

109TH CONGRESS
1ST SESSION

H. R. 3925

To provide that a Federal public safety position may not be held by any political appointee who does not meet certain minimum requirements.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. WAXMAN (for himself, Ms. PELOSI, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To provide that a Federal public safety position may not be held by any political appointee who does not meet certain minimum requirements.

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 “Anti-Cronyism and
5 Public Safety Act”.

1 **SEC. 2. MINIMUM REQUIREMENTS FOR POLITICAL AP-**
2 **POINTEES HOLDING PUBLIC SAFETY POSI-**
3 **TIONS.**

4 (a) **IN GENERAL.**—A public safety position may not
5 be held by any political appointee who does not meet the
6 requirements of subsection (b).

7 (b) **MINIMUM REQUIREMENTS.**—An individual shall
8 not, with respect to any position, be considered to meet
9 the requirements of this subsection unless such indi-
10 vidual—

11 (1) has academic, management, and leadership
12 credentials in one or more areas relevant to such po-
13 sition;

14 (2) has a superior record of achievement in one
15 or more areas relevant to such position;

16 (3) has training and expertise in one or more
17 areas relevant to such position; and

18 (4) has not, within the 2-year period ending on
19 the date of such individual’s nomination for or ap-
20 pointment to such position, been a lobbyist for any
21 entity or other client that is subject to the authority
22 of the agency within which, if appointed, such indi-
23 vidual would serve.

24 (c) **POLITICAL APPOINTEE.**—For purposes of this
25 section, the term “political appointee” means any indi-
26 vidual who—

1 (1) is employed in a position listed in sections
2 5312 through 5316 of title 5, United States Code
3 (relating to the Executive Schedule);

4 (2) is a limited term appointee, limited emer-
5 gency appointee, or noncareer appointee in the Sen-
6 ior Executive Service; or

7 (3) is employed in the executive branch of the
8 Government in a position which has been excepted
9 from the competitive service by reason of its policy-
10 determining, policy-making, or policy-advocating
11 character.

12 (d) PUBLIC SAFETY POSITION.—For purposes of this
13 section, the term “public safety position” means—

14 (1) the Under Secretary for Emergency Pre-
15 paredness and Response, Department of Homeland
16 Security;

17 (2) the Director of the Federal Emergency
18 Management Agency, Department of Homeland Se-
19 curity;

20 (3) each regional director of the Federal Emer-
21 gency Management Agency, Department of Home-
22 land Security;

23 (4) the Recovery Division Director of the Fed-
24 eral Emergency Management Agency, Department
25 of Homeland Security;

1 (5) the Assistant Secretary for Immigration
2 and Customs Enforcement, Department of Home-
3 land Security;

4 (6) the Assistant Secretary for Public Health
5 Emergency Preparedness, Department of Health
6 and Human Services;

7 (7) the Assistant Administrator for Solid Waste
8 and Emergency Response, Environmental Protection
9 Agency; and

10 (8) any position (not otherwise identified under
11 any of the preceding provisions of this subsection) a
12 primary function of which involves responding to a
13 direct threat to life or property or a hazard to
14 health, as identified by the head of each employing
15 agency in consultation with the Office of Personnel
16 Management.

17 Beginning not later than 30 days after the date of the
18 enactment of this Act, the head of each agency shall main-
19 tain on such agency's public website a current list of all
20 public safety positions within such agency.

21 (e) COORDINATION WITH OTHER REQUIREMENTS.—
22 The requirements set forth in subsection (b) shall be in
23 addition to, and not in lieu of, any requirements that
24 might otherwise apply with respect to any particular posi-
25 tion.

1 (f) DEFINITIONS.—For purposes of this section—

2 (1) the term “agency” means an Executive
3 agency (as defined by section 105 of title 5, United
4 States Code);

5 (2) the terms “limited term appointee”, “lim-
6 ited emergency appointee”, and “noncareer ap-
7 pointee” have the respective meanings given them by
8 section 3132 of such title 5;

9 (3) the term “Senior Executive Service” has the
10 meaning given such term by section 2101a of such
11 title 5;

12 (4) the term “competitive service” has the
13 meaning given such term by section 2102 of such
14 title 5; and

15 (5) the terms “lobbyist” and “client” have the
16 respective meanings given them by section 3 of the
17 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

18 **SEC. 3. EFFECTIVE DATE.**

19 This Act shall apply with respect to any appointment
20 made after the end of the 30-day period beginning on the
21 date of the enactment of this Act.

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