

Calendar No. 238

108TH CONGRESS
1ST SESSION

S. 910

[Report No. 108–115]

To ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2003

Mr. AKAKA (for himself, Mr. CARPER, Mr. LAUTENBERG, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JULY 29 (legislative day, JULY 21), 2003

Reported by Ms. COLLINS, with amendments

[Insert the part printed in *italic*]

A BILL

To ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

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 “Non-Homeland Secu-
5 rity Mission Performance Act of 2003”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Federal agencies included in the Depart-
5 ment of Homeland Security perform important non-
6 homeland security functions on which all United
7 States citizens rely, such as the protection of fish-
8 eries and agriculture, communication and transpor-
9 tation infrastructures, and medical supplies.

10 (2) Federal agencies included in the Depart-
11 ment shall ensure the continuation of non-homeland
12 security functions as new homeland security respon-
13 sibilities are adopted.

14 (3) A strategy to address non-homeland secu-
15 rity functions is needed to meet the daily needs of
16 Americans and to preserve the security of the Na-
17 tion.

18 (4) Non-homeland security functions are com-
19 plementary to homeland security functions and often
20 share personnel, resources, and assets. It is appro-
21 priate for each Under Secretary of the Department
22 of Homeland Security to ensure that non-homeland
23 security functions are performed.

24 (5) Agencies in the Department of Homeland
25 Security perform essential non-homeland security

1 functions Americans rely on everyday, including the
2 following:

3 (A) The United States Coast Guard has
4 vital non-homeland security functions, including
5 search and rescue, fisheries enforcement, *ma-*
6 *rine environmental protection*, law enforcement,
7 marine safety, and aids to navigation.

8 (B) The Department of Homeland Security
9 Bureau of Citizenship and Immigration Services
10 provides important immigration and citizenship
11 services and benefits including processing and
12 approving requests for citizenship, adjudicating
13 asylum for refugees, and immigration benefits,
14 such as refugee and intercountry adoptions.

15 (C) The Federal Emergency Management
16 Agency (FEMA) assists local communities to
17 prepare for and respond to floods, hurricanes,
18 earthquakes, fires, tornadoes, and other natural
19 disasters. The Federal Emergency Management
20 Agency supplements State and local responses
21 to natural disasters and the mitigation of dam-
22 age, and prevention of disasters, such as earth-
23 quakes.

24 (D) The Animal and Plant Health Inspec-
25 tion Service and the Animal Research Service

1 develop strategies to prevent and control foreign
2 or emerging animal and plant disease epidemics
3 vital to farmers, the economy, and the protec-
4 tion of the environment.

5 (E) The Secret Service is charged with
6 safeguarding payment and financial systems by
7 protecting against counterfeiting, identity theft,
8 credit card fraud, cell phone fraud, computer
9 and telecommunications fraud, money laun-
10 dering, and other financial crimes.

11 (F) The United States Customs Service
12 protects our free trade essential for a healthy
13 economy by working to lower the cost of trade
14 compliance, providing guidance on the conduct
15 of legal trade, and monitoring imports to ensure
16 compliance with public health and safety laws.
17 Customs protects intellectual property and com-
18 bats money laundering, child pornography, and
19 drug trafficking.

20 (b) PURPOSES.—The purposes of this Act are to—

21 (1) ensure the continuation of non-homeland se-
22 curity functions of Federal agencies; and

23 (2) ensure that Federal agencies develop sound
24 management strategies and allocate sufficient fund-
25 ing to carry out non-homeland security functions.

1 **SEC. 3. NON-HOMELAND SECURITY FUNCTIONS PERFORM-**
2 **ANCE.**

3 (a) IN GENERAL.—For each entity in the Depart-
4 ment of Homeland Security that performs non-homeland
5 security functions, the Under Secretary with responsibility
6 for that entity, in conjunction with the head of that entity,
7 shall submit a report on the performance of the entity and
8 all the functions of that entity, with a particular emphasis
9 on examining the continuing level of performance of non-
10 homeland security functions to—

11 (1) the Secretary of Homeland Security;

12 (2) the Committee on Governmental Affairs of
13 the Senate;

14 (3) the Committee on Appropriations of the
15 Senate;

16 (4) the Committee on Government Reform of
17 the House of Representatives;

18 (5) the Select Committee on Homeland Security
19 of the House of Representatives; and

20 (6) the Committee on Appropriations of the
21 House of Representatives.

