

HOMELAND SECURITY ACQUISITION PROFESSIONAL
 CAREER PROGRAM ACT

AUGUST 14, 2020.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
 Security, submitted the following

R E P O R T

[To accompany H.R. 5822]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5822) 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 with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Homeland Security Acquisition Professional Career Program Act”.

SEC. 2. AUTHORIZATION OF THE ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

“SEC. 711. ACQUISITION PROFESSIONAL CAREER PROGRAM.

“(a) ESTABLISHMENT.—There is established in the Department an acquisition professional career program to develop a cadre of acquisition professionals within the Department.

“(b) ADMINISTRATION.—The Under Secretary for Management shall administer the acquisition professional career program established pursuant to subsection (a).

“(c) PROGRAM REQUIREMENTS.—The Under Secretary for Management shall carry out the following with respect to the acquisition professional career program.

“(1) Designate the occupational series, grades, and number of acquisition positions throughout the Department to be included in the program and manage centrally such positions.

“(2) Establish and publish on the Department’s website eligibility criteria for candidates to participate in the program.

“(3) Carry out recruitment efforts to attract candidates—

“(A) from institutions of higher education, including such institutions with established acquisition specialties and courses of study, historically Black colleges and universities, and Hispanic-serving institutions;

“(B) with diverse work experience outside of the Federal Government; or

“(C) with military service.

“(4) Hire eligible candidates for designated positions under the program.

“(5) Develop a structured program comprised of acquisition training, on-the-job experience, Department-wide rotations, mentorship, shadowing, and other career development opportunities for program participants.

“(6) Provide, beyond required training established for program participants, additional specialized acquisition training, including small business contracting and innovative acquisition techniques training.

“(d) REPORTS.—Not later than December 31, 2020, and annually thereafter through 2026, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the acquisition professional career program. Each such report shall include the following information:

“(1) The number of candidates approved for the program.

“(2) The number of candidates who commenced participation in the program, including generalized information on such candidates’ backgrounds with respect to education and prior work experience, but not including personally identifiable information.

“(3) A breakdown of the number of participants hired under the program by type of acquisition position.

“(4) A list of Department components and offices that participated in the program and information regarding length of time of each program participant in each rotation at such components or offices.

“(5) Program attrition rates and post-program graduation retention data, including information on how such data compare to the prior year’s data, as available.

“(6) The Department’s recruiting efforts for the program.

“(7) The Department’s efforts to promote retention of program participants.

“(e) DEFINITIONS.—In this section:

“(1) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

“(2) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term ‘historically Black colleges and universities’ has the meaning given the term ‘part B institution’ in section 322(2) of Higher Education Act of 1965 (20 U.S.C. 1061(2)).

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 710 the following new item:

“Sec. 711. Acquisition professional career program.”.

PURPOSE AND SUMMARY

H.R. 5822, the “Homeland Security Acquisition Professional Career Program Act” authorizes a Department of Homeland Security (DHS) program for developing a cadre of acquisition professionals within DHS. The bill outlines the requirements for the program, which includes acquisition training, on-the-job experience, Department-wide rotations, mentoring, shadowing, and other career development opportunities for participants. The bill also requires the DHS Secretary to report annually to Congress through fiscal year 2026 on various aspects of the program, including the DHS components and offices that participated, attrition and retention rates, and DHS’ recruitment efforts for the program.

BACKGROUND AND NEED FOR LEGISLATION

Each year, DHS spends billions of dollars to acquire goods and services to support its many missions. For example, the U.S. Coast Guard purchases ships and planes to conduct search and rescue, the Federal Emergency Management Agency acquires supplies and services for disaster relief, and the Transportation Security Administration buys passenger and baggage screening equipment to secure the nation’s airports.

