

108TH CONGRESS  
1ST SESSION

# S. 589

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## AN ACT

To strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Homeland Security  
5       Federal Workforce Act of 2003”.

1 **SEC. 2. FINDINGS, PURPOSE, AND EFFECT OF LAW.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) The security of the United States requires  
5 the fullest development of the intellectual resources  
6 and technical skills of its young men and women.

7 (2) The security of the United States depends  
8 upon the mastery of modern techniques developed  
9 from complex scientific principles. It depends as well  
10 upon the discovery and development of new prin-  
11 ciples, new techniques, and new knowledge.

12 (3) The United States finds itself on the brink  
13 of an unprecedented human capital crisis in Govern-  
14 ment. Due to increasing competition from the pri-  
15 vate sector in recruiting high-caliber individuals,  
16 Government departments and agencies, particularly  
17 those involved in national security affairs, are find-  
18 ing it hard to attract and retain talent.

19 (4) The United States must strengthen Federal  
20 civilian and military personnel systems in order to  
21 improve recruitment, retention, and effectiveness at  
22 all levels.

23 (5) The ability of the United States to exercise  
24 international leadership is, and will increasingly con-  
25 tinue to be, based on the political and economic

1 strength of the United States, as well as on United  
2 States military strength around the world.

3 (6) The Federal Government has an interest in  
4 ensuring that the employees of its departments and  
5 agencies with national security responsibilities are  
6 prepared to meet the challenges of this changing  
7 international environment.

8 (7) In January 2001, the General Accounting  
9 Office reported that, at the Department of Defense  
10 “attrition among first-time enlistees has reached an  
11 all-time high. The services face shortages among  
12 junior officers, and problems in retaining intelligence  
13 analysts, computer programmers, and pilots.” The  
14 General Accounting Office also warned of the Immi-  
15 gration and Naturalization Service’s “lack of staff to  
16 perform intelligence functions and unclear guidance  
17 for retrieving and analyzing information.”

18 (8) The United States Commission on National  
19 Security also cautioned that “the U.S. need for the  
20 highest quality human capital in science, mathe-  
21 matics, and engineering is not being met.” The  
22 Commission wrote, “we must ensure the highest cal-  
23 iber human capital in public service. U.S. national  
24 security depends on the quality of the people, both

1 civilian and military, serving within the ranks of  
2 government.”

3 (9) The events on and after September 11th  
4 have highlighted the weaknesses in the Federal and  
5 State government’s human capital and its personnel  
6 management practices, especially as it relates to our  
7 national security.

8 (b) PURPOSES.—It is the purpose of this Act to—

9 (1) provide attractive incentives to recruit capa-  
10 ble individuals for Government and military service;  
11 and

12 (2) provide the necessary resources, account-  
13 ability, and flexibility to meet the national security  
14 educational needs of the United States, especially as  
15 such needs change over time.

16 (c) EFFECT OF LAW.—Nothing in this Act, or an  
17 amendment made by this Act, shall be construed to affect  
18 the collective bargaining unit status or rights of any Fed-  
19 eral employee.

1 **TITLE I—PILOT PROGRAM FOR**  
 2 **STUDENT LOAN REPAYMENT**  
 3 **FOR FEDERAL EMPLOYEES IN**  
 4 **NATIONAL SECURITY POSI-**  
 5 **TIONS**

6 **SEC. 101. STUDENT LOAN REPAYMENTS.**

7 (a) IN GENERAL.—Subchapter VII of chapter 53 of  
 8 title 5, United States Code, is amended by inserting after  
 9 section 5379, the following:

10 **“§ 5379a. Pilot program for student loan repayment**  
 11 **for Federal employees in national secu-**  
 12 **rity positions**

13 “(a) In this section:

14 “(1) The term ‘agency’ means the Department  
 15 of Defense, the Department of Homeland Security,  
 16 the Department of State, the Department of En-  
 17 ergy, the Department of the Treasury, the Depart-  
 18 ment of Justice, the National Security Agency, and  
 19 the Central Intelligence Agency.

20 “(2) The term ‘national security position’  
 21 means an employment position determined by the  
 22 head of an agency for the purposes of a pilot pro-  
 23 gram established under this section, to involve im-  
 24 portant homeland security applications.

