

Calendar No. 581

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-231 }

QUADRENNIAL HOMELAND SECURITY
REVIEW TECHNICAL CORRECTIONS
ACT OF 2021

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 370

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO MAKE
TECHNICAL CORRECTIONS TO THE REQUIREMENT THAT THE
SECRETARY OF HOMELAND SECURITY SUBMIT QUADRENNIAL
HOMELAND SECURITY REVIEWS, AND FOR OTHER PURPOSES



DECEMBER 5, 2022.—Ordered to be printed

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**QUADRENNIAL HOMELAND SECURITY REVIEW
TECHNICAL CORRECTIONS ACT OF 2021**

DECEMBER 5, 2022.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 370]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 370) to amend the Homeland Security Act of 2022 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, 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. 370, the *Quadrennial Homeland Security Review Technical Corrections Act of 2021*, makes numerous technical corrections to the Department of Homeland Security’s (DHS or Department) required quadrennial homeland security review (QHSR) mandate. The changes to the QHSR focus on strengthening requirements to increase stakeholder consultation, identify resources required to execute homeland security strategies, specify deadlines to complete

the review, and maintain all documentation regarding the QHSR. The changes will ensure DHS better aligns its budget with its mission priorities and that its policy positions are informed and based on documented risk analysis.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The *Implementing Recommendations of the 9/11 Commission Act of 2007* (9/11 Commission Act) amended the Homeland Security Act of 2002 to require a “comprehensive examination” of the nation’s long-term homeland security strategy every four years.¹ The statute requires that the review process, which includes an analysis of mission priorities, interagency cooperation activities, and budgetary effects, be documented in a report to Congress.² Additionally, Congress requires the report to include a result of the review and an assessment of the effectiveness of DHS’s capacity to turn the results of the QHSR into an acquisition and expenditure plan.

The 2010 and 2014 QHSRs were criticized by the Government Accountability Office (GAO) for failing to meet a number of statutory requirements, including the inclusion of mission priorities, an updated strategy, budget plans, and stakeholder consultation.³ Specifically, the inaugural 2010 QHSR did not include a prioritized mission or strategy. The 2014 QHSR attempted to address the lack of mission priorities by adding a “strategic priorities” section with priorities that “reflect changes in the strategic environment.” In doing so, however, the Department only described cross-cutting priorities instead of outlining the full range of threats and prioritizing missions accordingly.⁴ Additionally, a 2016 GAO report found that DHS did not sufficiently document the risk assessment process.⁵ The Department incorporated the Homeland Security Strategic Environment Assessment, which evaluated the likelihood and consequences of various threats including intentional acts of terrorism, natural hazards, technological accidents, and infrastructure failures, into the QHSR. According to GAO, however, the 2014 review did not document the manner in which DHS utilized analyses to develop the review, nor did the assessment illustrate the consequences of any uncertainty in the results.⁶ Risk analysis is an important component of producing quality results, and the lack of documentation hinders the reproducibility of the results, adversely affecting its validity.⁷

The 2014 QHSR also did not provide an assessment of an expenditure plan as is statutorily required.⁸ GAO observed that the President’s 2015 and 2016 budget requests for DHS were in gen-

¹ 6 U.S.C. § 347.

² *Id.*

³ Congressional Research Service, *2014 Quadrennial Homeland Security Review: Evolution of a Strategic Review* (IF10024) (Oct. 9, 2020).

⁴ *Id.*; Government Accountability Office, *Quadrennial Homeland Security Review: Improved Risk Analysis and Stakeholder Review Could Enhance Future Reviews* (GAO-16-371) (Apr. 2016).

⁵ Government Accountability Office, *Quadrennial Homeland Security Review: Improved Risk Analysis and Stakeholder Review Could Enhance Future Reviews* (GAO-16-371) (Apr. 2016).

⁶ *Id.* at 16–17.

⁷ Government Accountability Office, *Quadrennial Homeland Security Review: Improved Risk Analysis and Stakeholder Review Could Enhance Future Reviews* (GAO-16-371) (Apr. 2016).

⁸ 6 U.S.C. § 347; Department of Homeland Security, *The 2014 Quadrennial Homeland Security Review* (June 18, 2014) (<https://www.dhs.gov/sites/default/files/publications/2014-qhsr-final-508.pdf>); Congressional Research Service, *2014 Quadrennial Homeland Security Review: Evolution of a Strategic Review* (IF10024) (Oct. 9, 2020).

eral alignment with the QHSR mission areas.⁹ However, GAO assessed that the failure to meet the statute’s budget requirement was in part due to accounting challenges from DHS’s annual appropriation structure.¹⁰ Budget disparities and inconsistencies between components and appropriations programs have further hindered the accounting process. The Department addressed its accounting issues through the use of the Common Appropriation Structure.¹¹ This approach consolidated DHS’s appropriations accounts, better aligning programs to strategic missions. However, DHS did not submit a QHSR for 2018, as required by law, and has yet to submit one for 2022. Therefore, Congress has not been able to evaluate the full extent of progress made on subsequent QHSRs in almost a decade.

