

109TH CONGRESS
1ST SESSION

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.

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 “Homeland Security
5 Strategy Act of 2005”.

6 **SEC. 2. ANNUAL HOMELAND SECURITY REPORT.**

7 (a) TRANSMITTAL TO THE CONGRESS.—

8 (1) REQUIREMENT.—The President shall trans-
9 mit to the Congress each year a comprehensive re-
10 port (in this Act referred to as a “homeland security

1 strategy report”) on the homeland security strategy
2 of the United States.

3 (2) DATE OF ANNUAL TRANSMITTAL.—The
4 homeland security strategy report for any year shall
5 be transmitted on the date on which the President
6 submits to the Congress the budget for the next fis-
7 cal year under section 1105 of title 31, United
8 States Code.

9 (3) TRANSMITTAL BY NEW PRESIDENT.—Not
10 later than 150 days after the date on which a new
11 President takes office, the President shall transmit
12 to the Congress a homeland security strategy report
13 under this section. That report shall be in addition
14 to the report for that year transmitted at the time
15 specified in paragraph (2).

16 (b) CONTENTS.—Each homeland security strategy re-
17 port shall set forth the homeland security strategy of the
18 United States and shall include a comprehensive descrip-
19 tion and discussion of the following:

20 (1) The worldwide interests, goals, and objec-
21 tives of the United States that are vital to the na-
22 tional homeland security of the United States.

23 (2) The foreign policy, worldwide commitments,
24 and national defense, economic, diplomatic, and in-
25 formation capabilities of the United States necessary

1 to deter aggression and to implement the homeland
2 security strategy of the United States.

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

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

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

19 (c) CLASSIFIED AND UNCLASSIFIED FORM.—Each
20 homeland security strategy report shall be transmitted in
21 both a classified and an unclassified form.

22 **SEC. 3. QUADRENNIAL HOMELAND SECURITY REVIEW.**

23 (a) REVIEW REQUIRED.—The Secretary of Home-
24 land Security shall every four years, during the second
25 year following a year evenly divisible by four, conduct a

1 comprehensive examination (in this Act referred to as the
2 “quadrennial homeland security review”) of the homeland
3 security strategy of the United States, force structure, re-
4 sources, threat assessment, infrastructure, budget plan,
5 and other elements of the homeland security program and
6 policies of the United States with a view toward deter-
7 mining and expressing the homeland security strategy of
8 the United States and establishing a homeland security
9 program for the next 20 years. Each such quadrennial
10 homeland security review shall be conducted in consulta-
11 tion with the Director of National Intelligence.

12 (b) CONDUCT OF REVIEW.—Each quadrennial home-
13 land security review shall be conducted so as—

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

16 (2) to define sufficient force structure, capabili-
17 ties, infrastructure, intelligence resources, budget
18 plan, and other elements of the homeland security
19 program of the United States that would be required
20 to execute successfully the full range of missions
21 called for in the homeland security strategy of the
22 United States; and

23 (3) to identify—

24 (A) the budget plan that would be required
25 to provide sufficient resources to execute suc-

1 cessfully the full range of missions called for in
2 the homeland security strategy of the United
3 States at a low-to-moderate level of risk, and

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

6 (c) ASSESSMENT OF RISK.—The Secretary of Home-
7 land Security shall carry out an assessment of risk for
8 purposes of subsection (b) in consultation with the Direc-
9 tor of National Intelligence and other key Federal, State,
10 and local homeland security partners. The assessment
11 shall define the nature and magnitude of the political,
12 strategic, intelligence, and military risks associated with
13 executing the missions called for under the homeland secu-
14 rity strategy of the United States.

15 (d) SUBMISSION OF REPORT TO THE CONGRES-
16 SIONAL COMMITTEES.—The Secretary of Homeland Secu-
17 rity shall submit a report on each quadrennial homeland
18 security review to the Committee on Homeland Security
19 and Governmental Affairs of the Senate and the Com-
20 mittee on Homeland Security of the House of Representa-
21 tives. The report shall be submitted in the year following
22 the year in which the review is conducted, but not later
23 than the date on which the President submits the budget
24 for the next fiscal year to the Congress under section 1105
25 (a) of title 31, United States Code. The report shall in-

1 clude such items as are determined by the Commission
2 established by subsection (e).

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

5 (1) ESTABLISHMENT.—There is established the
6 National Commission on Quadrennial Homeland Se-
7 curity Reviews (in this Act referred to as the “Com-
8 mission”).

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

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

14 (B) 1 member shall be appointed by the
15 minority leader of the Senate, in consultation
16 with the minority leader of the House of Rep-
17 resentatives, who shall serve as vice chairman of
18 the Commission;

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

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

23 (E) 2 members shall be appointed by the
24 majority leader of the House of Representa-
25 tives; and

1 (F) 2 members shall be appointed by the
2 minority leader of the House of Representa-
3 tives.

