

108TH CONGRESS  
1ST SESSION

# H. R. 658

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## AN ACT

To provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission.



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## AN ACT

To provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission.

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 “Accountant, Compli-  
 5 ance, and Enforcement Staffing Act of 2003”.

6 **SEC. 2. APPOINTMENT OF ACCOUNTANTS, ECONOMISTS,**  
 7 **AND EXAMINERS BY THE SECURITIES AND**  
 8 **EXCHANGE COMMISSION.**

9 (a) IN GENERAL.—Subchapter I of chapter 31 of title  
 10 5, United States Code, is amended by adding at the end  
 11 the following:

12 **“§ 3114. Appointment of accountants, economists, and**  
 13 **examiners by the Securities and Ex-**  
 14 **change Commission**

15 “(a) APPLICABILITY.—This section applies with re-  
 16 spect to any position of accountant, economist, and securi-  
 17 ties compliance examiner at the Commission that is in the  
 18 competitive service.

19 “(b) APPOINTMENT AUTHORITY.—

20 “(1) IN GENERAL.—The Commission may ap-  
 21 point candidates to any position described in sub-  
 22 section (a)—

23 “(A) in accordance with the statutes, rules,  
 24 and regulations governing appointments in the  
 25 excepted service; and

1                   “(B) notwithstanding any statutes, rules,  
2                   and regulations governing appointments in the  
3                   competitive service.

4                   “(2) RULE OF CONSTRUCTION.—The appoint-  
5                   ment of a candidate to a position under authority of  
6                   this subsection shall not be considered to cause such  
7                   position to be converted from the competitive service  
8                   to the excepted service.

9                   “(c) REPORTS.—No later than 90 days after the end  
10                  of fiscal year 2003 (for fiscal year 2003) and 90 days after  
11                  the end of fiscal year 2005 (for fiscal years 2004 and  
12                  2005), the Commission shall submit a report with respect  
13                  to its exercise of the authority granted by subsection (b)  
14                  during such fiscal years to the Committee on Government  
15                  Reform and the Committee on Financial Services of the  
16                  House of Representatives and the Committee on Govern-  
17                  mental Affairs and the Committee on Banking, Housing,  
18                  and Urban Affairs of the Senate. Such reports shall de-  
19                  scribe the changes in the hiring process authorized by such  
20                  subsection, including relevant information related to—

21                   “(1) the quality of candidates;

22                   “(2) the procedures used by the Commission to  
23                  select candidates through the streamlined hiring  
24                  process;

1           “(3) the numbers, types, and grades of employ-  
 2           ees hired under the authority;

3           “(4) any benefits or shortcomings associated  
 4           with the use of the authority;

5           “(5) the effect of the exercise of the authority  
 6           on the hiring of veterans and other demographic  
 7           groups; and

8           “(6) the way in which managers were trained in  
 9           the administration of the streamlined hiring system.

10          “(d) COMMISSION DEFINED.—For purposes of this  
 11          section, the term ‘Commission’ means the Securities and  
 12          Exchange Commission.”.

13          (b) CLERICAL AMENDMENT.—The table of sections  
 14          for chapter 31 of title 5, United States Code, is amended  
 15          by inserting after the item relating to section 3113 the  
 16          following:

“3114. Appointment of accountants, economists, and examiners by the Securi-  
 ties and Exchange Commission.”.

Passed the House of Representatives June 17, 2003.

Attest:

*Clerk.*