GAO also found shortcomings in the inclusion of stakeholder consultation efforts. The 9/11 Commission Act requires that DHS consult with federal, state, local, and tribal partners, as well as members of Congress, the private sector, and academia in conducting the quadrennial review.¹² DHS expanded their stakeholder outreach during the second QHSR, but external feedback highlighted a number of continuing issues. GAO found that both allowing stakeholders the necessary time to provide meaningful input and creating a collaborative environment during the review process ensures greater participation of relevant federal and nonfederal entities who play a critical role in securing the nation.¹³ GAO also observed that DHS suffered from time constraints during both 2010 and 2014 reviews, despite GAO’s 2011 recommendation that DHS allow for additional time in their 2014 planning process.¹⁴ Further, almost all respondent stakeholders reported to GAO through surveys and interviews that DHS’s time constraints either hindered or disrupted their ability to give accurate and quality input during the review process.¹⁵ A majority of the federal stakeholders described communication with DHS as “one-way,” which created the sense that external input was not valued.¹⁶

The evolving nature of homeland security threats requires a constant reevaluation of mission priorities and resources required to protect the nation. In addition to the faults of the 2010 and 2014 QHSRs, Congress has not received the 2018 or 2022 iterations of the statutorily mandated review. The failure to provide Congress with a comprehensive review of the Department’s mission priorities, strategies, and budget plans impedes Congress’s oversight responsibilities, and the lack of a consistent review process also hinders the ability of the federal government’s state, local, tribal and territorial partners to meet their obligations in protecting the homeland. The *Quadrennial Homeland Security Technical Corrections Act of 2021* addresses a wide array of deficiencies within DHS’s review and reporting efforts to achieve a more effective and

⁹ Government Accountability Office, *Quadrennial Homeland Security Review: Improved Risk Analysis and Stakeholder Review Could Enhance Future Reviews* (GAO–16–371) (Apr. 2016).

¹⁰ *Id.* at 26–27.

¹¹ Government Accountability Office, *Quadrennial Homeland Security Review: Improved Risk Analysis and Stakeholder Review Could Enhance Future Reviews* (GAO–16–371) (Apr. 2016).

¹² 6 U.S.C. § 347.

¹³ *Id.*

¹⁴ Government Accountability Office, *Quadrennial Homeland Security Review: Improved Risk Analysis and Stakeholder Review Could Enhance Future Reviews* (GAO–16–371) (Apr. 2016).

¹⁵ *Id.*

¹⁶ *Id.*

timely assessment. This bill clarifies that mission prioritization should be based on documented risk analysis, which will enhance the validity of the review's results. Additionally, the bill enhances Congress's oversight responsibility by requiring the Secretary of Homeland Security to provide Congress with all written communication regarding feedback from stakeholders and how that feedback was used to inform the development of each QHSR, risk analysis information, and how the results of the review were integrated into acquisition and expenditure plans. These changes will help to ensure that DHS has a robust and timely QHSR process that guides the homeland security enterprise's long-term strategy to protect the homeland in a more effective manner.

III. LEGISLATIVE HISTORY

H.R. 370 was introduced by Representative Bonnie Watson Coleman (D–NJ–12) on January 19, 2021, with Representatives Bennie Thompson (D–MS–2), John Katko (R–NY–24), and Van Taylor (R–TX–3) and referred to the House Committee on Homeland Security. The bill was considered in the House of Representatives under suspension of the rules and passed the House on April 20, 2021. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Committee considered H.R. 370 at a business meeting on August 3, 2022. The Committee ordered the bill reported favorably by voice vote *en bloc*. Senators present for the vote were: Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley.

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 “Quadrennial Homeland Security Review Act Technical Corrections of 2021.”

Section 2. Technical corrections to Homeland Security Quadrennial Review

This section amends section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) to add a requirement that the Secretary of Homeland Security conduct the QHSR in consultation with relevant advisory committees, including the Homeland Security Advisory Council, the Homeland Security Science and Technology Advisory Committee, and the Aviation Security Advisory Committee. This section also requires that mission prioritization be based on practical risk assessments.

This section also requires that the QHSR identify the “resources required” to execute the full range of national homeland security missions, as well as unnecessary or wasteful spending.

