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1ST SESSION**S. 589****[Report No. 108-119]**

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.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2003

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

JULY 31 (legislative day, JULY 21), 2003

Reported by Ms. COLLINS, without amendment

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

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

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

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

1 (4) The United States must strengthen Federal
2 civilian and military personnel systems in order to
3 improve recruitment, retention, and effectiveness at
4 all levels.

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

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

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

1 (8) The United States Commission on National
2 Security also cautioned that “the U.S. need for the
3 highest quality human capital in science, mathe-
4 matics, and engineering is not being met.” The
5 Commission wrote, “we must ensure the highest cal-
6 iber human capital in public service. U.S. national
7 security depends on the quality of the people, both
8 civilian and military, serving within the ranks of
9 government.”

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

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

16 (1) provide attractive incentives to recruit capa-
17 ble individuals for Government and military service;
18 and

19 (2) provide the necessary resources, account-
20 ability, and flexibility to meet the national security
21 educational needs of the United States, especially as
22 such needs change over time.

23 (c) EFFECT OF LAW.—Nothing in this Act, or an
24 amendment made by this Act, shall be construed to affect

1 the collective bargaining unit status or rights of any Fed-
 2 eral employee.

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

8 **SEC. 101. STUDENT LOAN REPAYMENTS.**

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

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

15 “(a) DEFINITIONS.—In this section:

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

23 “(2) NATIONAL SECURITY POSITION.—The
 24 term ‘national security position’ means an employ-
 25 ment position determined by the Director of the Of-

1 fice of Personnel Management, in consultation with
2 an agency, for the purposes of the Pilot Program for
3 Student Loan Forgiveness in Areas of Critical Im-
4 portance established under this section, to involve
5 important homeland security applications.

6 “(3) STUDENT LOAN.—The term ‘student loan’
7 means—

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

11 “(B) a loan made under part D or E of
12 title IV of the Higher Education Act of 1965
13 (20 U.S.C. 1087a et seq., 1087aa et seq.); and

14 “(C) a health education assistance loan
15 made or insured under part A of title VII of the
16 Public Health Service Act (42 U.S.C. 292 et
17 seq.) or under part E of title VIII of such Act
18 (42 U.S.C. 297a et seq.).

19 “(b) ESTABLISHMENT AND OPERATION.—

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

1 taken out by such employee if the employee is em-
2 ployed by the agency in a national security position.

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

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

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

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

1 “(A) to affect student loan repayment pro-
2 grams existing on the date of enactment of this
3 section;

4 “(B) to revoke or rescind any existing law,
5 collective bargaining agreement, or recognition
6 of a labor organization;

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

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

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

1 “(c) GENERAL PROVISIONS.—

2 “(1) COORDINATION.—The Director of the Of-
3 fice of Personnel Management shall coordinate the
4 program established under this section with the
5 heads of agencies to recruit employees to serve in
6 national security positions.

7 “(2) REPORTS.—

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

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

1 prove overall Federal workforce recruitment and
2 retention.

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

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

10 “(2) does not occupy a national security posi-
11 tion.

12 “(e) TERMS OF AGREEMENT.—

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

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

21 “(B) if separated involuntarily on account
22 of misconduct, or voluntarily, before the end of
23 the period specified in the agreement, repay to
24 the Government the amount of any benefits re-

1 ceived by such employee from that agency
2 under this section.

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

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

23 “(A) setoff against accrued pay, compensa-
24 tion, amount of retirement credit, or other

1 amount due the employee from the Government;
2 and

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

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

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

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

23 “(1) separates from such agency; or

24 “(2) does not maintain an acceptable level of
25 performance, as determined under standards and

1 procedures which the agency head shall by regula-
2 tion prescribe.

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

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

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

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

1 benefits through their commitment period regardless of
2 the preceding sentence.

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

11 **TITLE II—FELLOWSHIPS FOR**
12 **GRADUATE STUDENTS TO**
13 **ENTER FEDERAL SERVICE**

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

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

19 **“§ 5379B. Fellowships for graduate students to enter**
20 **Federal service**

21 “(a) DEFINITIONS.—In this section:

22 “(1) AGENCY.—The term ‘agency’ means an
23 agency of the Department of Defense, the Depart-
24 ment of Homeland Security, the Department of
25 State, the Department of Energy, the Department

1 of the Treasury, the Department of Justice, the Na-
2 tional Security Agency, and the Central Intelligence
3 Agency, and other Federal Government agencies as
4 determined by the National Security Service Board
5 under subsection (f).

