

Calendar No. 386

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-118 }

HOMELAND SECURITY ACQUISITION
PROFESSIONAL CAREER PROGRAM ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 367

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO
ESTABLISH AN ACQUISITION PROFESSIONAL CAREER PROGRAM,
AND FOR OTHER PURPOSES



MAY 24, 2022.—Ordered to be printed

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MAY 24, 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. 367]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 367) to amend the Homeland Security Act of 2002 to establish an acquisition professional career program, 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. 367, the Homeland Security Acquisition Professional Career Program Act, would establish an acquisition career development program within DHS. The program would designate the relevant occupational series, grades, and number of positions eligible for the program; provide specialized training to participants; and seek to recruit candidates with military service, diverse work experience outside the Federal Government, or from institutions of higher education with established acquisition specialties and courses of study, historically Black colleges and universities, and Hispanic-serving

institutions. The bill requires DHS annually to report to Congress on acquisition professional retention rates and other aspects of the program.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Each year, DHS spends billions of dollars to acquire goods and services to support its many missions.¹ However, a 2015 Government Accountability Office (GAO) report found that 21 of the 22 DHS programs it reviewed faced staffing shortfalls in acquisition program offices.² These shortfalls continue to this day, and GAO has included DHS's acquisition workforce shortage in its most recent "High Risk Report."³ This bill would better enable DHS to recruit and train individuals to fill these positions.

III. LEGISLATIVE HISTORY

Representative Dina Titus (D–NV–1) introduced H.R. 367, the Homeland Security Acquisition Professional Career Program Act, on January 19, 2021. The Act was referred to the House Committee on Homeland Security. The House of Representatives passed the bill under suspension of the rules by voice vote on April 20, 2021.

The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs on April 22, 2021. The Committee considered H.R. 367 at a business meeting on July 14, 2021. The Committee ordered the bill to be reported favorably by voice vote *en bloc* with Senators Peters, Hassan, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley present.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section provides that the bill may be cited as the "Homeland Security Acquisition Professional Career Program Act."

Section 2. Authorization of the Acquisition Professional Career Program

Subsection (a) adds a new section, Section 711, to title VII of the Homeland Security Act of 2002 titled "Acquisition Professional Career Program."⁴

Section 711, subsection (a) establishes an acquisition professional career program within DHS.

Section 711, subsection (b) directs that the program be administered by the DHS Under Secretary for Management.

Section 711, subsection (c) directs the DHS Under Secretary for Management to: designate specific acquisition positions throughout DHS to be included in the program; establish and publish can-

¹ Government Accountability Office, *DHS Annual Assessment* (Jan. 2021) (<https://www.gao.gov/assets/gao-21-175.pdf>).

² Government Accountability Office, *Homeland Security Acquisitions: Major Program Assessments Reveal Actions Needed to Improve Accountability* (Apr. 22, 2015) (<https://www.gao.gov/products/gao-15-171sp>).

³ Government Accountability Office, *Strengthening Department of Homeland Security Management Functions* (Mar. 2, 2021) (<https://www.gao.gov/highrisk/strengthening-department-homeland-security-management-functions>).

⁴ The change to the Homeland Security Act of 2002 set forth in section 2, subsection (a) of the bill was included in the National Defense Authorization Act of 2022 (Pub. L. 117–81, Sec. 6405), which became law before this bill was reported out of committee. This change in law is now moot and is not reflected in Section VII of this report.

didate eligibility criteria on the DHS website; recruit and hire diverse candidates and veterans. The subsection also describes the types of skills and training to be included in the program curriculum as developed by the Under Secretary.

Section 711, subsection (d) requires the DHS Secretary to submit a report to Congress on the program by December 31, 2021, and annually thereafter for six years.

Section 711, subsection (e) defines “Hispanic-serving institution,” “historically Black colleges and universities,” and “institution of higher education.”

Subsection (b) adds Section 711 to the table of contents of the Homeland Security Act of 2002 through a clerical amendment.

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 7, 2021.

Hon. GARY C. 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. 367, the Homeland Security Acquisition Professional Career Program Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 367, Homeland Security Acquisition Professional Career Program Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on July 14, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
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	2	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 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 367 would establish a career program for acquisition professionals within the Department of Homeland Security (DHS). The program would designate the relevant occupational series, grades, and number of positions eligible for the program; provide specialized training to participants; and seek to attract candidates from different backgrounds to participate. The act also would require DHS to annually report to the Congress on the participants in the program and the retention rates for acquisition professionals.

DHS is currently carrying out an acquisition professional program. Using information about that program, CBO estimates that new activities required under the act would not require substantial action by the department and would cost less than \$500,000 annually. In total, CBO estimates that implementing H.R. 367 would cost about \$2 million over the 2021–2026 period; such spending would be subject to the availability of appropriated funds.

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

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The change to the Homeland Security Act of 2002 set forth in this bill was included in the National Defense Authorization Act of 2022 (Pub. L. 117–81, Sec. 6405), which became law before this bill was reported out of committee. This change in law is now moot and is not reflected in this section.