

114TH CONGRESS
2D SESSION

H. R. 4785

IN THE SENATE OF THE UNITED STATES

JULY 12, 2016

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 issuing guidance relating
24 to such) relating to fleet management and use
25 of vehicles 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 guidance relating to such) re-
18 lating to fleet management and use of
19 vehicles 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 exi-
23 gent circumstances a component head so leases,
24 acquires, or replaces a vehicle, such component

1 head shall provide to the Under Secretary an
2 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-

hicle allocation tool and fleet management plan under this paragraph to ensure each such component’s vehicle fleets are the optimal fleet size and that components are in compliance with applicable Federal law, Federal regulations, executive branch guidance, and Department policy pursuant to paragraph (2) relating to fleet management and use of vehicles from home to work. The Under Secretary shall use such tools and plans when reviewing annual component requests for vehicle fleet funding in accordance with paragraph (6).

“(5) GUIDANCE TO DEVELOP FLEET MANAGEMENT PLANS.—The Under Secretary for Management shall provide guidance, pursuant to paragraph (1)(B) on how component heads may achieve optimal fleet size in accordance with paragraph (4), including processes for the following:

“(A) Leasing or acquiring additional vehicles or replacing existing vehicles, if determined necessary.

“(B) Disposing of excess vehicles that the Under Secretary determines should not be re-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 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 July 11, 2016.

Attest:

KAREN L. HAAS,

Clerk.