To acquire these goods and services, DHS relies on acquisition and procurement professionals. However, the Government Accountability Office (GAO) has identified workforce shortages as a long-standing challenge for DHS’ major acquisition programs. In September 2012, GAO found that 51 of DHS’ major acquisition programs had experienced workforce shortfalls, which increased the likelihood that the programs would not acquire needed goods and services on time or on budget.¹ In April 2015, GAO found that 21 of the 22 programs it reviewed faced staffing shortfalls in their acquisition program offices.² To date, GAO continues to monitor DHS’ progress to assess and address acquisition workforce shortages as a part of its High Risk List.³

DHS established an acquisition professional career program in 2008 to hire contract specialists for its procurement workforce. In 2009, DHS expanded the program to include other acquisition workforce positions, such as program analysts, system engineers, cost estimators, and information technology specialists. The acquisition professional career program is highly structured and features three years of training, on-the-job experience, mentorship, and other career development opportunities that prepare participants to be fully qualified acquisition and procurement professionals in their respective fields. According to DHS, over 300 participants have graduated from the program since its inception. H.R. 5822 would authorize the acquisition professional career program in law to ensure that DHS maintains a pipeline for acquisition professionals. Establishing the program will help the Department address workforce shortfalls and ensure it has a qualified acquisition

¹ *Homeland Security: DHS Requires More Disciplined Investment Management to Help Meet Mission Needs*, GAO, Sept. 2012, <https://www.gao.gov/products/GAO-12-833>.

² *Homeland Security Acquisitions: Major Program Assessments Reveal Actions Needed to Improve Accountability*, GAO, Apr. 2015, <https://www.gao.gov/products/GAO-15-171SP>.

³ *High Risk, Strengthening Department of Homeland Security Management Functions*, GAO, https://www.gao.gov/highrisk/strengthening_homeland_security/why_did_study.

workforce to obtain the goods and services needed to fulfill its ultimate mission of defending the homeland.

HEARINGS

For the purposes of section 103(i) of H. Res 6. of the 116th Congress, the following hearings were used to develop H.R. 5822:

- On May 9, 2019, the Committee held a hearing entitled “FEMA Contracting: Reviewing Lessons Learned from Past Disasters to Improve Preparedness.” The Committee received testimony from Brian Kamoie, Associate Administrator for Mission Support, Federal Emergency Management Agency; Marie Mak, Director, Contracting and National Security Acquisitions Team, Government Accountability Office; and Katherine Trimble, Deputy Assistant Inspector General for Audits, Department of Homeland Security Office of Inspector General.
- On April 3, 2019, the Committee held a hearing entitled “Ensuring Effective and Efficient Operations: A Review of the Fiscal Year 2020 DHS Management Directorate Budget Request.” The Committee received testimony from Chip Fulghum, Deputy Under Secretary for Management, Department of Homeland Security; and Chris Currie, Director, Homeland Security and Justice Team, Government Accountability Office.

COMMITTEE CONSIDERATION

The Committee met on February 12, 2020, with a quorum being present, to consider H.R. 5822 and ordered the measure to be reported to the House with a favorable recommendation, with an amendment, by unanimous consent.

The following amendment was offered and agreed to by unanimous consent:

An amendment offered by Mr. Crenshaw.

Page 4, line 15, strike “lengths” and insert “length”.

Page 4, line 18, insert “post-program graduation” before “retention”.

Page 4, line 21, strike “Information on the” and insert “The”.

Page 4, line 23, strike “Information on the” and insert “The”.

Page 4, line 24, strike “improve the efficacy of the program and”.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5822.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET
AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 2020.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5822, 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 Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5822, Homeland Security Acquisition Professional Career Program Act			
As ordered reported by the House Committee on Homeland Security on February 12, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	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 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5822 would establish a career program for acquisition professionals within the Department of Homeland Security (DHS). The program would establish eligibility requirements for participants; designate the relevant occupational series, grades, and number of positions; and seek to attract candidates from different backgrounds to participate. The bill also would require DHS to 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 bill would not require substantial action by the department and would cost less than \$500,000 annually. In total, CBO estimates that implementing H.R. 5822 would cost about \$2 million over the 2020–2025 period; spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 5822 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the objective of H.R. 5822 is to strengthen DHS' acquisition workforce by developing a pipeline of qualified and trained acquisition professionals to execute the Department's multi-billion dollar investments in goods and services that support its many missions.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

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

Sec. 2. Authorization of the Acquisition Professional Career Program

This section amends the Homeland Security Act of 2002 to establish an acquisition professional career program to develop a cadre of acquisition professionals within DHS. It identifies the Under Secretary for Management as the administrator of the acquisition professional career program.

