

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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

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## 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.”.

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