4 (3) QUALIFICATIONS; INITIAL MEETING.—

5 (A) NONGOVERNMENTAL APPOINTEES.—

6 An individual appointed to the Commission may
7 not be an officer or employee of the Federal
8 Government or any State or local government.

9 (B) OTHER QUALIFICATIONS.—It is the
10 sense of the Congress that individuals ap-
11 pointed to the Commission should be prominent
12 United States citizens, with national recognition
13 and significant depth of experience in such pro-
14 fessions as governmental service, law enforce-
15 ment, the armed services, law, public adminis-
16 tration, intelligence gathering and analysis,
17 commerce (including transportation matters),
18 and foreign affairs.

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

22 (D) INITIAL MEETING.—The Commission
23 shall meet and begin the operations of the Com-
24 mission as soon as practicable.

1 (4) QUORUM; VACANCIES.—After its initial
2 meeting, the Commission shall meet upon the call of
3 the chairman or a majority of its members. Six
4 members of the Commission shall constitute a
5 quorum. Any vacancy in the Commission shall not
6 affect its powers, and shall be filled in the same
7 manner in which the original appointment was
8 made.

9 (5) FUNCTIONS OF COMMISSION.—The func-
10 tions of the Commission are to—

11 (A) recommend a comprehensive list of
12 items to be included by the Secretary of Home-
13 land Security in quadrennial homeland security
14 reviews under subsection (d); and

15 (B) submit to the President and the Con-
16 gress such reports as are required by this sec-
17 tion containing such findings, conclusions, and
18 recommendations as the Commission shall de-
19 termine, including proposing all appropriate
20 procedures, rules, and regulations necessary to
21 implement such recommendations.

22 (6) POWERS OF COMMISSION.—

23 (A) HEARINGS AND EVIDENCE.—The
24 Commission or, on the authority of the Com-
25 mission, any subcommittee or member thereof,

1 may, for the purpose of carrying out this sec-
2 tion—

3 (i) hold such hearings and sit and act
4 at such times and places, take such testi-
5 mony, receive such evidence, and admin-
6 ister such oaths as the Commission or such
7 designated subcommittee or designated
8 member may determine advisable; and

9 (ii) subject to subparagraphs (A) and
10 (B) of paragraph (7) require, by subpoena
11 or otherwise, the attendance and testimony
12 of such witnesses and the production of
13 such books, records, correspondence,
14 memoranda, papers, and documents as the
15 Commission or such designated sub-
16 committee or designated member may de-
17 termine advisable.

18 (B) CONTRACTING.—The Commission
19 may, to such extent and in such amounts as are
20 provided in appropriation Acts, enter into con-
21 tracts to enable the Commission to discharge its
22 duties under this Act.

23 (C) INFORMATION FROM FEDERAL AGEN-
24 CIES.—

1 (i) IN GENERAL.—The Commission
2 may secure directly from any executive de-
3 partment, bureau, agency, board, commis-
4 sion, office, independent establishment, or
5 instrumentality of the Government, infor-
6 mation, suggestions, estimates, and statis-
7 tics for the purposes of this section. Each
8 department, bureau, agency, board, com-
9 mission, office, independent establishment,
10 or instrumentality shall, to the extent au-
11 thorized by law, furnish such information,
12 suggestions, estimates, and statistics di-
13 rectly to the Commission, upon request
14 made by the chairman, the chairman of
15 any subcommittee created by a majority of
16 the Commission, or any member des-
17 ignated by a majority of the Commission.

18 (ii) RECEIPT, HANDLING, STORAGE,
19 AND DISSEMINATION.—Information shall
20 only be received, handled, stored, and dis-
21 seminated by members of the Commission
22 and its staff consistent with all applicable
23 statutes, regulations, and Executive orders.

24 (D) ASSISTANCE FROM FEDERAL AGEN-
25 CIES.—

1 (i) GENERAL SERVICES ADMINISTRA-
2 TION.—The Administrator of General
3 Services shall provide to the Commission
4 on a reimbursable basis administrative
5 support and other services for the perform-
6 ance of the Commission’s functions.

7 (ii) OTHER DEPARTMENTS AND AGEN-
8 CIES.—In addition to the assistance pre-
9 scribed in clause (i), departments and
10 agencies of the United States may provide
11 to the Commission such services, funds, fa-
12 cilities, staff, and other support services as
13 they may determine advisable and as may
14 be authorized by law.

15 (E) GIFTS.—The Commission may accept,
16 use, and dispose of gifts or donations of serv-
17 ices or property.

18 (F) POSTAL SERVICES.—The Commission
19 may use the United States mails in the same
20 manner and under the same conditions as de-
21 partments and agencies of the United States.

22 (7) SUBPOENAS.—

23 (A) ISSUANCE.—A subpoena may be issued
24 under this subsection only—

1 (i) by the agreement of the chairman
2 and the vice chairman of the Commission;
3 or

4 (ii) by the affirmative vote of 6 mem-
5 bers of the Commission.