25 “(3) The term ‘student loan’ means—

1           “(A) a loan made, insured, or guaranteed  
2           under part B of title IV of the Higher Edu-  
3           cation Act of 1965 (20 U.S.C. 1071 et seq.);

4           “(B) a loan made under part D or E of  
5           title IV of the Higher Education Act of 1965  
6           (20 U.S.C. 1087a et seq., 1087aa et seq.); and

7           “(C) a health education assistance loan  
8           made or insured under part A of title VII of the  
9           Public Health Service Act (42 U.S.C. 292 et  
10          seq.) or under part E of title VIII of such Act  
11          (42 U.S.C. 297a et seq.).

12          “(b)(1) The head of an agency shall, in order to re-  
13          cruit or retain highly qualified professional personnel, es-  
14          tablish a pilot program under which the head of that agen-  
15          cy may agree to repay (by direct payments on behalf of  
16          the employee) any student loan previously taken out by  
17          such employee if the employee is employed by the agency  
18          in a national security position. The head of an agency may  
19          provide for a program to apply to, and be administered  
20          with respect to, 1 or more organizational units of the  
21          agency.

22          “(2) Payments under this section shall be made sub-  
23          ject to such terms, limitations, or conditions as may be  
24          mutually agreed to by the agency and employee concerned.

1       “(3) The amount paid by the agency on behalf of an  
2 employee under this section may not exceed \$10,000 in  
3 any calendar year toward the remaining balance of the  
4 student loan for each year that the employee remains in  
5 service in the position, except that the employee shall re-  
6 main in such position for at least 3 years. The maximum  
7 total amount that may be paid on behalf of an employee  
8 under this paragraph shall be \$60,000.

9       “(4) An employee may participate in the program  
10 under section 5379 and any program under this section  
11 at the same time, except the total amount paid by all agen-  
12 cies on behalf of that employee under section 5379 and  
13 this section may not exceed—

14               “(A) \$10,000 in any calendar year; or

15               “(B) \$60,000 in total.

16       “(5) Nothing in this section shall be considered to  
17 authorize an agency to pay any amount to reimburse an  
18 employee for any repayments made by such employee prior  
19 to the agency’s entering into an agreement under this sec-  
20 tion with such employee.

21       “(6) Nothing in this section shall be construed—

22               “(A) to affect student loan repayment programs  
23 existing on the date of enactment of this section;

1           “(B) to revoke or rescind any existing law, col-  
2       lective bargaining agreement, or recognition of a  
3       labor organization;

4           “(C) to authorize the head of an agency to de-  
5       termine national security positions for any other  
6       purpose other than to make such determinations as  
7       are required by this section in order to carry out the  
8       purposes of this section; or

9           “(D) as a basis for determining the exemption  
10      of any position from inclusion in a bargaining unit  
11      under chapter 71 of title 5, United States Code, or  
12      from the right of any incumbent of a national secu-  
13      rity position determined by the head of an agency  
14      under this section, from entitlement to all rights and  
15      benefits under such chapter.

16       “(c)(1)(A) Not later than 6 months after the date  
17   of enactment of this section, the Director of the Office  
18   of Personnel Management shall report to the appropriate  
19   committees of Congress on the implementation of the pro-  
20   gram under this section.

21       “(B) Not later than 4 years after the date of enact-  
22   ment of this section, the Director of the Office of Per-  
23   sonnel Management shall report to the appropriate com-  
24   mittees of Congress on the status of the programs estab-  
25   lished under this section and the success of such programs

1 in recruiting and retaining employees for national security  
 2 positions, including an assessment as to whether the pro-  
 3 gram should be expanded to other agencies or to non-na-  
 4 tional security positions to improve overall Federal work-  
 5 force recruitment and retention.

6 “(2) The head of each agency establishing a program  
 7 under this section shall provide any necessary information  
 8 to the Office of Personnel Management to carry out this  
 9 subsection.

10 “(d) An employee shall not be eligible for benefits  
 11 under this section if such employee—

12 “(1) occupies a position that is excepted from  
 13 the competitive service because of its confidential,  
 14 policy-determining, policy-making, or policy-advo-  
 15 cating character; or

16 “(2) does not occupy a national security posi-  
 17 tion.

