

113TH CONGRESS
2D SESSION

H. R. 5712

To authorize the Private Sector Office of the Department of Homeland Security to improve private sector engagement in protecting the homeland, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2014

Mr. CLAWSON of Florida (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To authorize the Private Sector Office of the Department of Homeland Security to improve private sector engagement in protecting the homeland, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS Private Sector
5 Office Engagement Act of 2014”.

6 **SEC. 2. PRIVATE SECTOR OFFICE.**

7 (a) IN GENERAL.—Subsection (f) of section 102 of
8 the Homeland Security Act of 2002 (6 U.S.C. 112) is
9 amended to read as follows:

1 “(f) AUTHORIZATION.—

2 “(1) IN GENERAL.—There is within the Depart-
3 ment an office to be known as the ‘Private Sector
4 Office’ (in this section referred to as the ‘Office’).
5 The Office shall be headed by the Assistant Sec-
6 retary for Private Sector Coordination, who shall be
7 appointed by the Secretary.

8 “(2) MISSION.—The mission of the Private Sec-
9 tor Office shall be to—

10 “(A) create and foster strategic engage-
11 ment with the private sector to enhance the pri-
12 mary mission of the Department to protect the
13 United States; and

14 “(B) conduct ongoing economic impact
15 analysis to reduce the burden of Department
16 decisions, regulations, and initiatives on the pri-
17 vate sector and the United States economy.

18 “(3) QUALIFICATIONS OF THE ASSISTANT SEC-
19 RETARY.—The Assistant Secretary for Private Sec-
20 tor Coordination shall have—

21 “(A) a minimum of ten years of profes-
22 sional experience working in the private sector;

23 “(B) a minimum of five years of manage-
24 ment experience; and

1 “(C) a basic knowledge of the regulatory
2 process.

3 “(4) DEPUTY ASSISTANT SECRETARY.—The Of-
4 fice shall have a Deputy Assistant Secretary. Such
5 position shall be part of the career civil service and
6 the individual serving in such position shall satisfy
7 the qualifications specified in paragraph (3) relating
8 to the Assistant Secretary, except that the ten year
9 professional experience requirement under subpara-
10 graph (A) of such paragraph may be satisfied by a
11 combination of engaging with or working in the pri-
12 vate sector.

13 “(5) RESPONSIBILITIES.—The Assistant Sec-
14 retary for Private Sector Coordination shall—

15 “(A) create a strategic plan for the Office,
16 to be updated or affirmed at a minimum each
17 time there is a new Assistant Secretary;

18 “(B) advise, inform, and assist the Sec-
19 retary regarding the impact on the private sec-
20 tor of the Department’s policies, regulations,
21 processes, and actions;

22 “(C) analyze and report to the Secretary
23 and other appropriate Department officials re-
24 garding the economic impact of changes in
25 homeland security policy, including all regula-

1 tions originating from the Department before
2 such regulations are available for comment in
3 the Federal Register;

4 “(D) determine what actions, if any, are
5 needed to reduce associated homeland security
6 burdens on the private sector, including unnec-
7 essary barriers to private sector job creation;

8 “(E) create and foster strategic engage-
9 ment with the private sector to improve home-
10 land security;

11 “(F) coordinate private sector efforts, with
12 respect to functions of the Department and
13 throughout all components of the Department,
14 to identify private sector resources and capabili-
15 ties that could be effective in augmenting Fed-
16 eral, State, and local government agency efforts
17 to prevent or respond to an incident;

18 “(G) in coordination with appropriate com-
19 ponents of the Department, encourage and pro-
20 mote to the private sector best practices regard-
21 ing cyber security and critical infrastructure
22 protection;

23 “(H) provide information to the private
24 sector regarding voluntary preparedness and
25 the business justification for resilience;

1 “(I) advise the Secretary regarding the De-
2 partment’s collective recommendation in evalu-
3 ating commercial actions pending with other
4 relevant Federal agencies with homeland secu-
5 rity related functions;