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

14 (C) ENFORCEMENT.—

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

1 ished by the court as a contempt of that
2 court.

3 (ii) ADDITIONAL ENFORCEMENT.—In
4 the case of any failure of any witness to
5 comply with any subpoena or to testify
6 when summoned under authority of this
7 paragraph, the Commission may, by major-
8 ity vote, certify a statement of fact consti-
9 tuting such failure to the appropriate
10 United States attorney, who may bring the
11 matter before the grand jury for its action,
12 under the same statutory authority and
13 procedures as if the United States attorney
14 had received a certification under sections
15 102 through 104 of the Revised Statutes
16 of the United States (2 U.S.C. 192
17 through 194).

18 (8) NONAPPLICABILITY OF FEDERAL ADVISORY
19 COMMITTEE ACT.—

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

23 (B) PUBLIC MEETINGS AND RELEASE OF
24 PUBLIC VERSIONS OF REPORTS.—The Commis-
25 sion shall—

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

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

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

11 (9) STAFF OF COMMISSION.—

12 (A) IN GENERAL.—

13 (i) APPOINTMENT AND COMPENSA-
14 TION.—The chairman, in consultation with
15 the vice chairman, and in accordance with
16 rules agreed upon by the Commission, may
17 appoint and fix the compensation of a staff
18 director and such other personnel as may
19 be necessary to enable the Commission to
20 carry out its functions, without regard to
21 the provisions of title 5, United States
22 Code, governing appointments in the com-
23 petitive service, and without regard to the
24 provisions of chapter 51 and subchapter
25 III of chapter 53 of such title relating to

1 classification and General Schedule pay
2 rates, except that no rate of pay fixed
3 under this clause may exceed the equiva-
4 lent of that payable for a position at level
5 V of the Executive Schedule under section
6 5316 of title 5, United States Code.

7 (ii) PERSONNEL AS FEDERAL EM-
8 PLOYEES.—

9 (I) IN GENERAL.—The executive
10 director and any personnel of the
11 Commission who are employees shall
12 be employees under section 2105 of
13 title 5, United States Code, for pur-
14 poses of chapters 63, 81, 83, 84, 85,
15 87, 89, and 90 of that title.

16 (II) MEMBERS OF COMMIS-
17 SION.—Subparagraph (a) shall not be
18 construed to apply to members of the
19 Commission.

20 (B) DETAILEES.—Any Federal Govern-
21 ment employee may be detailed to the Commis-
22 sion without reimbursement from the Commis-
23 sion, and such detailee shall retain the rights,
24 status, and privileges of his or her regular em-
25 ployment without interruption.

1 (C) CONSULTANT SERVICES.—The Com-
2 mission may procure the services of experts and
3 consultants in accordance with section 3109 of
4 title 5, United States Code, but at rates not to
5 exceed the daily rate paid a person occupying a
6 position at level IV of the Executive Schedule
7 under section 5315 of title 5, United States
8 Code.

9 (10) COMPENSATION AND TRAVEL EX-
10 PENSES.—

11 (A) COMPENSATION.—Each member of the
12 Commission may be compensated at not to ex-
13 ceed the daily equivalent of the annual rate of
14 basic pay in effect for a position at level IV of
15 the Executive Schedule under section 5315 of
16 title 5, United States Code, for each day during
17 which that member is engaged in the actual
18 performance of the duties of the Commission.

19 (B) TRAVEL EXPENSES.—While away from
20 their homes or regular places of business in the
21 performance of services for the Commission,
22 members of the Commission shall be allowed
23 travel expenses, including per diem in lieu of
24 subsistence, in the same manner as persons em-
25 ployed intermittently in the Government service

1 are allowed expenses under section 5703(b) of
2 title 5, United States Code.

3 (11) SECURITY CLEARANCES FOR COMMISSION
4 MEMBERS AND STAFF.—The appropriate Federal
5 agencies or departments shall cooperate with the
6 Commission in expeditiously providing to the Com-
7 mission members and staff appropriate security
8 clearances to the extent possible pursuant to existing
9 procedures and requirements, except that no person
10 shall be provided with access to classified informa-
11 tion under this section without the appropriate secu-
12 rity clearances.

13 (12) REPORTS OF COMMISSION; TERMI-
14 NATION.—

15 (A) INTERIM REPORTS.—The Commission
16 may submit to the President and the Congress
17 interim reports containing such findings, con-
18 clusions, and recommendations for corrective
19 measures as have been agreed to by a majority
20 of Commission members.

21 (B) FINAL REPORT.—Not later than June
22 30, 2006, the Commission shall submit to the
23 President and the Congress a final report con-
24 taining such findings, conclusions, and rec-
25 ommendations for items to be included in the

1 quadrennial security review as have been agreed
2 to by a majority of Commission members.

3 (C) TERMINATION.—

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

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

16 (13) AUTHORIZATION OF APPROPRIATIONS.—

17 To carry out this subsection there is authorized to
18 be appropriated to the Commission \$3,000,000.

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