

109TH CONGRESS
1ST SESSION

S. 2040

To amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to ensure that the Department of Homeland Security is led by qualified, experienced personnel.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2005

Mr. AKAKA (for himself, Mr. LAUTENBERG, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to ensure that the Department of Homeland Security is led by qualified, experienced personnel.

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 “Department of Home-
5 land Security Qualified Leaders Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Department of Homeland Security, a
9 large organization comprised of 180,000 employees

1 and 22 legacy agencies, has a complex mission of se-
 2 curing the homeland from man-made and natural
 3 disasters;

4 (2) the Department and the agencies within re-
 5 quire strong leadership from proven managers with
 6 significant experience in their respective fields; and

7 (3) the majority of positions requiring Senate
 8 confirmation at the Department do not have min-
 9 imum qualifications.

10 **SEC. 3. QUALIFICATIONS OF CERTAIN SENIOR OFFICERS.**

11 (a) IN GENERAL.—The Homeland Security Act of
 12 2002 (6 U.S.C. 101 et seq.) is amended by inserting after
 13 section 103 the following:

14 **“SEC. 104. QUALIFICATIONS OF CERTAIN SENIOR OFFI-
 15 CERS.**

16 **“(a) EXECUTIVE SCHEDULE LEVEL II OR III POSI-
 17 TIONS.—**

18 **“(1) POSITIONS.—**This subsection shall apply
 19 to any position in the Department that—

20 **“(A)** requires appointment by the Presi-
 21 dent, by and with the advice and consent of the
 22 Senate; and

23 **“(B)** is at level II or III of the Executive
 24 Schedule under section 5313 or 5314 of title 5,
 25 United States Code, (including any position for

1 which the rate of pay is determined by ref-
 2 erence to level II or III of the Executive Sched-
 3 ule).

4 “(2) ADDITIONAL QUALIFICATIONS.—In addi-
 5 tion to any other qualification applicable to a posi-
 6 tion described under paragraph (1), any individual
 7 appointed to such a position shall possess—

8 “(A) at least 5 years of executive leader-
 9 ship and management experience in the public
 10 or private sector;

11 “(B) at least 5 years of significant experi-
 12 ence in a field relevant to the position for which
 13 the individual is nominated; and

14 “(C) a demonstrated ability to manage a
 15 substantial staff and budget.

16 “(b) EXECUTIVE SCHEDULE LEVEL IV POSI-
 17 TIONS.—

18 “(1) POSITIONS.—This subsection shall apply
 19 to any position in the Department that—

20 “(A) requires appointment by the Presi-
 21 dent, by and with the advice and consent of the
 22 Senate; and

23 “(B) is at level IV of the Executive Sched-
 24 ule under section 5315 of title 5, United States
 25 Code, (including any position for which the rate

1 of pay is determined by reference to level IV of
2 the Executive Schedule).

3 “(2) ADDITIONAL QUALIFICATIONS.—In addi-
4 tion to any other qualification applicable to a posi-
5 tion described under paragraph (1), any individual
6 appointed to such a position shall possess—

7 “(A) significant executive leadership and
8 management experience in the public or private
9 sector;

10 “(B) at least 5 years of significant experi-
11 ence in a field relevant to the position for which
12 the individual is nominated; and

13 “(C) a demonstrated ability to manage a
14 substantial staff and budget.

15 “(c) EXCEPTIONS.—This section shall not apply to
16 the position of—

17 “(1) the Secretary;

18 “(2) the Deputy Secretary of Homeland Secu-
19 rity; or

20 “(3) the Commandant of the Coast Guard.

21 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to lessen any qualification other-
23 wise required of any position.

24 “(e) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that individuals nominated by the President for the

1 positions of Secretary and Deputy Secretary of Homeland
2 Security should possess significant management experi-
3 ence and expertise in a relevant field because of the signifi-
4 cant level of responsibility entrusted to these individuals.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
6 The table of contents in section 1 of the Homeland Secu-
7 rity Act of 2002 (6 U.S.C. 101) is amended by inserting
8 after the item relating to section 103 the following:

“Sec. 104. Qualifications of certain senior officers.”.