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

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

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

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

24 “(b) IN GENERAL.—The Director shall establish and
25 implement a program for the awarding of fellowships (to

1 be known as ‘National Security Fellowships’) to graduate
2 students who, in exchange for receipt of the fellowship,
3 agree to employment with the Federal Government in a
4 national security position.

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

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

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

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

23 “(d) SERVICE AGREEMENT.—In awarding a fellow-
24 ship under the program under this section, the Director
25 shall require the recipient to enter into an agreement

1 under which, in exchange for such assistance, the recipi-
2 ent—

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

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

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

23 “(e) FEDERAL EMPLOYMENT ELIGIBILITY.—If a re-
24 cipient of a fellowship under this section demonstrates to
25 the satisfaction of the Director that, after completing their

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

13 “(f) FELLOWSHIP SELECTION.—

14 “(1) IN GENERAL.—The Director shall consult
15 and cooperate with the National Security Service
16 Board established under paragraph (2) in the selec-
17 tion and placement of national security fellows under
18 this section.

19 “(2) NATIONAL SECURITY SERVICE BOARD.—

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

23 “(B) MEMBERSHIP.—The Board shall be
24 composed of—

1 “(i) the Director of the Office of Per-
2 sonnel Management, who shall serve as the
3 chairperson of the Board;

4 “(ii) the Secretary of Defense;

5 “(iii) the Secretary of Homeland Se-
6 curity;

7 “(iv) the Secretary of State;

8 “(v) the Secretary of the Treasury;

9 “(vi) the Attorney General;

10 “(vii) the Director of the Central In-
11 telligence Agency;

12 “(viii) the Director of the Federal Bu-
13 reau of Investigations;

14 “(ix) the Director of the National Se-
15 curity Agency;

16 “(x) the Secretary of Energy;

17 “(xi) the Director of the Office of
18 Science and Technology Policy; and

19 “(xii) 2 employees, to be appointed by
20 each of the officials described in clauses
21 (ii) through (ix), of each Department for
22 which such officials have responsibility for
23 administering, of whom—

24 “(I) 1 shall perform senior level
25 policy functions; and

1 “(II) 1 shall perform human re-
2 sources functions.

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

5 “(i) Develop criteria for awarding fel-
6 lowships under this section.

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

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

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

21 “(v) Not later than 30 days after a
22 fellowship recipient completes the study or
23 education for which assistance was pro-
24 vided under this section, work in conjunc-
25 tion with the Director to make reasonable

1 efforts to hire and place the fellow in an
2 appropriate national security position.

3 “(vi) Review the administration of the
4 program established under this section.

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

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

14 “(g) SPECIAL CONSIDERATION FOR CURRENT FED-
15 ERAL EMPLOYEES.—

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

23 “(2) FULL- OR PART-TIME EDUCATION.—Fed-
24 eral employees who are awarded fellowships under
25 paragraph (1) shall be permitted to obtain advanced

1 education under the fellowship on a full-time or
2 part-time basis.

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

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

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

21 “(1) the amount of tuition paid by the fellow;

22 and

23 “(2) a stipend in an amount equal to the max-
24 imum stipend available to recipients of fellowships

1 under section 10 of the National Science Foundation
2 Act of 1950 (42 U.S.C. 1869) for the year involved.

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

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

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

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

1 **TITLE III—NATIONAL SECURITY**
2 **SERVICE CORPS**

3 **SEC. 301. NATIONAL SECURITY SERVICE CORPS.**

4 (a) FINDINGS AND PURPOSES.—

5 (1) FINDINGS.—Congress finds that—

6 (A) a proficient national security workforce
7 requires certain skills and knowledge, and effective
8 professional relationships; and

9 (B) a national security workforce will benefit
10 from the establishment of a National Security
11 Service Corps.