22 (b) CONTENTS.—The report referred to under sub-
23 section (a) shall—

24 (1) to the greatest extent possible, provide an
25 inventory of the non-homeland security functions of

1 the entity and identify the capabilities of the entity
2 with respect to those functions, including—

3 (A) the number of employees carrying out
4 those functions;

5 (B) the budget for those functions; and

6 (C) the flexibilities, personnel or otherwise,
7 used to carry out those functions;

8 (2) contain information relating to the roles, re-
9 sponsibilities, organizational structure, capabilities,
10 personnel assets, and annual budgets, specifically
11 with respect to the capabilities of the entity to ac-
12 complish non-homeland security functions without
13 any diminishment;

14 (3) contain information relating to whether any
15 changes are required to the roles, responsibilities,
16 functions, organizational structure, modernization
17 programs, projects, activities, recruitment and reten-
18 tion programs, and annual fiscal resources to enable
19 the entity to accomplish non-homeland security func-
20 tions without diminishment; and

21 (4) contain the strategy the Department will
22 use for the performance of non-homeland security
23 functions and homeland security functions.

24 (c) SUBMISSION OF REPORTS.—During the 5-year
25 period following the date of the transfer of an entity that

1 performs non-homeland security functions to the Depart-
2 ment of Homeland Security or the date of the establish-
3 ment of an entity that performs non-homeland security
4 functions within the Department of Homeland Security,
5 the Under Secretary with responsibility for that entity
6 shall submit an annual report described under subsection
7 (a).

8 (d) ANNUAL EVALUATIONS.—

9 (1) IN GENERAL.—The Comptroller General of
10 the United States shall monitor and evaluate the im-
11 plementation of this section.

12 (2) REPORTS.—Not later than 60 days after
13 the date of enactment of this Act and every year
14 during the succeeding 5-year period, the Comptroller
15 General of the United States shall submit a report
16 to the Committee on Governmental Affairs of the
17 Senate and the Committee on Government Reform
18 of the House of Representatives containing—

19 (A) an evaluation of the implementation
20 progress reports submitted under this section;

21 (B) the findings and conclusions of the
22 Comptroller General of the United States re-
23 sulting from the monitoring and evaluation con-
24 ducted under this subsection, including evalua-
25 tions of how successfully the Department of

1 Homeland Security is meeting the non-home-
 2 land security functions of the Department; and

3 (C) any recommendations for legislation or
 4 administrative action the Comptroller General
 5 of the United States considers appropriate.

6 (e) PERFORMANCE REPORTS.—In performance re-
 7 ports submitted under section 1116 of title 31, United
 8 States Code, the Department of Homeland Security
 9 shall—

10 (1) clarify homeland security and non-homeland
 11 security function performance; and

12 (2) fully describe and evaluate the performance
 13 of homeland and non-homeland security functions
 14 and goals to Congress.

15 (f) *APPLICATION OF REQUIREMENTS TO THE COAST*
 16 *GUARD AND THE SECRET SERVICE.*—

17 (1) *COAST GUARD.*—

18 (A) *IN GENERAL.*—*This paragraph shall*
 19 *apply with respect to the Coast Guard, instead*
 20 *of subsections (a), (b), and (c).*

21 (B) *REPORT OF INSPECTOR GENERAL.*—
 22 *During the 5-year period following the date of*
 23 *the transfer of the Coast Guard to the Depart-*
 24 *ment of Homeland Security, the Inspector Gen-*
 25 *eral of the Department shall include in each re-*

1 *port submitted under section 888(f) of the Home-*
2 *land Security Act of 2002 (6 U.S.C. 468(f)) the*
3 *contents required in reports under subsections*
4 *(a) and (b) of this section.*

5 (2) *SECRET SERVICE.*—*With respect to the Secret*
6 *Service, the Director of the Secret Service shall submit*
7 *each report as provided under subsections (a), (b),*
8 *and (c).*

9 (3) *ANNUAL EVALUATIONS AND PERFORMANCE*
10 *REPORTS.*—*Subsections (d) and (e) shall apply with*
11 *respect to that portion included in each report under*
12 *paragraph (1)(B) and each report under paragraph*
13 *(2).*

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