18 “(e)(1) An employee selected to receive benefits under  
 19 this section shall agree in writing, before receiving any  
 20 such benefit, that the employee shall—

21 “(A) remain in the service of the agency in a  
 22 national security position for a period to be specified  
 23 in the agreement, but not less than 3 years, unless  
 24 involuntarily separated; and

1           “(B) if separated involuntarily on account of  
2           misconduct, or voluntarily, before the end of the pe-  
3           riod specified in the agreement, repay to the Govern-  
4           ment the amount of any benefits received by such  
5           employee from that agency under this section.

6           “(2) The repayment provided for under paragraph  
7           (1)(B) may not be required of an employee who leaves the  
8           service of such employee’s agency voluntarily to enter into  
9           the service of any other agency unless the head of the  
10          agency that authorized the benefits notifies the employee  
11          before the effective date of such employee’s entrance into  
12          the service of the other agency that repayment will be re-  
13          quired under this subsection.

14          “(3) If an employee who is involuntarily separated  
15          on account of misconduct or who (excluding any employee  
16          relieved of liability under paragraph (2)) is voluntarily  
17          separated before completing the required period of service  
18          fails to repay the amount provided for under paragraph  
19          (1)(B), a sum equal to the amount outstanding is recover-  
20          able by the Government from the employee (or such em-  
21          ployee’s estate, if applicable) by—

22                 “(A) setoff against accrued pay, compensation,  
23                 amount of retirement credit, or other amount due  
24                 the employee from the Government; and

1           “(B) such other method as is provided for by  
2       law for the recovery of amounts owing to the Gov-  
3       ernment.

4       “(4) The head of the agency concerned may waive,  
5   in whole or in part, a right of recovery under this sub-  
6   section if it is shown that recovery would be against equity  
7   and good conscience or against the public interest.

8       “(5) Any amount repaid by, or recovered from, an  
9   individual (or an estate) under this subsection shall be  
10   credited to the appropriation, fund, or account from which  
11   the original payment was made. Any amount so credited  
12   shall be merged with other sums in such appropriation,  
13   fund, or account and shall be available for the same pur-  
14   poses and period, and subject to the same limitations (if  
15   any), as the sums with which merged.

16       “(f) An employee receiving benefits under this section  
17   from an agency shall be ineligible for continued benefits  
18   under this section from such agency if the employee—

19           “(1) separates from such agency; or

20           “(2) does not maintain an acceptable level of  
21   performance, as determined under standards and  
22   procedures which the agency head shall by regula-  
23   tion prescribe.

24       “(g) In selecting employees to receive benefits under  
25   this section, an agency shall, consistent with the merit sys-

1 tem principles set forth in paragraphs (1) and (2) of sec-  
2 tion 2301(b) of this title, take into consideration the need  
3 to maintain a balanced workforce in which women and  
4 members of racial and ethnic minority groups are appro-  
5 priately represented in Government service.

6 “(h) Any benefit under this section shall be in addi-  
7 tion to basic pay and any other form of compensation oth-  
8 erwise payable to the employee involved.

9 “(i)(1) Not later than 60 days after the date of enact-  
10 ment of this section and after consultations with the heads  
11 of agencies, the Office of Personnel Management shall  
12 propose regulations for criteria to be used by the heads  
13 of agencies to make determinations of national security  
14 positions.

15 “(2) Not later than 180 days after the date on which  
16 the comment period for proposed regulations under para-  
17 graph (1) ends, the Office of Personnel Management shall  
18 promulgate final regulations containing such criteria.

19 “(j) A program established under this section may  
20 remain in effect for the 8-year period beginning on the  
21 date of enactment of this section. Such program shall con-  
22 tinue to pay employees recruited under this program who  
23 are in compliance with this section their benefits through  
24 their commitment period regardless of the preceding sen-  
25 tence.

1 “(k) For the purpose of enabling the Federal Govern-  
 2 ment to recruit and retain employees critical to the na-  
 3 tional security under this section, there are authorized to  
 4 be appropriated such sums as may be necessary to carry  
 5 out this section for each fiscal year.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 7 The table of sections for chapter 53 of title 5, United  
 8 States Code, is amended by inserting after the item relat-  
 9 ing to section 5379 the following:

“5379a. Pilot program for student loan repayment for Federal employees in na-  
 tional security positions.”.

