

108TH CONGRESS  
1ST SESSION

# S. 589

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.

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IN THE SENATE OF THE UNITED STATES

MARCH 11, 2003

Mr. AKAKA (for himself, Mr. DURBIN, Mr. ALLEN, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homeland Security  
3 Federal Workforce Act”.

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

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The security of the United States requires  
8 the fullest development of the intellectual resources  
9 and technical skills of its young men and women.

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

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

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

1           (5) The ability of the United States to exercise  
2 international leadership is, and will increasingly con-  
3 tinue to be, based on the political and economic  
4 strength of the United States, as well as on United  
5 States military strength around the world.

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

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

21           (8) The United States Commission on National  
22 Security also cautioned that “the U.S. need for the  
23 highest quality human capital in science, mathe-  
24 matics, and engineering is not being met.” The  
25 Commission wrote, “we must ensure the highest cal-

1       iber human capital in public service. U.S. national  
2       security depends on the quality of the people, both  
3       civilian and military, serving within the ranks of  
4       government.”

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

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

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

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

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

1 **TITLE I—PILOT PROGRAM FOR**  
2 **STUDENT LOAN REPAYMENT**  
3 **FOR FEDERAL EMPLOYEES IN**  
4 **AREAS OF CRITICAL IMPOR-**  
5 **TANCE**

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

7 Subchapter VII of chapter 53 of title 5, United States  
8 Code, is amended by inserting after section 5379, the fol-  
9 lowing:

10 **“§ 5379A. Pilot program for student loan repayment**  
11 **for Federal employees in areas of critical**  
12 **importance**

13 “(a) DEFINITIONS.—In this section:

14 “(1) AGENCY.—The term ‘agency’ means an  
15 agency of the Department of Defense, the Depart-  
16 ment of Homeland Security, the Department of  
17 State, the Department of Energy, the Department  
18 of the Treasury, the Department of Justice, the Na-  
19 tional Security Agency, and the Central Intelligence  
20 Agency.

21 “(2) NATIONAL SECURITY POSITION.—The  
22 term ‘national security position’ means an employ-  
23 ment position determined by the Director of the Of-  
24 fice of Personnel Management, in consultation with  
25 an agency, for the purposes of the Pilot Program for

1 Student Loan Forgiveness in Areas of Critical Im-  
2 portance established under this section, to involve  
3 important homeland security applications.

4 “(3) STUDENT LOAN.—The term ‘student loan’  
5 means—

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

9 “(B) a loan made under part D or E of  
10 title IV of the Higher Education Act of 1965  
11 (20 U.S.C. 1087a et seq., 1087aa et seq.); and

12 “(C) a health education assistance loan  
13 made or insured under part A of title VII of the  
14 Public Health Service Act (42 U.S.C. 292 et  
15 seq.) or under part E of title VIII of such Act  
16 (42 U.S.C. 297a et seq.).

17 “(b) ESTABLISHMENT AND OPERATION.—

18 “(1) IN GENERAL.—The Director of the Office  
19 of Personnel Management shall, in order to recruit  
20 or retain highly qualified professional personnel, es-  
21 tablish a pilot program under which the head of an  
22 agency may agree to repay (by direct payments on  
23 behalf of the employee) any student loan previously  
24 taken out by such employee if the employee is em-  
25 ployed by the agency in a national security position.

1           “(2) TERMS AND CONDITIONS OF PAYMENT.—  
2           Payments under this section shall be made subject  
3           to such terms, limitations, or conditions as may be  
4           mutually agreed to by the agency and employee con-  
5           cerned.

6           “(3) PAYMENTS.—The amount paid by the  
7           agency on behalf of an employee under this section  
8           may not exceed \$10,000 towards the remaining bal-  
9           ance of the student loan for each year that the em-  
10          ployee remains in service in the position, except that  
11          the employee must remain in such position for at  
12          least 3 years. The maximum amount that may be  
13          paid on behalf of an employee under this paragraph  
14          shall be \$80,000.

15          “(4) LIMITATION.—Nothing in this section  
16          shall be considered to authorize an agency to pay  
17          any amount to reimburse an employee for any repay-  
18          ments made by such employee prior to the agency’s  
19          entering into an agreement under this section with  
20          such employee.

