

Calendar No. 753

118TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 118-333

DHS POLICY ISSUANCE REVIEW ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 6231

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO
REQUIRE A PRIORITIZED POLICY ISSUANCE REVIEW
PROCESS FOR THE DEPARTMENT OF HOMELAND SECURITY,
AND FOR OTHER PURPOSES



DECEMBER 19 (legislative day, DECEMBER 16), 2024.—Ordered to be
printed

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Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 6231]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 6231) to amend the Homeland Security Act of 2002 to require a prioritized policy issuance review process for the Department of Homeland Security, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

H.R. 6231, the *Department of Homeland Security Policy Issuance Review Act*, designates the Under Secretary for Management at the Department of Homeland Security (DHS) as the official responsible for overseeing the process for examining and approving policy issuance documents within DHS. The bill also requires the Under Secretary to establish a prioritized periodic review process of existing DHS policy issuance documents within 180 days of the enactment of this bill in addition to providing annual briefings on the process to appropriate congressional committees.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The Under Secretary for Management at DHS serves as the Chief Management Officer of the Department and is responsible for advising the Secretary of Homeland Security on matters related to the management of the Department.¹ The Under Secretary leads the DHS Management Directorate, which provides policy, guidance, and operational oversight and support for the management needs of DHS.² As part of its mission, the DHS Management Directorate conducts an initial review of Department-level policies prior to issuance.³ The initial review considers how implementing a policy Department-wide will impact various components, for example, components may utilize emerging technologies like artificial intelligence differently depending on their missions and capabilities.

To ensure the coordination of Department-level policies, DHS created a policy issuance review process which requires all policy issuances to be reviewed every two years. The Under Secretary leads this process for the Department's directives, instructions, designations, and other implementing documents, but has often not met its internal, two-year deadline for policy review and updates, which could lead to outdated policies remaining in effect. This bill ensures that DHS regularly reviews its policy documents by formally designating the Under Secretary as the Department official responsible for overseeing the Department's process for review and approval of policy issuance documents, thereby ensuring the Management Directorate meets its responsibilities for timely policy issuance reviews and updates.

III. LEGISLATIVE HISTORY

Representative Glenn Ivey (D–MD–04) introduced H.R. 6231, the *Department of Homeland Security Policy Issuance Review Act*, on November 6, 2023, with original cosponsors Representatives Dan Bishop (R–NC–08), Yvette Clarke (D–NY–09), and Mike Ezell (R–MS–04). The House of Representatives considered H.R. 6231 on September 23, 2024, under suspension of the rules, and passed the bill by voice vote.

The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs on September 24, 2024. The Committee considered H.R. 6231 at a business meeting on November 20, 2024. The bill was ordered reported favorably by roll call vote of 6 yeas to 4 nays, with Senators Peters, Hassan, Rosen, Ossoff, Blumenthal, and Butler voting in the affirmative, and Senators Lankford, Scott, Hawley, and Marshall voting in the negative. Senators Carper and Sinema voted yea by proxy, and Senators Paul, Johnson, and Romney voted nay by proxy, for the record only.

¹Homeland Security Act of 2002, Pub. L. No. 107–296, Sec. 701(a).

²Department of Homeland Security, *Management Directorate Budget Overview, Fiscal Year 2025 Congressional Budget Justification* (Mar. 11, 2024) (www.dhs.gov/sites/default/files/2024-04/2024_0309_management_directorate.pdf).

³Department of Homeland Security, *Department of Homeland Security Management Directives* (www.dhs.gov/department-homeland-security-management-directives) (accessed Dec. 18, 2024).

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “Department of Homeland Security Policy Issuance Review Act.”

Section 2. Policy issuance review process

This section amends section 701 of the Homeland Security Act of 2002 by making the Under Secretary for Management at DHS the official responsible for overseeing DHS’ process for review and approval of policy issuance documents. This section further adds a new subsection (g) to section 701 requiring the Under Secretary to establish a prioritized periodic review process of DHS policy issuance documents within 180 days of the enactment of this bill. The subsection further requires the Under Secretary to provide a briefing on the review process within 180 days of enactment and annually thereafter to this Committee and the House Committee on Homeland Security and defines the term “policy issuance document.”

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE VII—MANAGEMENT

SEC. 701. UNDER SECRETARY FOR MANAGEMENT.

(a) **IN GENERAL.**—The Under Secretary for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs. The Secretary, acting through the Under Secretary for Management, shall be responsible for the management and administration of the Department, including the following:

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *
- (6) * * *
- (7) * * *
- (8) * * *
- (9) * * *
- (10) * * *
- (11) * * *
- (12) * * *

(13) *Overseeing the Department's process for review and approval of policy issuance documents.*

[(13)] (14) Any other management duties that the Secretary may designate.

- (b) * * *
- (c) * * *
- (d) * * *
- (e) * * *

[(e)] (f) **INTEROPERABLE COMMUNICATIONS DEFINED.**—In this section, the term “interoperable communications” has the meaning given that term in section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)).

(g) **POLICY ISSUANCE REVIEW PROCESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this subsection, the Under Secretary for Management shall require a prioritized periodic review process (in this subsection referred to as the ‘Review Process’) of Department policy issuance documents.

(2) **CONGRESSIONAL OVERSIGHT.**—Not later than 180 days after the date of the enactment of this subsection and annually thereafter, the Under Secretary for Management shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a briefing on the Review Process, including relating to the Department's record of reviewing and updating existing policy issuance documents. Each such briefing shall include information relating to the following:

(A) All policy issuance documents, including, with respect to each such document, the title, policy number, revision number, issue date, and last reviewed date.

(B) All policy issuance documents canceled in the prior year.

(C) An explanation of the methodology used to prioritize the review of policy issuance documents.

(D) The procedures used by the Department to track and coordinate with Department components the issuance, review, and cancellations of policy issuance documents.

(E) The number of staff and vacancies within the Management Directorate responsible for supporting the Review Process.

(3) **DEFINITION.**—In this subsection the term ‘policy issuance document’—

(A) means a Department-level directive, instruction, designation, or delegation, issued in accordance with the process referred to in subsection (a)(13) or any process for issuing such documents consistent with Department policy as may be in effect; and

(B) does not include documents—

(i) issued in accordance with a process other than a process referred to in subsection (a)(13) or the Review Process; or

(ii) documents published in the Federal Register.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to—

(A) invalidate any policy issuance document created on, before, or after the date of the enactment of this subsection;

(B) serve as a basis for action to challenge the validity of such a policy issuance document; or

(C) create any right or benefit, whether substantive or procedural, enforceable by any person in any administrative or judicial proceeding.

* * * * *