10 **TITLE II—FELLOWSHIPS FOR**  
 11 **GRADUATE STUDENTS TO**  
 12 **ENTER FEDERAL SERVICE**  
 13 **AND NATIONAL SECURITY**  
 14 **SERVICE CORPS**

15 **SEC. 201. FELLOWSHIPS FOR GRADUATE STUDENTS TO**  
 16 **ENTER FEDERAL SERVICE.**

17 The David L. Boren National Security Education Act  
 18 of 1991 (50 U.S.C. 1901 et seq.) is amended by inserting  
 19 after section 802 the following:

20 **“SEC. 802a. FELLOWSHIPS FOR GRADUATE STUDENTS TO**  
 21 **ENTER FEDERAL SERVICE.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) AGENCY.—The term ‘agency’ means the  
 24 Department of Defense, the Department of Home-

1 land Security, the Department of State, the Depart-  
2 ment of Energy, the Department of the Treasury,  
3 the Department of Justice, the National Security  
4 Agency, and the Central Intelligence Agency, and  
5 other Federal Government agencies as determined  
6 by the Board.

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

11 “(3) NATIONAL SECURITY POSITION.—The  
12 term ‘national security position’ means an employ-  
13 ment position determined by the Board, in consulta-  
14 tion with an agency, for the purposes of a program  
15 established under this section, to involve important  
16 homeland security applications.

17 “(4) SCIENCE.—The term ‘science’ means any  
18 of the natural and physical sciences including chem-  
19 istry, biology, physics, and computer science. Such  
20 term does not include any of the social sciences.

21 “(b) IN GENERAL.—The Board shall establish and  
22 implement a program for the awarding of fellowships (to  
23 be known as ‘National Security Fellowships’) to graduate  
24 students who, in exchange for receipt of the fellowship,  
25 agree to employment with the Federal Government in a

1 national security position. The Board may provide for the  
2 program to apply to, and be administered with respect to,  
3 1 or more organizational units of an agency.

4 “(c) ELIGIBILITY.—To be eligible to participate in  
5 the program established under subsection (b), a student  
6 shall—

7 “(1) have been accepted into a graduate school  
8 program at an accredited institution of higher edu-  
9 cation within the United States and be pursuing or  
10 intend to pursue graduate education in the United  
11 States in the disciplines of foreign languages,  
12 science, mathematics, engineering, nonproliferation  
13 education, or other international fields that are crit-  
14 ical areas of national security (as determined by the  
15 Board);

16 “(2) be a United States citizen, United States  
17 national, permanent legal resident, or citizen of the  
18 Freely Associated States; and

19 “(3) agree to employment with an agency or of-  
20 fice of the Federal Government in a national secu-  
21 rity position.

22 “(d) SERVICE AGREEMENT.—In awarding a fellow-  
23 ship under the program under this section, the Board shall  
24 require the recipient to enter into an agreement under  
25 which, in exchange for such assistance, the recipient—

1           “(1) will maintain satisfactory academic  
2 progress (as determined in accordance with regula-  
3 tions issued by the Board) and provide regularly  
4 scheduled updates to the Board on the progress of  
5 their education and how their employment continues  
6 to relate to a national security objective of the Fed-  
7 eral Government;

8           “(2) will, upon completion of such education, be  
9 employed by the agency for which the fellowship was  
10 awarded for a period of at least 3 years as specified  
11 by the Board; and

12           “(3) agrees that if the recipient is unable to  
13 meet either of the requirements described in para-  
14 graph (1) or (2), the recipient will reimburse the  
15 United States for the amount of the assistance pro-  
16 vided to the recipient under the fellowship, together  
17 with interest at a rate determined in accordance  
18 with regulations issued by the Board, but not higher  
19 than the rate generally applied in connection with  
20 other Federal education loans.

21           “(e) FEDERAL EMPLOYMENT ELIGIBILITY.—If a re-  
22 cipient of a fellowship under this section demonstrates to  
23 the satisfaction of the Board that, after completing their  
24 education, the recipient is unable to obtain a national se-  
25 curity position in the Federal Government because such

1 recipient is not eligible for a security clearance or other  
 2 applicable clearance necessary for such position, the Board  
 3 may permit the recipient to fulfill the service obligation  
 4 under the agreement under subsection (d) by working in  
 5 another office or agency in the Federal Government for  
 6 which their skills are appropriate, by teaching math,  
 7 science, or foreign languages, or by performing research,  
 8 at an institution of higher education, for a period of not  
 9 less than 3 years, in the area of study for which the fellow-  
 10 ship was awarded.