12 (2) PURPOSES.—The purposes of this section
13 are to—

14 (A) provide mid-level employees in national
15 security positions within agencies the opportunity
16 to broaden their knowledge through exposure
17 to other agencies;

18 (B) expand the knowledge base of national
19 security agencies by providing for rotational assignments
20 of their employees at other agencies;

21 (C) build professional relationships and
22 contacts among the employees and agencies of
23 the national security community; and

1 (D) invigorate the national security com-
2 munity with exciting and professionally reward-
3 ing opportunities.

4 (b) DEFINITIONS.—In this section:

5 (1) AGENCY.—The term “agency” means an
6 agency of the Department of Defense, the Depart-
7 ment of Homeland Security, the Department of
8 State, the Department of Energy, the Department
9 of the Treasury, the Department of Justice, and the
10 National Security Agency.

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

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

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

18 (A) is a position—

19 (i) at or above GS–12 of the General
20 Schedule; or

21 (ii) in the Senior Executive Service;

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

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

1 (c) GOALS AND ADMINISTRATION.—The Board
2 shall—

3 (1) formulate the goals of the Corps;

4 (2) resolve any issues regarding the feasibility
5 of implementing this section;

6 (3) evaluate relevant civil service rules and reg-
7 ulations to determine the desirability of seeking leg-
8 islative changes to facilitate application of the Gen-
9 eral Schedule and Senior Executive Service per-
10 sonnel systems to the Corps;

11 (4) create specific provisions for agencies re-
12 garding rotational programs;

13 (5) formulate interagency compacts and cooper-
14 ative agreements between and among agencies relat-
15 ing to—

16 (A) the establishment and function of the
17 Corps;

18 (B) incentives for individuals to participate
19 in the Corps;

20 (C) professional education and training;

21 (D)(i) the process for competition for a
22 Corps position;

23 (ii) which individuals may compete for
24 Corps positions; and

1 (iii) any employment preferences an indi-
2 vidual participating in the Corps may have
3 when returning to the employing agency of that
4 individual; and

5 (E) any other issues relevant to the estab-
6 lishment and continued operation of the Corps;
7 and

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

13 (d) CORPS.—

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

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

23 (A) a period of 60 days for comments from
24 all stakeholders on the proposed regulations;
25 and

1 (B) a period of 180 days following the
2 comment period for making modifications to the
3 regulations.

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

8 (A) establish the Corps;

9 (B) provide guidance to agencies to des-
10 ignate Corps positions;

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

15 (D) establish eligibility for individuals to
16 participate in the Corps;

17 (E) enhance career opportunities for indi-
18 viduals participating in the Corps;

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

22 (G) provide for greater interaction among
23 agencies with traditional national security func-
24 tions.

1 (4) ACTIONS BY AGENCIES.—Not later than
2 180 days after the promulgation of final regulations
3 under paragraph (3), each agency shall—

4 (A) designate Corps positions;

5 (B) establish procedures for implementing
6 this section; and

7 (C) begin active participation in the oper-
8 ation of the Corps.

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

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Office of Per-
19 sonnel Management such sums as may be necessary to
20 carry out this section.

21 **TITLE IV—MISCELLANEOUS**
22 **PROVISIONS**

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

24 Section 306(a)(3) of title 5, United States Code, is
25 amended by inserting before the semicolon the following:

1 “, a discussion of the extent to which specific skills in the
2 agency’s human capital are needed to achieve the mission,
3 goals and objectives of the agency, especially to the extent
4 the agency’s mission, goals and objectives are critical to
5 ensuring the national security”.

6 **SEC. 402. PERFORMANCE PLANS.**

7 Section 1115(a) of title 31, United States Code, is
8 amended—

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

11 (2) by inserting after paragraph (3) the fol-
12 lowing:

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

18 **SEC. 403. GOVERNMENTWIDE PROGRAM PERFORMANCE**

19 **REPORTS.**

20 Section 1116 of title 31, United States Code, is
21 amended—

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

1 (2) in subsection (d)(3)—

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

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

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

7 “(D) whether human capital deficiencies in
8 any way contributed to the failure of the agency
9 to achieve the goal;”.

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108TH CONGRESS
1ST SESSION

S. 589

[Report No. 108–119]

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.

JULY 31 (legislative day, JULY 21), 2003

Reported without amendment