This section also outlines the acquisition professional career program requirements, which include the following:

- (1) Designating the occupational series, grades, and number of acquisition positions throughout the Department to be included in the program;

(2) Establishing and publishing eligibility criteria for the program on the Department's website;

(3) Carrying out recruitment efforts to attract program candidates that are from institutions of higher education, including those institutions that have established acquisition specialties, that are historically Black colleges and universities, and that are Hispanic-serving institutions, as well as candidates with diverse work experience outside the Federal Government or with military service;

(4) Hiring eligible candidates for designated program positions;

(5) Developing a structured program comprised of acquisition training, on-the-job experience, Department-wide rotations, mentorship, shadowing, and other career development opportunities; and

(6) Providing, beyond the required program training, additional specialized acquisition training, including small business contracting and innovative acquisition techniques training.

In establishing these requirements, the Committee expects that all acquisition positions designated for the program are on the General Schedule maintained by the Office of Personnel Management. The Committee also expects that eligible internal candidates, such as current DHS employees or contractors, may apply for the program.

Section 2 further requires the Secretary of Homeland Security to report to Congress no later than December 31, 2020, and annually thereafter through 2026, on the acquisition professional career program. Each report is to include the following:

(1) The number of candidates approved for the program;

(2) The number of candidates who commenced participation in the program, including generalized information on their backgrounds with response to education and prior work experience, excluding any personally identifying information;

(3) A breakdown of the number of participants hired under the program by type of acquisition position;

(4) A list of Department components and offices that participate in the program and information regarding the length of time of each program participant in each rotation at such components or offices;

(5) Program attrition rates and retention data, including comparison to prior year's data;

(6) Information on the Department's recruitment efforts for the program; and

(7) Information on DHS' efforts to promote retention of program participants.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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TITLE VII—MANAGEMENT

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Sec. 710. Workforce health and medical support.

Sec. 711. Acquisition professional career program.

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TITLE VII—MANAGEMENT

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SEC. 711. ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) **ESTABLISHMENT.**—*There is established in the Department an acquisition professional career program to develop a cadre of acquisition professionals within the Department.*

(b) **ADMINISTRATION.**—*The Under Secretary for Management shall administer the acquisition professional career program established pursuant to subsection (a).*

(c) **PROGRAM REQUIREMENTS.**—*The Under Secretary for Management shall carry out the following with respect to the acquisition professional career program.*

(1) *Designate the occupational series, grades, and number of acquisition positions throughout the Department to be included in the program and manage centrally such positions.*

(2) *Establish and publish on the Department’s website eligibility criteria for candidates to participate in the program.*

(3) *Carry out recruitment efforts to attract candidates—*

(A) *from institutions of higher education, including such institutions with established acquisition specialties and courses of study, historically Black colleges and universities, and Hispanic-serving institutions;*

(B) *with diverse work experience outside of the Federal Government; or*

(C) *with military service.*

(4) *Hire eligible candidates for designated positions under the program.*

(5) *Develop a structured program comprised of acquisition training, on-the-job experience, Department-wide rotations, mentorship, shadowing, and other career development opportunities for program participants.*

(6) *Provide, beyond required training established for program participants, additional specialized acquisition training, including small business contracting and innovative acquisition techniques training.*

(d) **REPORTS.**—*Not later than December 31, 2020, and annually thereafter through 2026, the Secretary shall submit to the Com-*

mittee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the acquisition professional career program. Each such report shall include the following information:

(1) The number of candidates approved for the program.

(2) The number of candidates who commenced participation in the program, including generalized information on such candidates' backgrounds with respect to education and prior work experience, but not including personally identifiable information.

(3) A breakdown of the number of participants hired under the program by type of acquisition position.

(4) A list of Department components and offices that participated in the program and information regarding length of time of each program participant in each rotation at such components or offices.

(5) Program attrition rates and post-program graduation retention data, including information on how such data compare to the prior year's data, as available.

(6) The Department's recruiting efforts for the program.

(7) The Department's efforts to promote retention of program participants.

(e) **DEFINITIONS.**—In this section:

(1) **HISPANIC-SERVING INSTITUTION.**—The term “Hispanic-serving institution” has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

(2) **HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**—The term “historically Black colleges and universities” has the meaning given the term “part B institution” in section 322(2) of Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(3) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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