21          “(5) RULE OF CONSTRUCTION.—Nothing in  
22          this section shall be construed—

23                  “(A) to affect student loan repayment pro-  
24                  grams existing on the date of enactment of this  
25                  section;

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

4           “(C) to authorize the Office of Personnel  
5           Management to determine national security po-  
6           sitions for any other purpose other than to  
7           make such determinations as are required by  
8           this section in order to carry out the purposes  
9           of this section; or

10           “(D) as a basis for determining the exemp-  
11           tion of any position from inclusion in a bar-  
12           gaining unit pursuant to chapter 71 of title 5,  
13           United States Code, or from the right of any  
14           incumbent of a national security position deter-  
15           mined by the Office of Personnel Management  
16           pursuant to this section, from entitlement to all  
17           rights and benefits under such chapter.

18           “(6) FUND.—As part of the program estab-  
19           lished under paragraph (1), the Director shall estab-  
20           lish a fund within the Office of Personnel Manage-  
21           ment to be used by agencies to provide the repay-  
22           ments authorized under the program.

23           “(c) GENERAL PROVISIONS.—

24           “(1) COORDINATION.—The Director of the Of-  
25           fice of Personnel Management shall coordinate the



1 program established under this section with the  
2 heads of agencies to recruit employees to serve in  
3 national security positions.

4 “(2) REPORTS.—

5 “(A) ALLOCATION AND IMPLEMENTA-  
6 TION.—Not later than 6 months after the date  
7 of enactment of this section, the Director of the  
8 Office of Personnel Management shall report to  
9 the appropriate committees of Congress on the  
10 manner in which the Director will allocate  
11 funds and implement the program under this  
12 section.

13 “(B) STATUS AND SUCCESS.—Not later  
14 than 4 years after the date of enactment of this  
15 section, the Director of the Office of Personnel  
16 Management shall report to the appropriate  
17 Committees on Congress on the status of the  
18 program and its success in recruiting and re-  
19 taining employees for national security posi-  
20 tions, including an assessment as to whether  
21 the program should be expanded to other agen-  
22 cies or to non-national security positions to im-  
23 prove overall Federal workforce recruitment and  
24 retention.

1       “(d) INELIGIBLE EMPLOYEES.—An employee shall  
2 not be eligible for benefits under this section if such em-  
3 ployee—

4           “(1) occupies a position that is excepted from  
5 the competitive service because of its confidential,  
6 policy-determining, policy-making, or policy-advo-  
7 cating character; or

8           “(2) does not occupy a national security posi-  
9 tion.

10       “(e) TERMS OF AGREEMENT.—

11           “(1) IN GENERAL.—An employee selected to re-  
12 ceive benefits under this section shall agree in writ-  
13 ing, before receiving any such benefit, that the em-  
14 ployee will—

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

19           “(B) if separated involuntarily on account  
20 of misconduct, or voluntarily, before the end of  
21 the period specified in the agreement, repay to  
22 the Government the amount of any benefits re-  
23 ceived by such employee from that agency  
24 under this section.

1           “(2) SERVICE WITH OTHER AGENCY.—The re-  
2           payment provided for under paragraph (1)(B) may  
3           not be required of an employee who leaves the serv-  
4           ice of such employee’s agency voluntarily to enter  
5           into the service of any other agency unless the head  
6           of the agency that authorized the benefits notifies  
7           the employee before the effective date of such em-  
8           ployee’s entrance into the service of the other agency  
9           that repayment will be required under this sub-  
10          section.

11          “(3) RECOVERY OF AMOUNTS.—If an employee  
12          who is involuntarily separated on account of mis-  
13          conduct or who (excluding any employee relieved of  
14          liability under paragraph (2)) is voluntarily sepa-  
15          rated before completing the required period of serv-  
16          ice fails to repay the amount provided for under  
17          paragraph (1)(B), a sum equal to the amount out-  
18          standing is recoverable by the Government from the  
19          employee (or such employee’s estate, if applicable)  
20          by—

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

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

4           “(4) WAIVER.—The head of the agency con-  
5           cerned may waive, in whole or in part, a right of re-  
6           covery under this subsection if it is shown that re-  
7           covery would be against equity and good conscience  
8           or against the public interest.

