Legislative Language

PERSONNEL AUTHORITIES RELATED TO CYBERSECUIRTY POSITIONS

Part 1: Recruitment and Retention of Cybersecurity Employees at the Department of Homeland Security

SECTION 1. RECRUITMENT AND RETENTION OF CYBERSECURITY AND COMMUNICATIONS EMPLOYEES

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(3) QUALIFIED EMPLOYEE.—The term "qualified employee" means an employee who performs functions relating to the security of federal systems and critical information infrastructure.

(4) COLLECTIVE BARGAINING AGREEMENT.—The term "collective bargaining agreement" has the meaning given such term in section 7103(a)(8) of title 5.

(b) GENERAL AUTHORITY.—

(1) Appoint Personnel and Fix Rates of Pay. The Secretary may exercise, with respect to qualified employees of the Department, any authority of the Secretary of Defense with respect to civilian intelligence personnel under sections 1601, 1602, and 1603(a) of title 10, to the same extent, and subject to the same conditions and limitations, that the Secretary of Defense may exercise such authority with respect to civilian intelligence personnel of the Department of Defense.

(2) Scholarship Program. The Secretary may exercise, with respect to qualified employees of the Department, the authority of the Secretary of Defense with respect to civilian personnel under section 2200a of title 10, to the same extent, and subject to the same conditions and limitations, that the Secretary of Defense may exercise such authority with respect to civilian personnel of the Department of Defense.

(3) Plan for Execution of Authorities.—Not later than 120 days of enactment of this Act, the Secretary shall submit a report to the appropriate Committees of Congress with a plan for the execution of the authorities under this subchapter.

(4) Collective Bargaining Agreements. Nothing in section (b)(1) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an Office, Component, Subcomponent, or equivalent of the Department that is a successor to

an Office, Component, Subcomponent, or equivalent of the Department covered by the agreement before the succession.

(5) The Secretary, in coordination with the Director, Office of Personnel Management, shall prescribe regulations for the administration of this subchapter.

(c) MERIT SYSTEM PRINCIPLES AND CIVIL SERVICE PROTECTIONS: APPLICABILITY

(1) Applicability of Merit System Principles.—Section 2301 of title 5 shall apply to the exercise of authority under this subchapter.

(2) Civil Service Protections.—The Secretary shall apply the civil service protections established in section 1612(b) of title 10 with respect to the exercise of authority under section 1601 of title 10.

(d) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter for 4 years, the Secretary shall submit to the appropriate committees of Congress a detailed report that—

(1) discusses how the actions taken during the period of the report are fulfilling the Department's critical need to recruit and retain qualified employees;

(2) provides metrics on the following actions occurring during the reporting period, including—

(i) the number of qualified employees hired by occupation and grade/level or pay band;

(ii) the total number of veterans hired;

(iii) the number of separations of qualified employees;

(iv) the number of retirements of qualified employees; and

(v) the number and amounts of recruitment, relocation, and retention incentives paid to qualified employees by occupation and grade/level or pay band.

Part 2: Reactivation and Streamlining of Government-wide Information Technology Exchange Program.

(a) Reactivation of Program.—Section 3702(d) of title 5, United States Code, is amended by striking ", except that" and all that follows through "this chapter".

(b) Eligible Employees.—Section 3702(a) of such title is amended—

(1) in the matter preceding paragraph (1), by striking "An eligible employee is an individual who—" and inserting "An employee shall be eligible for such an assignment only if the employee—";

(2) in paragraph (2), by striking "an exceptional performer by the individual's current employer" and inserting "by the employee's current employer to be a highly skilled and valued employee who excels in the performance of the employee's duties and who would excel in the assignment";

(3) in the third sentence—

(A) by striking "An employee of an agency shall be eligible to participate in this program" and inserting "In addition, an employee shall be eligible for such an assignment";

(B) by striking "employed at the" and all that follows through "excepted service," and inserting "compensated at not less than the GS-11 level (or the equivalent)"; and

(C) by inserting "(44 U.S.C. 3501 note)" after "of 2002".

(c) Agreements.—Section 3702(b) of such title is amended—

(1) in the first sentence, by striking "between the agency and" and inserting "among the agency, the private sector organization, and";

(2) in the second sentence, by inserting "paid by the agency, exclusive of salary" before the period at the end of paragraph (2); and

(3) in the third sentence, by inserting "for which an employee is liable" after "An amount".

(d) Assignments.—Section 3702(c) of such title is amended by striking "Assignments" and inserting "An assignment under this section".

(e) Small Business Concerns.—Section 3703(e) of such title is amended—

(1) in paragraph (1), by inserting "that the agency has a goal" after "to ensure"; and

(2) in paragraph (3)—

(A) by striking "comply with" in the first sentence and inserting "meet the goal specified in"; and

(B) by striking "noncompliance with" in subparagraph (C) and inserting "not meeting the goal specified in".

(f) Revision of Covered Employment Fields.—Section 3702 of such title is amended by striking "management" in subsections (a)(1), (a)(3), and (f)(2).

(g) Regulations.—Regulations required to implement the amendments to chapter 37 of title 5, United States Code, made by this section shall be prescribed not later than 365 days after the date of the enactment of this Act.