6 “(J) provide technical assistance across the
7 Department on issues related to international
8 trade, aviation security, supply chain security,
9 global customs modernization, trade facilitation,
10 and intellectual property rights;

11 “(K) promote existing public-private part-
12 nerships and develop new public-private part-
13 nerships to provide for collaboration and mutual
14 support to address homeland security chal-
15 lenges;

16 “(L) create and manage private sector ad-
17 visory councils composed of representatives of
18 industries and associations designated by the
19 Secretary to advise the Secretary regarding—

20 “(i) private sector solutions as such
21 relate to homeland security challenges;

22 “(ii) homeland security policies, regu-
23 lations, processes, and actions that affect
24 such industries and associations; and

1 “(iii) private sector preparedness
2 issues, including effective methods for—

3 “(I) promoting voluntary pre-
4 paredness standards to the private
5 sector; and

6 “(II) assisting the private sector
7 in adopting voluntary preparedness
8 standards; and

9 “(M) collaborate with the Chief Human
10 Capital Officer to facilitate the DHS Loaned
11 Executive Program through which the Depart-
12 ment can obtain ad hoc, unpaid, short-term ex-
13 pertise through appointment of appropriate in-
14 dividuals from the private sector to provide crit-
15 ical skills that, to be fully utilized, require an
16 appointment as an employee and cannot be ob-
17 tained through other existing hiring mecha-
18 nisms.

19 “(6) ACCOUNTABILITY.—

20 “(A) IN GENERAL.—Not later than 120
21 days after the date of the enactment of this
22 Act, the Office shall develop objective output
23 and outcome-based performance metrics and
24 measures that will be maintained over time.

1 “(B) BIANNUAL ASSESSMENTS.—The
2 Comptroller General of the United States shall
3 perform biannual assessments of the Office’s
4 performance metrics and measures referred to
5 in subparagraph (A), including an evaluation of
6 the accuracy of the economic impact analysis
7 conducted under paragraph (2)(A).

8 “(C) ANNUAL BRIEFINGS.—The Assistant
9 Secretary shall annually brief the Committee on
10 Homeland Security of the House of Representa-
11 tives and the Committee on Homeland Security
12 and Governmental Affairs of the Senate on the
13 activities and performance metrics and meas-
14 ures of the Office.

15 “(7) SUNSET AND REEVALUATION.—The au-
16 thorization under this subsection shall expire on De-
17 cember 31, 2018. The Secretary shall conduct an as-
18 sessment of the Office concurrently with the next
19 Quadrennial Homeland Security Review required
20 under section 707 of the Homeland Security Act of
21 2002 (6 U.S.C. 347) that is required after the date
22 of the enactment of this subsection, and submit to
23 the Committee on Homeland Security of the House
24 of Representatives and the Committee on Homeland

1 Security and Governmental Affairs of the Senate in-
2 formation on the following:

3 “(A) Office performance against the per-
4 formance metrics and measures referred to in
5 paragraph (6)(A).

6 “(B) Office strategic plan.

7 “(C) The results of the biannual assess-
8 ments under paragraph (6)(B).

9 “(D) Input from relevant private sector
10 stakeholders and Congress.

11 “(8) MISCELLANEOUS.—The Office shall not
12 duplicate the functions of the Chief Procurement Of-
13 ficer as the Department’s primary liaison for indus-
14 try or the Office of Small and Disadvantaged Busi-
15 ness Utilization regarding potential goods or services
16 the Department may acquire.”.

17 (b) PROHIBITION ON ADDITIONAL AUTHORIZATION
18 OF APPROPRIATIONS.—No additional funds are author-
19 ized to be appropriated to carry out this Act and the
20 amendments made by this Act. This Act and such amend-
21 ments shall be carried out using amounts otherwise avail-
22 able for such purposes.

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