H. R. 1383

To direct the President to transmit to the Congress each year a comprehensive report on the national homeland security strategy of the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. FORD introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To direct the President to transmit to the Congress each year a comprehensive report on the national homeland security strategy of the United States.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Homeland Security Strategy Act of 2005”.

SEC. 2. ANNUAL HOMELAND SECURITY REPORT.

(a) TRANSMITTAL TO THE CONGRESS.—

(1) REQUIREMENT.—The President shall transmit to the Congress each year a comprehensive report (in this Act referred to as a “homeland security
strategy report”) on the homeland security strategy of the United States.

(2) Date of Annual Transmittal.—The homeland security strategy report for any year shall be transmitted on the date on which the President submits to the Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.

(3) Transmittal by New President.—Not later than 150 days after the date on which a new President takes office, the President shall transmit to the Congress a homeland security strategy report under this section. That report shall be in addition to the report for that year transmitted at the time specified in paragraph (2).

(b) Contents.—Each homeland security strategy report shall set forth the homeland security strategy of the United States and shall include a comprehensive description and discussion of the following:

(1) The worldwide interests, goals, and objectives of the United States that are vital to the national homeland security of the United States.

(2) The foreign policy, worldwide commitments, and national defense, economic, diplomatic, and information capabilities of the United States necessary
to deter aggression and to implement the homeland
security strategy of the United States.

(3) The proposed short-term and long-term
uses of the political, economic, military, intelligence,
diplomatic, information, and other elements of the
national power of the United States to protect or
promote the interests and achieve the goals and ob-
jectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the
United States to carry out the homeland security
strategy of the United States, including an evalua-
tion of the balance among the capabilities of all ele-
ments of the national power of the United States to
support the implementation of the homeland security
strategy of the United States.

(5) Such other information as may be necessary
to help inform the Congress on matters relating to
the homeland security strategy of the United States.

(c) Classified and Unclassified Form.—Each
homeland security strategy report shall be transmitted in
both a classified and an unclassified form.

SEC. 3. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) Review Required.—The Secretary of Home-
land Security shall every four years, during the second
year following a year evenly divisible by four, conduct a
comprehensive examination (in this Act referred to as the “quadrennial homeland security review”) of the homeland security strategy of the United States, force structure, resources, threat assessment, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the next 20 years. Each such quadrennial homeland security review shall be conducted in consultation with the Director of National Intelligence.

(b) CONDUCT OF REVIEW.—Each quadrennial homeland security review shall be conducted so as—

(1) to delineate the homeland security strategy of the United States for the next 4 years;

(2) to define sufficient force structure, capabilities, infrastructure, intelligence resources, budget plan, and other elements of the homeland security program of the United States that would be required to execute successfully the full range of missions called for in the homeland security strategy of the United States; and

(3) to identify—

(A) the budget plan that would be required to provide sufficient resources to execute suc-
cessfully the full range of missions called for in the homeland security strategy of the United States at a low-to-moderate level of risk, and

(B) any additional resources required to achieve such a level of risk.

(c) ASSESSMENT OF RISK.—The Secretary of Homeland Security shall carry out an assessment of risk for purposes of subsection (b) in consultation with the Director of National Intelligence and other key Federal, State, and local homeland security partners. The assessment shall define the nature and magnitude of the political, strategic, intelligence, and military risks associated with executing the missions called for under the homeland security strategy of the United States.

(d) SUBMISSION OF REPORT TO THE CONGRESSIONAL COMMITTEES.—The Secretary of Homeland Security shall submit a report on each quadrennial homeland security review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to the Congress under section 1105 (a) of title 31, United States Code. The report shall in-
clude such items as are determined by the Commission established by subsection (e).

(e) NATIONAL COMMISSION ON QUADRENNIAL HOMELAND SECURITY REVIEWS.—

(1) ESTABLISHMENT.—There is established the National Commission on Quadrennial Homeland Security Reviews (in this Act referred to as the “Commission”).

(2) MEMBERSHIP.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(B) 1 member shall be appointed by the minority leader of the Senate, in consultation with the minority leader of the House of Representatives, who shall serve as vice chairman of the Commission;

(C) 2 members shall be appointed by the majority leader of the Senate;

(D) 2 members shall be appointed by the minority leader of the Senate;

(E) 2 members shall be appointed by the majority leader of the House of Representatives; and
(F) 2 members shall be appointed by the minority leader of the House of Representatives.

(3) QUALIFICATIONS; INITIAL MEETING.—

(A) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(B) OTHER QUALIFICATIONS.—It is the sense of the Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering and analysis, commerce (including transportation matters), and foreign affairs.

(C) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before December 31, 2005.