11 “(f) FELLOWSHIP SELECTION.—

12 “(1) IN GENERAL.—The Board shall consult  
 13 with agencies in the selection and placement of na-  
 14 tional security fellows under this section.

15 “(2) FUNCTIONS.—The Board shall carry out  
 16 the following functions:

17 “(A) Develop criteria for awarding fellow-  
 18 ships under this section.

19 “(B) Provide for the wide dissemination of  
 20 information regarding the activities assisted  
 21 under this section.

22 “(C) Establish qualifications for students  
 23 desiring fellowships under this section, includ-  
 24 ing a requirement that the student have a dem-  
 25 onstrated commitment to the study of the dis-

1 cipline for which the fellowship is to be award-  
2 ed.

3 “(D) Provide for the establishment and  
4 semiannual update of a list of fellowship recipi-  
5 ents, including an identification of their skills,  
6 who are available to work in a national security  
7 position.

8 “(E) Not later than 30 days after a fellow-  
9 ship recipient completes the study or education  
10 for which assistance was provided under this  
11 section, work in conjunction with agencies to  
12 make reasonable efforts to hire and place the  
13 fellow in an appropriate national security posi-  
14 tion.

15 “(F) Review the administration of the pro-  
16 gram established under this section.

17 “(G) Develop and provide to Congress a  
18 strategic plan that identifies the skills needed  
19 by the Federal national security workforce and  
20 how the provisions of this Act, and related laws,  
21 regulations, and policies will be used to address  
22 such needs.

23 “(g) SPECIAL CONSIDERATION FOR CURRENT FED-  
24 ERAL EMPLOYEES.—

1           “(1) SET ASIDE OF FELLOWSHIPS.—Twenty  
2           percent of the fellowships awarded under this section  
3           shall be set aside for Federal employees who are  
4           working in national security positions on the date of  
5           enactment of this section to enhance the education  
6           and training of such employees in areas important  
7           to national security.

8           “(2) FULL- OR PART-TIME EDUCATION.—Fed-  
9           eral employees who are awarded fellowships under  
10          paragraph (1) shall be permitted to obtain advanced  
11          education under the fellowship on a full-time or  
12          part-time basis.

13          “(3) PART-TIME EDUCATION.—A Federal em-  
14          ployee who pursues education or training under a  
15          fellowship under paragraph (1) on a part-time basis  
16          shall be eligible for a stipend in an amount which,  
17          when added to the employee’s part-time compensa-  
18          tion, does not exceed the amount described in sub-  
19          section (i)(2).

20          “(h) FELLOWSHIP SERVICE.—Any individual under  
21          this section who is employed by the Federal Government  
22          in a national security position shall be able to count the  
23          time that the individual spent in the fellowship program  
24          towards the time requirement for a reduction in student

1 loans as described in section 5379a of title 5, United  
2 States Code.

3 “(i) AMOUNT OF AWARD.—A National Security Fel-  
4 low who complies with the requirements of this section  
5 may receive funding under the fellowship for up to 3 years  
6 at an amount determined appropriate by the Board, but  
7 not to exceed the sum of—

8 “(1) the amount of tuition paid by the fellow;  
9 and

10 “(2) a stipend in an amount equal to the max-  
11 imum stipend available to recipients of fellowships  
12 under section 10 of the National Science Foundation  
13 Act of 1950 (42 U.S.C. 1869) for the year involved.

14 “(j) CONSULTATION WITH CHIEF HUMAN CAPITAL  
15 OFFICERS.—The Board shall consult with the chief  
16 human capital officers of participating agencies in car-  
17 rying out this section.

18 “(k) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion shall be construed—

20 “(1) to authorize the Board to determine na-  
21 tional security positions for any other purpose other  
22 than to make such determinations as are required by  
23 this section in order to carry out the purposes of  
24 this section; and

1           “(2) as a basis for determining the exemption  
 2           of any position from inclusion in a bargaining unit  
 3           under chapter 71 of title 5, United States Code, or  
 4           from the right of any incumbent of a national secu-  
 5           rity position determined by the Board under this  
 6           section, from entitlement to all rights and benefits  
 7           under such chapter.

8           “(1) AUTHORIZATION OF APPROPRIATIONS.—For the  
 9           purpose of enabling the Board to provide for the recruit-  
 10          ment and retention of highly qualified employees in na-  
 11          tional security positions, there are authorized to be appro-  
 12          priated \$100,000,000 for fiscal year 2004, and such sums  
 13          as may be necessary for each fiscal year thereafter.”.

