

DHS BASIC TRAINING ACCREDITATION IMPROVEMENT
ACT OF 2021

FEBRUARY 8, 2022.—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. 5616]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5616) to require reporting regarding accreditation of basic training programs of the Department of Homeland Security, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 5616, the “DHS Basic Training Accreditation Improvement Act of 2021,” requires the Secretary of Homeland Security to report

to Congress on the accreditation status of each of the Department of Homeland Security's (DHS) basic training programs until all such programs achieve accreditation. For those programs that are not accredited, the Secretary must provide the reasons for not obtaining or maintaining accreditation, the activities, if any, taken to achieve accreditation, and the anticipated timeline for accreditation of the program. In addition, the bill directs DHS to engage in research and development to help State, local, Tribal, and Territorial law enforcement officers better access Federal Law Enforcement Training Centers (FLETC) training opportunities.

BACKGROUND AND NEED FOR LEGISLATION

Every year, DHS onboards thousands of new law enforcement officers within components such as U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the Transportation Security Administration. All new hires must successfully complete law enforcement basic training programs. Basic training programs include the ICE Enforcement and Removal Operations Academy in Glynco, Georgia; the Secret Service's Basic Training Academy at the James J. Rowley Training Center in Beltsville, Maryland; and the U.S. Border Patrol Academy in Artesia, New Mexico.

During a hearing held on May 16, 2019, the Subcommittee on Oversight, Management, and Accountability heard testimony about the importance of accrediting basic training programs. According to the FLETC Director, Thomas J. Walters, accreditation "assigns rigor to [] training processes" and "results in the best product." Unfortunately, several DHS law enforcement basic training programs are not accredited including the U.S. Border Patrol Academy, CBP's Field Operations Academy Officer Basic Training Program, and U.S. Citizenship and Immigration Services' Officer Basic Training Program. In some cases, programs have been unaccredited for several years. For example, the Border Patrol Academy submitted an initial application in 2006 but did not pursue accreditation further.

The individuals joining the ranks of DHS's frontline components should receive the highest caliber training before they begin their careers as law enforcement officers. Achieving and maintaining accredited programs is essential to ensuring that such training is provided.

HEARING

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearing was used to develop H.R. 5616:

- On May 16, 2019, the Subcommittee on Oversight, Management, and Accountability held a hearing entitled, "Federal Law Enforcement Training Centers: Preparing America's Law Enforcement to Protect the Homeland." The Subcommittee received testimony from Thomas J. Walters, Director, FLETC, DHS; John Kelly, Acting Inspector General, Office of Inspector General, DHS; and Greg Davis, Captain, DPS Academy Training Coordinator, Texas Department of Public Safety.

COMMITTEE CONSIDERATION

The Committee met on October 26, 2021, a quorum being present, to consider H.R. 5616 and ordered the measure to be favorably reported to the House, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII 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. 5616.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, 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 and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 19, 2022.

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. 5616, the DHS Basic Training Accreditation Improvement Act of 2021.

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. 5616, DHS Basic Training Accreditation Improvement Act of 2021			
As ordered reported by the House Committee on Homeland Security on October 26, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	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
* = between zero and \$500,000.			

H.R. 5616 would require the Department of Homeland Security (DHS) to report annually to the Congress on the accreditation status of all basic law enforcement training programs within the department. The reporting requirement would end after all programs are accredited. The bill also would require DHS to inform the Congress when a program's accreditation lapses. Additionally, the bill would require the DHS Science and Technology Directorate to carry out research and development to enhance state, local, tribal, and territorial law enforcement access to training on homeland security threats.

According to information from DHS, the department is currently carrying out research and development activities similar to those required in the bill. Furthermore, based on the cost of similar activities, CBO estimates that meeting the reporting requirements of the bill would cost DHS less than \$500,000 over the 2022–2026. Any 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.

CORRESPONDENCE WITH OTHER COMMITTEES

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 7, 2022.

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

DEAR CHAIRMAN THOMPSON: This letter is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 5616, the “DHS Basic Training Accreditation Improvement Act of 2021,” that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consider-

ation is willing to forgo action on H.R. 5616, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, February 7, 2022.

Hon. JERROLD NADLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN NADLER: Thank you for your letter regarding H.R. 5616, the “DHS Basic Training Accreditation Improvement Act of 2021.” I recognize that the Committee on the Judiciary has a jurisdictional interest in H.R. 5616, and I appreciate your effort to allow this bill to be considered on the House floor.

I concur with you that forgoing action on the bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 5616 in the Committee report on this measure and in the *Congressional Record* during floor consideration of this bill. I look forward to working with you on this legislation and other matters of great importance to this Nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

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. 5616 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 5616 is to enhance the quality of training DHS offers to new law enforcement officers by requiring the Secretary of Homeland Security to report to Congress on the accreditation status of each of the Department's basic training programs until all such programs achieve accreditation and to afford better access to FLETC training opportunities for State, local, Tribal, and Territorial law enforcement officers.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with rule XXI, 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 rule XXI.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 5616 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section states that the Act may be cited as the "DHS Basic Training Accreditation Improvement Act of 2021".

Sec. 2. Reporting on Basic Training Programs of the Department of Homeland Security.

This section directs the Secretary of Homeland Security to report to Congress on the accreditation status for each basic training program within DHS no later than 90 days after the enactment of this Act. The Secretary is to include the following:

- The date on which each program achieved initial accreditation. In the case of a program that is not accredited, the reasons for not obtaining or maintaining accreditation, including the actions taken to achieve accreditation and a timeline for each accreditation program.
- The date the program most recently received accreditation or reaccreditation.
- Each program's anticipated accreditation or next reaccreditation date.
- The name of the accreditation manager for each program.

This section also requires the heads of DHS components to notify the Secretary if a basic training program loses accreditation. The Secretary is to then notify Congress of the lapse, reason for the lapse, and activities underway to regain accreditation.

Lastly, this section defines the terms, “accreditation,” “accreditation manager,” “basic training program,” “reaccreditation,” and “relevant congressional committees.”

Sec. 3. Research and Development.

This section directs the Under Secretary for Science and Technology of DHS to conduct research and development of systems and technologies to enhance access to training offered by FLETC to State, local, Tribal, and Territorial law enforcement, with particular attention to law enforcement in rural and remote communities.