9           “(5) CREDITING OF ACCOUNT.—Any amount  
10          repaid by, or recovered from, an individual (or an es-  
11          tate) under this subsection shall be credited to the  
12          fund under subsection (b)(6). Any amount so cred-  
13          ited shall be merged with other sums in such fund  
14          and shall be available for the same purposes and pe-  
15          riod, and subject to the same limitations (if any), as  
16          the sums with which merged.

17          “(f) TERMINATION OF REPAYMENT.—An employee  
18          receiving benefits under this section from an agency shall  
19          be ineligible for continued benefits under this section from  
20          such agency if the employee—

21                 “(1) separates from such agency; or

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

1       “(g) EQUAL EMPLOYMENT.—In selecting employees  
2 to receive benefits under this section, an agency shall, con-  
3 sistent with the merit system principles set forth in para-  
4 graphs (1) and (2) of section 2301(b) of this title, take  
5 into consideration the need to maintain a balanced work-  
6 force in which women and members of racial and ethnic  
7 minority groups are appropriately represented in Govern-  
8 ment service.

9       “(h) ADDITIONAL BENEFIT.—Any benefit under this  
10 section shall be in addition to basic pay and any other  
11 form of compensation otherwise payable to the employee  
12 involved.

13       “(i) APPROPRIATIONS AUTHORIZED.—For the pur-  
14 pose of enabling the Federal Government to recruit and  
15 retain employees critical to our national security pursuant  
16 to this section, there are authorized to be appropriated  
17 such sums as may be necessary to carry out this section  
18 for each fiscal year.

19       “(j) LENGTH OF PROGRAM.—The program under  
20 this section shall remain in effect for the 8-year period  
21 beginning on the date of enactment of this section. The  
22 program shall continue to pay employees recruited under  
23 this program who are in compliance with this section their  
24 benefits through their commitment period regardless of  
25 the preceding sentence.

1       “(k) REGULATIONS.—Not later than 2 months after  
 2 the date of enactment of this section, the Director of the  
 3 Office of Personnel Management shall propose regulations  
 4 to carry out this section. Not later than 6 months after  
 5 the date on which the comment period for the regulations  
 6 proposed under the preceding sentence ends, the Secretary  
 7 shall promulgate final regulations to carry out this sec-  
 8 tion.”.

9       **TITLE II—FELLOWSHIPS FOR**  
 10       **GRADUATE STUDENTS TO**  
 11       **ENTER FEDERAL SERVICE**

12       **SEC. 201. FELLOWSHIPS FOR GRADUATE STUDENTS TO**  
 13       **ENTER FEDERAL SERVICE.**

14       Subchapter VII of chapter 53 of title 5, United States  
 15 Code, as amended by section 101, is further amended by  
 16 inserting after section 5379A, the following:

17       **“§ 5379B. Fellowships for graduate students to enter**  
 18       **federal service**

19       “(a) DEFINITIONS.—In this section:

20               “(1) AGENCY.—The term ‘agency’ means an  
 21 agency of the Department of Defense, the Depart-  
 22 ment of Homeland Security, the Department of  
 23 State, the Department of Energy, the Department  
 24 of the Treasury, the Department of Justice, the Na-  
 25 tional Security Agency, and the Central Intelligence

1 Agency, and other Federal Government agencies as  
2 determined by the National Security Service Board  
3 under subsection (f).

4 “(2) DIRECTOR.—The term ‘Director’ means  
5 the Director of the Office of Personnel Management.

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

10 “(4) NATIONAL SECURITY POSITION.—The  
11 term ‘national security position’ means an employ-  
12 ment position determined by the Director of the Of-  
13 fice of Personnel Management, in consultation with  
14 an agency, for the purposes of a program established  
15 for Fellowships for Graduate Students to Enter  
16 Federal Services as established under this section, to  
17 involve important homeland security applications.

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

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

1 agree to employment with the Federal Government in a  
2 national security position.

