4) and (5), the Under
9 Secretary shall provide rescission recommendations
10 to the Committee on Appropriations and the Com-
11 mittee on Homeland Security of the House of Rep-
12 resentatives and the Committee on Appropriations
13 and the Committee on Homeland Security and Gov-
14 ernmental Affairs of the Senate regarding such com-
15 ponent vehicle fleets.

16 “(7) ACCOUNTABILITY FOR VEHICLE FLEET
17 MANAGEMENT.—

18 “(A) PROHIBITION ON CERTAIN NEW VE-
19 HICLE LEASES AND ACQUISITIONS.—The Under
20 Secretary for Management and component
21 heads may not approve in any fiscal year begin-
22 ning with fiscal year 2019 a vehicle lease, ac-
23 quisition, or replacement request if such compo-
24 nent heads did not comply in the prior fiscal
25 year with paragraph (4).

1 “(B) PROHIBITION ON CERTAIN PERFORM-
2 ANCE COMPENSATION.—No Department official
3 with vehicle fleet management responsibilities
4 may receive annual performance compensation
5 in pay in any fiscal year beginning with fiscal
6 year 2019 if such official did not comply in the
7 prior fiscal year with paragraph (4).

8 “(C) PROHIBITION ON CERTAIN CAR SERV-
9 ICES.—Notwithstanding any other provision of
10 law, no senior executive service official of the
11 Department whose office has a vehicle fleet may
12 receive access to a car service in any fiscal year
13 beginning with fiscal year 2019 if such official
14 did not comply in the prior fiscal year with
15 paragraph (4).

16 “(8) MOTOR POOL.—

17 “(A) IN GENERAL.—The Under Secretary
18 for Management may determine the feasibility
19 of operating a vehicle motor pool to permit
20 components to share vehicles as necessary to
21 support mission requirements to reduce the
22 number of excess vehicles in the Department.

23 “(B) REQUIREMENTS.—The determination
24 of feasibility of operating a vehicle motor pool
25 under subparagraph (A) shall—

1 “(i) include—

2 “(I) regions in the United States
3 in which multiple components with ve-
4 hicle fleets are located in proximity to
5 one another, or a significant number
6 of employees with authorization to use
7 vehicles are located; and

8 “(II) law enforcement vehicles;

9 “(ii) cover the National Capital Re-
10 gion; and

11 “(iii) take into account different mis-
12 sion requirements.

13 “(C) REPORT.—The Secretary shall in-
14 clude in the Department’s next annual perform-
15 ance report required under current law the re-
16 sults of the determination under this para-
17 graph.

18 “(9) DEFINITIONS.—In this subsection:

19 “(A) COMPONENT HEAD.—The term ‘com-
20 ponent head’ means the head of any component
21 of the Department with a vehicle fleet.

22 “(B) EXCESS VEHICLE.—The term ‘excess
23 vehicle’ means any vehicle that is not essential
24 to support mission requirements of a compo-
25 nent.

1 “(C) OPTIMAL FLEET SIZE.—The term
2 ‘optimal fleet size’ means, with respect to a par-
3 ticular component, the appropriate number of
4 vehicles to support mission requirements of
5 such component.

6 “(D) VEHICLE FLEET.—The term ‘vehicle
7 fleet’ means all owned, commercially leased, or
8 Government-leased vehicles of the Department
9 or of a component of the Department, as the
10 case may be, including vehicles used for law en-
11 forcement and other purposes.”.

12 **SEC. 3. GAO REPORT AND INSPECTOR GENERAL REVIEW.**

13 (a) GAO REPORT.—Not later than 1 year after the
14 date of the enactment of this Act, the Comptroller General
15 of the United States shall submit to the Committee on
16 Homeland Security of the House of Representatives and
17 the Committee on Homeland Security and Governmental
18 Affairs of the Senate a report on the following:

19 (1) The status of efforts at achieving a capa-
20 bility to collect automated information as required
21 under subsection (c)(3) of section 701 of the Home-
22 land Security Act of 2002 (6 U.S.C. 341), as added
23 by section 2 of this Act, and any challenges that re-
24 main with respect to achieving the capability to col-
25 lect, assess, and report vehicle fleet (as such term in

1 defined in subsection (c)(9) of such section 701)
2 data for the purpose of determining vehicle utiliza-
3 tion.

4 (2) The extent to which the Under Secretary
5 for Management has identified and addressed any
6 relevant security concerns, including cybersecurity
7 risks, related to such automation.

8 (3) The extent to which the Under Secretary
9 collects, assesses, and reports on vehicle fleet event
10 data recorder data.

11 (b) INSPECTOR GENERAL REVIEW.—The Inspector
12 General of the Department of Homeland Security shall—

13 (1) review implementation of subsection (c)(4)
14 of section 701 of the Homeland Security Act of
15 2002 (6 U.S.C. 341), as added by section 2 of this
16 Act, for fiscal years 2018 and 2020, and shall pro-
17 vide, upon request, to the Committee on Homeland
18 Security of the House of Representatives and the
19 Committee on Homeland Security and Governmental
20 Affairs of the Senate information regarding any
21 such review; and

22 (2) submit to the committees specified in para-
23 graph (1) a report, not later than 6 months after
24 completion of the second review required under such
25 paragraph, regarding the effectiveness of such sub-

1 section with respect to cost avoidance, savings real-
2 ized, and component operations.

3 **SEC. 3. INSPECTOR GENERAL REVIEW.**

4 *The Inspector General of the Department of Homeland*
5 *Security shall—*

6 (1) *conduct a review of the implementation of*
7 *subsection (c)(4) of section 701 of the Homeland Secu-*
8 *rity Act of 2002 (6 U.S.C. 341), as added by section*
9 *2 of this Act, for fiscal year 2019, which shall include*
10 *analysis of the effectiveness of such subsection (c)(4)*
11 *with respect to cost avoidance, savings realized, and*
12 *component operations; and*

13 (2) *provide, upon request, to the Committee on*
14 *Homeland Security and Governmental Affairs of the*
15 *Senate and the Committee on Homeland Security of*
16 *the House of Representatives information regarding*
17 *the review required under paragraph (1).*

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