14   **SEC. 202. NATIONAL SECURITY SERVICE CORPS.**

15          The David L. Boren National Security Education Act  
 16          of 1991 (50 U.S.C. 1901 et seq.) is amended by inserting  
 17          after section 802a (as added by section 201 of this Act)  
 18          the following:

19   **“SEC. 802b. NATIONAL SECURITY SERVICE CORPS.**

20          “(a) FINDINGS AND PURPOSES.—

21                  “(1) FINDINGS.—Congress finds that—

22                          “(A) a proficient national security work-  
 23                          force requires certain skills and knowledge, and  
 24                          effective professional relationships; and

1           “(B) a national security workforce will  
 2           benefit from the establishment of a National  
 3           Security Service Corps.

4           “(2) PURPOSES.—The purposes of this section  
 5           are to—

6           “(A) provide mid-level employees in na-  
 7           tional security positions within agencies the op-  
 8           portunity to broaden their knowledge through  
 9           exposure to other agencies;

10          “(B) expand the knowledge base of na-  
 11          tional security agencies by providing for rota-  
 12          tional assignments of their employees at other  
 13          agencies;

14          “(C) build professional relationships and  
 15          contacts among the employees and agencies of  
 16          the national security community; and

17          “(D) invigorate the national security com-  
 18          munity with exciting and professionally reward-  
 19          ing opportunities.

20          “(b) DEFINITIONS.—In this section:

21          “(1) AGENCY.—The term ‘agency’ means the  
 22          Department of Defense, the Department of Home-  
 23          land Security, the Department of State, the Depart-  
 24          ment of Energy, the Department of the Treasury,

1 the Department of Justice, and the National Secu-  
 2 rity Agency.

3 “(2) CORPS.—The term ‘Corps’ means the Na-  
 4 tional Security Service Corps.

5 “(3) CORPS POSITION.—The term ‘corps posi-  
 6 tion’ means a position that—

7 “(A) is a position—

8 “(i) at or above GS–12 of the General  
 9 Schedule; or

10 “(ii) in the Senior Executive Service;

11 “(B) the duties of which do not relate to  
 12 intelligence support for policy; and

13 “(C) is designated by the head of an agen-  
 14 cy as a Corps position.

15 “(c) GOALS AND ADMINISTRATION.—The Board  
 16 shall—

17 “(1) formulate the goals of the Corps;

18 “(2) resolve any issues regarding the feasibility  
 19 of implementing this section;

20 “(3) evaluate relevant civil service rules and  
 21 regulations to determine the desirability of seeking  
 22 legislative changes to facilitate application of the  
 23 General Schedule and Senior Executive Service per-  
 24 sonnel systems to the Corps;

1 “(4) create specific provisions for agencies re-  
 2 garding rotational programs;

3 “(5) formulate interagency compacts and coop-  
 4 erative agreements between and among agencies re-  
 5 lating to—

6 “(A) the establishment and function of the  
 7 Corps;

8 “(B) incentives for individuals to partici-  
 9 pate in the Corps;

10 “(C) professional education and training;

11 “(D)(i) the process for competition for a  
 12 Corps position;

13 “(ii) which individuals may compete for  
 14 Corps positions; and

15 “(iii) any employment preferences an indi-  
 16 vidual participating in the Corps may have  
 17 when returning to the employing agency of that  
 18 individual; and

19 “(E) any other issues relevant to the es-  
 20 tablishment and continued operation of the  
 21 Corps; and

22 “(6) not later than 180 days after the date of  
 23 enactment of this section, submit a report to the Of-  
 24 fice of Personnel Management on all findings and

1 relevant information on the establishment of the  
2 Corps.

3 “(d) CORPS.—

4 “(1) PROPOSED REGULATIONS.—Not later than  
5 180 days after the date on which the report is sub-  
6 mitted under subsection (c)(6), the Board shall pub-  
7 lish in the Federal Register, proposed regulations  
8 describing the purpose, and providing for the estab-  
9 lishment and operation of the Corps.

10 “(2) COMMENT PERIOD.—The Board shall pro-  
11 vide for—

12 “(A) a period of 60 days for comments  
13 from all stakeholders on the proposed regula-  
14 tions; and

15 “(B) a period of 180 days following the  
16 comment period for making modifications to the  
17 regulations.