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

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

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

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

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



1           “(1) will maintain satisfactory academic  
2 progress (as determined in accordance with regula-  
3 tions issued by the Director) and provide regularly  
4 scheduled updates to the Director 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 Director; 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 Director, but not  
19 higher than the rate generally applied in connection  
20 with 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 Director 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 Direc-  
3 tor 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 Director shall consult  
13 and cooperate with the National Security Service  
14 Board established under paragraph (2) in the selec-  
15 tion and placement of national security fellows under  
16 this section.

17 “(2) NATIONAL SECURITY SERVICE BOARD.—

18 “(A) ESTABLISHMENT OF BOARD.—There  
19 is established the National Security Service  
20 Board.

21 “(B) MEMBERSHIP.—The Board shall be  
22 composed of—

23 “(i) the Director of the Office of Per-  
24 sonnel Management, who shall serve as the  
25 chairperson of the Board;

- 1 “(ii) the Secretary of Defense;
- 2 “(iii) the Secretary of Homeland Se-
- 3 curity;
- 4 “(iv) the Secretary of State;
- 5 “(v) the Secretary of the Treasury;
- 6 “(vi) the Attorney General;
- 7 “(vii) the Director of the Central In-
- 8 telligence Agency;
- 9 “(viii) the Director of the Federal Bu-
- 10 reau of Investigations;
- 11 “(ix) the Director of the National Se-
- 12 curity Agency;
- 13 “(x) the Secretary of Energy;
- 14 “(xi) the Director of the Office of
- 15 Science and Technology Policy; and
- 16 “(xii) 2 employees, to be appointed by
- 17 each of the officials described in clauses
- 18 (ii) through (ix), of each Department for
- 19 which such officials have responsibility for
- 20 administering, of whom—
- 21 “(I) 1 shall perform senior level
- 22 policy functions; and
- 23 “(II) 1 shall perform human re-
- 24 sources functions.

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

3           “(i) Develop criteria for awarding fel-  
4 lowships under this section.

5           “(ii) Provide for the wide dissemina-  
6 tion of information regarding the activities  
7 assisted under this section.

8           “(iii) Establish qualifications for stu-  
9 dents desiring fellowships under this sec-  
10 tion, including a requirement that the stu-  
11 dent have a demonstrated commitment to  
12 the study of the discipline for which the  
13 fellowship is to be awarded.

14           “(iv) Provide the Director semi-annu-  
15 ally with a list of fellowship recipients, in-  
16 cluding an identification of their skills, who  
17 are available to work in a national security  
18 position.

19           “(v) Not later than 30 days after a  
20 fellowship recipient completes the study or  
21 education for which assistance was pro-  
22 vided under this section, work in conjunc-  
23 tion with the Director to make reasonable  
24 efforts to hire and place the fellow in an  
25 appropriate national security position.

1           “(vi) Review the administration of the  
2           program established under this section.

3           “(vii) Develop and provide to Con-  
4           gress a strategic plan that identifies the  
5           skills needed by the Federal national secu-  
6           rity workforce and how the provisions of  
7           this Act, and related laws, regulations, and  
8           policies will be used to address such needs.

9           “(viii) Carry out additional functions  
10          under section 301 of the Homeland Secu-  
11          rity Federal Workforce Act.

12          “(g) SPECIAL CONSIDERATION FOR CURRENT FED-  
13          ERAL EMPLOYEES.—

14               “(1) SET ASIDE OF FELLOWSHIPS.—Twenty  
15          percent of the fellowships awarded under this section  
16          shall be set aside for Federal employees who are  
17          working in national security positions on the date of  
18          enactment of this section to enhance the education  
19          and training of such employees in areas important  
20          to national security.

21               “(2) FULL- OR PART-TIME EDUCATION.—Fed-  
22          eral employees who are awarded fellowships under  
23          paragraph (1) shall be permitted to obtain advanced  
24          education under the fellowship on a full-time or  
25          part-time basis.

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

8           “(h) FELLOWSHIP SERVICE.—Any individual under  
9           this section who is employed by the Federal Government  
10          in a national security position shall be able to count the  
11          time that the individual spent in the fellowship program  
12          towards the time requirement for a reduction in student  
13          loans as described in section 5379A.