This section requires that the DHS Secretary submit a report on the QHSR within 60 days after the submission of the President's budget for the succeeding year. The provision mandates that the report also include a risk assessment of the threats examined for the purpose of the review.

This section requires that the DHS Secretary maintain and, upon request, provide Congress with: (1) all written communication that

the Secretary sent out and feedback received via online communications tools, in-person discussions, and the interagency process; (2) information on the risk models used to conduct risk assessments and sources of information used to generate assessments; and (3) information on assumptions, weighing factors, and subjective judgements used to generate risk assessments in tandem with the rationale for such judgements.

This section requires that no later than 90 days after the submission of the report, the Secretary of Homeland Security must provide Congressional committees with information on how the findings and recommendations of the review were integrated into the acquisition and expenditure plans of DHS.

Finally, this section states that the changes made by this bill shall apply to any QHSR required to be submitted after December 31, 2021.

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. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 8, 2022.

Hon. GARY PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 370, the Quadrennial Homeland Security Review Technical Corrections Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeremy Crimm.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 370, Quadrennial Homeland Security Review Technical Corrections Act of 2021			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on August 3, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 370 would make technical changes to the requirements for the Department of Homeland Security's (DHS) Quadrennial Review. Every four years, DHS is required to conduct a comprehensive review of its strategy to improve the security of the United States, including recommending improvements to its long-term security strategy. Based on information from DHS, CBO estimates that implementing H.R. 370 would have an insignificant effect on spending; such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

VII. 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. 707. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) REQUIREMENT.—

(1) * * *

(2) * * *

(3) CONSULTATION.—The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with—

(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, and the Director of National Intelligence;

(B) key officials of the Department, including the Under Secretary for Strategy, Policy, and Plans; **[and]**

(C) representatives from appropriate advisory committees established pursuant to section 871, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code; and

[(C)] (D) other relevant governmental and nongovernmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.

(4) * * *

(b) CONTENTS OF REVIEW.—In each quadrennial homeland security review, the Secretary shall—

(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation *based on the risk assessment required to subsection (c)(2)(B)*;

(3) describe, *to the extent practicable*, the interagency cooperation, preparedness of Federal response assets, infrastructure, **[budget plan]** *resources required*, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

(4) identify, *to the extent practicable*, the **[budget plan required to provide sufficient resources to successfully]** *resources required to execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2)**;** *including any resources identified from redundant, wasteful, or unnecessary capabilities or capacities that may be redirected to better support other existing capabilities or capacities, as the case may be; and**

(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy

referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2)【; and】.

【(6) review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.】

(c) REPORTING.—

(1) IN GENERAL.—Not later than 【December 31 of the year】 *60 days after the date of the submission of the President's budget for the fiscal year after the fiscal year* in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) a 【description of the threats to】 *risk assessment* of the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review or for purposes of the quadrennial EMP and GMD risk assessment under section 320(d)(1)(E);

(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation, *as required under subsection (b)(2)*;

(D) *to the extent practicable*, a description of the inter-agency cooperation, preparedness of Federal response assets, infrastructure, 【budget plan】 *resources required*, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

(F) *to the extent practicable*, a discussion of 【the status of】 cooperation among Federal agencies in the effort to promote national homeland security;

(G) *to the extent practicable*, a discussion of 【the status of】 cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats *and risks* to national homeland security; *and*

【(H) an explanation of any underlying assumptions used in conducting the review; and】

[(I)] (H) any other matter the Secretary considers appropriate.

(3) DOCUMENTATION.—The Secretary shall retain and, upon request, provide to Congress the following documentation regarding each quadrennial homeland security review:

(A) Records regarding the consultation carried out pursuant to subsection (a)(3), including the following:

(i) All written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the interagency process.

(ii) Information on how feedback received by the Secretary informed each such quadrennial homeland security review.

(B) Information regarding the risk assessment required pursuant to subsection (c)(2)(B), including the following:

(i) The risk model utilized to generate such risk assessment.

(ii) Information, including data use in the risk model, utilized to generate such risk assessment.

(iii) Sources of information, including other risk assessments, utilized to generate such risk assessment.

(iv) Information on assumptions, weighing factors, and subjective judgments utilized to generate such risk assessment, together with information on the rationale or basis thereof.

[(3)] (4) PUBLIC AVAILABILITY.—The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

(d) REVIEW.—Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary 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 information on the degree to which the findings and recommendations developed in the quadrennial homeland security review that is the subject of such report were integrated into the acquisition strategy and expenditure plans for the Department.

[(d)] (e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

* * * * *