

115TH CONGRESS  
1ST SESSION

# H. R. 366

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

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

---

## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DHS Stop Asset and  
3 Vehicle Excess Act” or the “DHS SAVE Act”.

4 **SEC. 2. DHS VEHICLE FLEETS.**

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

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

9 (2) by redesignating subsections (c) and (d) as  
10 subsections (d) and (e), respectively; and

11 (3) by inserting after subsection (b) the fol-  
12 lowing new subsection:

13 “(c) VEHICLE FLEETS.—

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

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

1           “(B) Developing and distributing a stand-  
2           ardized vehicle allocation methodology and fleet  
3           management plan for components to use to de-  
4           termine optimal fleet size in accordance with  
5           paragraph (4).

6           “(C) Ensuring that components formally  
7           document fleet management decisions.

8           “(D) Approving component fleet manage-  
9           ment plans, vehicle leases, and vehicle acqui-  
10          sitions.

11          “(2) COMPONENT RESPONSIBILITIES.—

12           “(A) IN GENERAL.—Component heads—

13           “(i) shall—

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

20           “(II) ensure that data related to  
21           fleet management is accurate and reli-  
22           able;

23           “(III) use such data to develop a  
24           vehicle allocation tool derived by using  
25           the standardized vehicle allocation

1 methodology provided by the Under  
2 Secretary for Management to deter-  
3 mine the optimal fleet size for the  
4 next fiscal year and a fleet manage-  
5 ment plan; and

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

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

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

1 component head shall provide to the Under Sec-  
2 retary an explanation of such circumstances.

3 “(3) ONGOING OVERSIGHT.—

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

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

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

1 mation to inform the annual component fleet  
2 analyses referred to in paragraph (4).

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

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

16 “(B) VEHICLE ALLOCATION TOOL.—Com-  
17 ponent heads develop a vehicle allocation tool in  
18 accordance with subclause (III) of paragraph  
19 (2)(A)(i) that includes an analysis of the fol-  
20 lowing:

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

1           “(ii) The role of vehicle fleets in sup-  
2           porting mission requirements for each com-  
3           ponent.

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

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

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

17           “(ii) A cost benefit analysis sup-  
18          porting such plan.

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

21           “(iv) Any other information deter-  
22          mined relevant by component heads.

23           “(D) REVIEW.—The Under Secretary for  
24          Management shall review and make a deter-  
25          mination on the results of each component’s ve-

1            hicle allocation tool and fleet management plan  
2            under this paragraph to ensure each such com-  
3            ponent’s vehicle fleets are the optimal fleet size  
4            and that components are in compliance with ap-  
5            plicable Federal law, Federal regulations, execu-  
6            tive branch guidance, and Department policy  
7            (including associated guidance) pursuant to  
8            paragraph (2) relating to fleet management and  
9            use of vehicles from home to work. The Under  
10           Secretary shall use such tools and plans when  
11           reviewing annual component requests for vehicle  
12           fleet funding in accordance with paragraph (6).

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

19                    “(A) Leasing or acquiring additional vehi-  
20                    cles or replacing existing vehicles, if determined  
21                    necessary.

22                    “(B) Disposing of excess vehicles that the  
23                    Under Secretary determines should not be re-  
24                    allocated under subparagraph (C).

1           “(C) Reallocating excess vehicles to other  
2           components that may need temporary or long-  
3           term use of additional vehicles.

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

19          “(7) ACCOUNTABILITY FOR VEHICLE FLEET  
20          MANAGEMENT.—

21                 “(A) PROHIBITION ON CERTAIN NEW VE-  
22                 HICLE LEASES AND ACQUISITIONS.—The Under  
23                 Secretary for Management and component  
24                 heads may not approve in any fiscal year begin-  
25                 ning with fiscal year 2019 a vehicle lease, ac-

1           quisition, or replacement request if such compo-  
2           nent heads did not comply in the prior fiscal  
3           year with paragraph (4).

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

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

19          “(8) MOTOR POOL.—

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

1           “(B) REQUIREMENTS.—The determination  
2 of feasibility of operating a vehicle motor pool  
3 under subparagraph (A) shall—

4           “(i) include—

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

11           “(II) law enforcement vehicles;

12           “(ii) cover the National Capital Re-  
13 gion; and

14           “(iii) take into account different mis-  
15 sion requirements.

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

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

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

1           “(B) EXCESS VEHICLE.—The term ‘excess  
2           vehicle’ means any vehicle that is not essential  
3           to support mission requirements of a compo-  
4           nent.

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

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

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

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

23                  (1) The status of efforts at achieving a capa-  
24                  bility to collect automated information as required  
25                  under subsection (c)(3) of section 701 of the Home-

1 land Security Act of 2002 (6 U.S.C. 341), as added  
2 by section 2 of this Act, and any challenges that re-  
3 main with respect to achieving the capability to col-  
4 lect, assess, and report vehicle fleet (as such term in  
5 defined in subsection (c)(9) of such section 701)  
6 data for the purpose of determining vehicle utiliza-  
7 tion.

8 (2) The extent to which the Under Secretary  
9 for Management has identified and addressed any  
10 relevant security concerns, including cybersecurity  
11 risks, related to such automation.

12 (3) The extent to which the Under Secretary  
13 collects, assesses, and reports on vehicle fleet event  
14 data recorder data.

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

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

1           (2) submit to the committees specified in para-  
2           graph (1) a report, not later than 6 months after  
3           completion of the second review required under such  
4           paragraph, regarding the effectiveness of such sub-  
5           section with respect to cost avoidance, savings real-  
6           ized, and component operations.

Passed the House of Representatives January 31,  
2017.

Attest:

KAREN L. HAAS,  
*Clerk.*