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

19                  “(1) the amount of tuition paid by the fellow;  
20                  and

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

1       “(j) APPROPRIATIONS AUTHORIZED.—For the pur-  
 2       pose of enabling the Director to recruit and retain highly  
 3       qualified employees in national security positions, there  
 4       are authorized to be appropriated \$100,000,000 for fiscal  
 5       year 2004, and such sums as may be necessary for each  
 6       subsequent fiscal year.

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

9               “(1) to authorize the Office of Personnel Man-  
 10       agement to determine national security positions for  
 11       any other purpose other than to make such deter-  
 12       minations as are required by this section in order to  
 13       carry out the purposes of this section; and

14               “(2) as a basis for determining the exemption  
 15       of any position from inclusion in a bargaining unit  
 16       pursuant to chapter 71 of title 5, United States  
 17       Code, or from the right of any incumbent of a na-  
 18       tional security position determined by the Office of  
 19       Personnel Management pursuant to this section,  
 20       from entitlement to all rights and benefits under  
 21       such chapter.”.

## 22       **TITLE III—NATIONAL SECURITY** 23       **SERVICE CORPS**

### 24       **SEC. 301. NATIONAL SECURITY SERVICE CORPS.**

25       (a) FINDINGS AND PURPOSES.—

1 (1) FINDINGS.—Congress finds that—

2 (A) a proficient national security workforce  
3 requires certain skills and knowledge, and effective  
4 professional relationships; and

5 (B) a national security workforce will benefit  
6 from the establishment of a National Security  
7 Service Corps.

8 (2) PURPOSES.—The purposes of this section  
9 are to—

10 (A) provide mid-level employees in national  
11 security positions within agencies the opportunity  
12 to broaden their knowledge through exposure  
13 to other agencies;

14 (B) expand the knowledge base of national  
15 security agencies by providing for rotational assignments  
16 of their employees at other agencies;

17 (C) build professional relationships and  
18 contacts among the employees and agencies of  
19 the national security community; and

20 (D) invigorate the national security community  
21 with exciting and professionally rewarding  
22 opportunities.

23 (b) DEFINITIONS.—In this section:

24 (1) AGENCY.—The term “agency” means an  
25 agency of the Department of Defense, the Depart-



1 ment of Homeland Security, the Department of  
2 State, the Department of Energy, the Department  
3 of the Treasury, the Department of Justice, and the  
4 National Security Agency.

5 (2) BOARD.—The term “Board” means the Na-  
6 tional Security Service Board established under sec-  
7 tion 5379B(f)(2) of title 5, United States Code.

8 (3) CORPS.—The term “Corps” means the Na-  
9 tional Security Service Corps.

10 (4) CORPS POSITION.—The term “corps posi-  
11 tion” means a position that—

12 (A) is a position—

13 (i) at or above GS–12 of the General  
14 Schedule; or

15 (ii) in the Senior Executive Service;

16 (B) the duties of which do not relate to in-  
17 telligence support for policy; and

18 (C) is designated by the head of an agency  
19 as a Corps position.

20 (e) GOALS AND ADMINISTRATION.—The Board  
21 shall—

22 (1) formulate the goals of the Corps;

23 (2) resolve any issues regarding the feasibility  
24 of implementing this section;

1           (3) evaluate relevant civil service rules and reg-  
2           ulations to determine the desirability of seeking leg-  
3           islative changes to facilitate application of the Gen-  
4           eral Schedule and Senior Executive Service per-  
5           sonnel systems to the Corps;

6           (4) create specific provisions for agencies re-  
7           garding rotational programs;

8           (5) formulate interagency compacts and cooper-  
9           ative agreements between and among agencies relat-  
10          ing to—

11                 (A) the establishment and function of the  
12          Corps;

13                 (B) incentives for individuals to participate  
14          in the Corps;

15                 (C) professional education and training;

16                 (D)(i) the process for competition for a  
17          Corps position;

18                         (ii) which individuals may compete for  
19          Corps positions; and

20                         (iii) any employment preferences an indi-  
21          vidual participating in the Corps may have  
22          when returning to the employing agency of that  
23          individual; and

1 (E) any other issues relevant to the estab-  
2 lishment and continued operation of the Corps;  
3 and

4 (6) not later than 180 days after the date of  
5 enactment of this section, submit a report to the Of-  
6 fice of Personnel Management on all findings and  
7 relevant information on the establishment of the  
8 Corps.