18 “(3) FINAL REGULATIONS.—After the 180-day  
19 period described under paragraph (2)(B), the Board  
20 shall promulgate final regulations that—

21 “(A) establish the Corps;

22 “(B) provide guidance to agencies to des-  
23 ignate Corps positions;

24 “(C) provide for individuals to perform pe-  
25 riods of service of not more than 2 years at a

1 Corps position within agencies on a rotational  
2 basis;

3 “(D) establish eligibility for individuals to  
4 participate in the Corps;

5 “(E) enhance career opportunities for indi-  
6 viduals participating in the Corps;

7 “(F) provide for the Corps to develop a  
8 group of policy experts with broad-based experi-  
9 ence throughout the executive branch; and

10 “(G) provide for greater interaction among  
11 agencies with traditional national security func-  
12 tions.

13 “(4) ACTIONS BY AGENCIES.—Not later than  
14 180 days after the promulgation of final regulations  
15 under paragraph (3), each agency shall—

16 “(A) designate Corps positions;

17 “(B) establish procedures for implementing  
18 this section; and

19 “(C) begin active participation in the oper-  
20 ation of the Corps.

21 “(e) CONSULTATION WITH CHIEF HUMAN CAPITAL  
22 OFFICERS.—The Board shall consult with the chief  
23 human capital officers of participating agencies in car-  
24 rying out this section.

1       “(f) ALLOWANCES, PRIVILEGES, AND BENEFITS.—  
 2   An employee serving on a rotational basis with another  
 3   agency under this section is deemed to be detailed and,  
 4   for the purpose of preserving allowances, privileges, rights,  
 5   seniority, and other benefits with respect to the employee,  
 6   is deemed to be an employee of the original employing  
 7   agency and is entitled to the pay, allowances, and benefits  
 8   from funds available to that agency.

9       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 10   are authorized to be appropriated to the Board such sums  
 11   as may be necessary to carry out this section.”.

12   **SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.**

13       The David L. Boren National Security Education Act  
 14   of 1991 (50 U.S.C. 1901 et seq.) is amended—

15               (1) in section 803(b)—

16                       (A) by redesignating paragraphs (5)  
 17                       through (7) as paragraphs (7) through (9), re-  
 18                       spectively; and

19                       (B) by inserting after paragraph (4) the  
 20                       following:

21                       “(5) The Secretary of Homeland Security.

22                       “(6) The Attorney General of the United  
 23                       States.”;

24               (2) in section 803(c), by striking “subsection  
 25               (b)(6)” and inserting “subsection (b)(8)”;

1 (3) in section 804(b)(1), by inserting “, includ-  
 2 ing section 802a” before the semicolon;

3 (4) by inserting after section 807, the following:

4 **“SEC. 807a. NONAPPLICATION OF PROVISIONS TO CERTAIN**  
 5 **GRADUATE STUDENT FELLOWSHIPS AND THE**  
 6 **NATIONAL SECURITY SERVICE CORPS.**

7 “Sections 805, 806, and 807 shall not apply with re-  
 8 spect to section 802a or 802b.”; and

9 (5) in section 808(4), by striking “The term”  
 10 and inserting “Except as provided under section  
 11 802a, the term”.

## 12 **TITLE III—MISCELLANEOUS** 13 **PROVISIONS**

### 14 **SEC. 301. STRATEGIC PLANS.**

15 Section 306(a) of title 5, United States Code, is  
 16 amended—

17 (1) by striking paragraph (3) and inserting the  
 18 following:

19 “(3) a description of how the goals and objec-  
 20 tives are to be achieved, including a description of  
 21 the operational processes, training, skills and tech-  
 22 nology, and the human, capital, information, and  
 23 other resources required to meet those goals and ob-  
 24 jectives.”;

1           (2) by redesignating paragraphs (4) through  
2           (6) as paragraphs (5) through (7), respectively; and  
3           (3) by inserting after paragraph (3) the fol-  
4           lowing:  
5           “(4) a discussion of the extent to which the spe-  
6           cific skills in the agency’s human capital are needed  
7           to achieve the mission, goals, and objectives of the  
8           agency;”.

Passed the Senate November 5, 2003.

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

**S. 589**

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## **AN ACT**

To strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.