(D) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.
(4) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(5) FUNCTIONS OF COMMISSION.—The functions of the Commission are to—

(A) recommend a comprehensive list of items to be included by the Secretary of Homeland Security in quadrennial homeland security reviews under subsection (d); and

(B) submit to the President and the Congress such reports as are required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing all appropriate procedures, rules, and regulations necessary to implement such recommendations.

(6) POWERS OF COMMISSION.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof,
may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member may determine advisable; and

(ii) subject to subparagraphs (A) and (B) of paragraph (7) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such designated subcommittee or designated member may determine advisable.

(B) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this Act.

(C) Information from Federal Agencies.—
(i) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(ii) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(D) ASSISTANCE FROM FEDERAL AGENCIES.—
(i) **General Services Administration.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(ii) **Other Departments and Agencies.**—In addition to the assistance prescribed in clause (i), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(E) **Gifts.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(F) **Postal Services.**—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(7) **Subpoenas.**—

(A) **Issuance.**—A subpoena may be issued under this subsection only—
(i) by the agreement of the chairman
and the vice chairman of the Commission;
or
(ii) by the affirmative vote of 6 mem-
ers of the Commission.

(B) SIGNATURE.—Subject to subparagraph
(A), subpoenas issued under this subsection
may be issued only under the signature of the
chairman or any member designated by a ma-
majority of the Commission, and may be served
only by a person designated by the chairman or
by a member designated by a majority of the
Commission.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In the case of con-
tumacy or failure to obey a subpoena
issued under subparagraph (A), the United
States district court for the judicial district
in which the subpoenaed person resides, is
served, or may be found, or where the sub-
poena is returnable, may issue an order re-
quiring such person to appear at any des-
ignated place to testify or to produce docu-
mentary or other evidence. Any failure to
obey the order of the court may be pun-
ished by the court as a contempt of that court.

(ii) **ADDITIONAL ENFORCEMENT.**—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(8) **NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—

(A) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) **PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.**—The Commission shall—

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(i) hold public hearings and meetings
to the extent appropriate; and

(ii) release public versions of the re-
ports required under this section.

(C) PUBLIC HEARINGS.—Any public hear-
ings of the Commission shall be conducted in a
manner consistent with the protection of infor-
mation provided to or developed for or by the
Commission as required by any applicable stat-
ute, regulation, or Executive order.

(9) STAFF OF COMMISSION.—

(A) IN GENERAL.—

(i) APPOINTMENT AND COMPENSA-
tion.—The chairman, in consultation with
the vice chairman, and in accordance with
rules agreed upon by the Commission, may
appoint and fix the compensation of a staff
director and such other personnel as may
be necessary to enable the Commission to
carry out its functions, without regard to
the provisions of title 5, United States
Code, governing appointments in the com-
petitive service, and without regard to the
provisions of chapter 51 and subchapter
III of chapter 53 of such title relating to
classification and General Schedule pay
rates, except that no rate of pay fixed
under this clause may exceed the equiva-
 lent of that payable for a position at level
V of the Executive Schedule under section
5316 of title 5, United States Code.

(ii) PERSONNEL AS FEDERAL EMP-
PLOYEES.—

(I) IN GENERAL.—The executive
director and any personnel of the
Commission who are employees shall
be employees under section 2105 of
title 5, United States Code, for pur-
poses of chapters 63, 81, 83, 84, 85,
87, 89, and 90 of that title.

(II) MEMBERS OF COMMISSION.—Subparagraph (a) shall not be
construed to apply to members of the
Commission.

(B) DETAILLEES.—Any Federal Govern-
ment employee may be detailed to the Commis-
sion without reimbursement from the Commiss-
ion, and such detailee shall retain the rights,
status, and privileges of his or her regular em-
ployment without interruption.
(C) Consultant services.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(10) Compensation and travel expenses.—

(A) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) Travel expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service.
are allowed expenses under section 5703(b) of title 5, United States Code.

(11) **Security clearances for commission members and staff.**—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(12) **Reports of commission; termination.**—

(A) **Interim reports.**—The Commission may submit to the President and the Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(B) **Final report.**—Not later than June 30, 2006, the Commission shall submit to the President and the Congress a final report containing such findings, conclusions, and recommendations for items to be included in the
quadrennial security review as have been agreed to by a majority of Commission members.

(C) TERMINATION.—

(i) IN GENERAL.—The Commission, and all the authorities of this subsection, shall terminate 30 days after the date on which the final report is submitted under subparagraph (B).

(ii) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 30-day period referred to in clause (i) for the purpose of concluding its activities, including providing testimony to committees of the Congress concerning its reports and disseminating the final report.

(13) AUTHORIZATION OF APPROPRIATIONS.—
To carry out this subsection there is authorized to be appropriated to the Commission $3,000,000.