9 (d) CORPS.—

10 (1) PROPOSED REGULATIONS.—Not later than  
11 180 days after the date on which the report is sub-  
12 mitted under subsection (c)(6), the Office of Per-  
13 sonnel Management shall publish in the Federal  
14 Register, proposed regulations describing the pur-  
15 pose, and providing for the establishment and oper-  
16 ation of the Corps.

17 (2) COMMENT PERIOD.—The Office of Per-  
18 sonnel Management shall provide for—

19 (A) a period of 60 days for comments from  
20 all stakeholders on the proposed regulations;  
21 and

22 (B) a period of 180 days following the  
23 comment period for making modifications to the  
24 regulations.

1           (3) FINAL REGULATIONS.—After the 180-day  
2 period described under paragraph (2)(B), the Office  
3 of Personnel Management shall promulgate final  
4 regulations that—

5                   (A) establish the Corps;

6                   (B) provide guidance to agencies to des-  
7 ignate Corps positions;

8                   (C) provide for individuals to perform peri-  
9 ods of service of not more than 2 years at a  
10 Corps position within agencies on a rotational  
11 basis;

12                   (D) establish eligibility for individuals to  
13 participate in the Corps;

14                   (E) enhance career opportunities for indi-  
15 viduals participating in the Corps;

16                   (F) provide for the Corps to develop a  
17 group of policy experts with broad-based experi-  
18 ence throughout the executive branch; and

19                   (G) provide for greater interaction among  
20 agencies with traditional national security func-  
21 tions.

22           (4) ACTIONS BY AGENCIES.—Not later than  
23 180 days after the promulgation of final regulations  
24 under paragraph (3), each agency shall—

25                   (A) designate Corps positions;

1 (B) establish procedures for implementing  
2 this section; and

3 (C) begin active participation in the oper-  
4 ation of the Corps.

5 (e) ALLOWANCES, PRIVILEGES, ETC.—An employee  
6 serving on a rotational basis with another agency pursuant  
7 to this section is deemed to be detailed and, for the pur-  
8 pose of preserving allowances, privileges, rights, seniority,  
9 and other benefits with respect to the employee, is deemed  
10 to be an employee of the original employing agency and  
11 is entitled to the pay, allowances, and benefits from funds  
12 available to that agency.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Office of Per-  
15 sonnel Management such sums as may be necessary to  
16 carry out this section.

17 **TITLE IV—MISCELLANEOUS**  
18 **PROVISIONS**

19 **SEC. 401. CONTENT OF STRATEGIC PLANS.**

20 Section 306(a)(3) of title 5, United States Code, is  
21 amended by inserting before the semicolon the following:  
22 “, a discussion of the extent to which specific skills in the  
23 agency’s human capital are needed to achieve the mission,  
24 goals and objectives of the agency, especially to the extent

1 the agency’s mission, goals and objectives are critical to  
2 ensuring the national security”.

3 **SEC. 402. PERFORMANCE PLANS.**

4 Section 1115(a) of title 31, United States Code, is  
5 amended—

6 (1) by redesignating paragraphs (4) through  
7 (6) as paragraphs (5) through (7), respectively; and

8 (2) by inserting after paragraph (3) the fol-  
9 lowing:

10 “(4) pursuant to paragraph (3), give special at-  
11 tention to the extent to which specific skills are  
12 needed to accomplish the performance goals and in-  
13 dicators that are critical to ensuring the national se-  
14 curity;”.

15 **SEC. 403. GOVERNMENTWIDE PROGRAM PERFORMANCE**  
16 **REPORTS.**

17 Section 1116 of title 31, United States Code, is  
18 amended—

19 (1) in subsection (b)(1), by inserting before the  
20 period the following: “, and shall specify which per-  
21 formance goals and indicators are critical to ensur-  
22 ing the national security”; and

23 (2) in subsection (d)(3)—

24 (A) in subparagraph (B), by striking  
25 “and” at the end;

1 (B) in subparagraph (C), by adding “and”  
2 after the semicolon; and

3 (C) by adding at the end the following:

4 “(D) whether human capital deficiencies in  
5 any way contributed to the failure of the agency  
6 to achieve the goal;”.

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