

113TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To improve cybersecurity recruitment and retention.

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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**A BILL**

To improve cybersecurity recruitment and retention.

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 “DHS Cybersecurity  
5 Workforce Recruitment and Retention Act of 2014”.

6 **SEC. 2. CYBERSECURITY RECRUITMENT AND RETENTION.**

7 (a) IN GENERAL.—At the end of subtitle C of title  
8 II of the Homeland Security Act of 2002 (6 U.S.C. 141  
9 et seq.), add the following:

10 **“SEC. 226. CYBERSECURITY RECRUITMENT AND RETEN-**  
11 **TION.**

12 “(a) DEFINITIONS.—In this section:

1           “(1) APPROPRIATE COMMITTEES OF CON-  
2           GRESS.—The term ‘appropriate committees of Con-  
3           gress’ ‘ means the Committee on Homeland Security  
4           and Governmental Affairs and the Committee on  
5           Appropriations of the Senate and the Committee on  
6           Homeland Security and the Committee on Appro-  
7           priations of the House of Representatives.’

8           “(2) COLLECTIVE BARGAINING AGREEMENT.—  
9           The term ‘collective bargaining agreement’ has the  
10          meaning given that term in section 7103(a)(8) of  
11          title 5, United States Code.

12          “(3) EXCEPTED SERVICE.—The term ‘excepted  
13          service’ has the meaning given that term in section  
14          2103 of title 5, United States Code.

15          “(4) PREFERENCE ELIGIBLE.—The term ‘pref-  
16          erence eligible’ has the meaning given that term in  
17          section 2108 of title 5, United States Code.

18          “(5) QUALIFIED POSITION.—The term ‘quali-  
19          fied position’ means a position, designated by the  
20          Secretary for the purpose of this section, in which  
21          the incumbent performs, manages, or supervises  
22          functions that execute the responsibilities of the De-  
23          partment relating to cybersecurity.

24          “(6) SENIOR EXECUTIVE SERVICE.—The term  
25          ‘Senior Executive Service’ has the meaning given

1 that term in section 2101a of title 5, United States  
2 Code.

3 “(b) GENERAL AUTHORITY.—

4 “(1) ESTABLISH POSITIONS, APPOINT PER-  
5 SONNEL, AND FIX RATES OF PAY.—

6 “(A) GENERAL AUTHORITY.—The Sec-  
7 retary may—

8 “(i) establish, as positions in the ex-  
9 cepted service, such qualified positions in  
10 the Department as the Secretary deter-  
11 mines necessary to carry out the respon-  
12 sibilities of the Department relating to cy-  
13 bersecurity, including positions formerly  
14 identified as—

15 “(I) senior level positions des-  
16 igned under section 5376 of title 5,  
17 United States Code; and

18 “(II) positions in the Senior Ex-  
19 ecutive Service;

20 “(ii) appoint an individual to a quali-  
21 fied position (after taking into consider-  
22 ation the availability of preference eligibles  
23 for appointment to the position); and

24 “(iii) subject to the requirements of  
25 paragraphs (2) and (3), fix the compensa-

1                   tion of an individual for service in a quali-  
2                   fied position.

3                   “(B) CONSTRUCTION WITH OTHER  
4 LAWS.—The authority of the Secretary under  
5 this subsection applies without regard to the  
6 provisions of any other law relating to the ap-  
7 pointment, number, classification, or compensa-  
8 tion of employees.

9                   “(2) BASIC PAY.—

10                   “(A) AUTHORITY TO FIX RATES OF BASIC  
11 PAY.—In accordance with this section, the Sec-  
12 retary shall fix the rates of basic pay for any  
13 qualified position established under paragraph  
14 (1) in relation to the rates of pay provided for  
15 employees in comparable positions in the De-  
16 partment of Defense and subject to the same  
17 limitations on maximum rates of pay estab-  
18 lished for such employees by law or regulation.

19                   “(B) PREVAILING RATE SYSTEMS.—The  
20 Secretary may, consistent with section 5341 of  
21 title 5, United States Code, adopt such provi-  
22 sions of that title as provide for prevailing rate  
23 systems of basic pay and may apply those pro-  
24 visions to qualified positions for employees in or  
25 under which the Department may employ indi-

1           viduals described by section 5342(a)(2)(A) of  
2           that title.

3           “(3) ADDITIONAL COMPENSATION, INCENTIVES,  
4           AND ALLOWANCES.—

5                   “(A) ADDITIONAL COMPENSATION BASED  
6           ON TITLE 5 AUTHORITIES.—The Secretary may  
7           provide employees in qualified positions com-  
8           pensation (in addition to basic pay), including  
9           benefits, incentives, and allowances, consistent  
10          with, and not in excess of the level authorized  
11          for, comparable positions authorized by title 5,  
12          United States Code.

13                   “(B) ALLOWANCES IN NONFOREIGN  
14          AREAS.—An employee in a qualified position  
15          whose rate of basic pay is fixed under para-  
16          graph (2)(A) shall be eligible for an allowance  
17          under section 5941 of title 5, United States  
18          Code, on the same basis and to the same extent  
19          as if the employee was an employee covered by  
20          such section 5941, including eligibility condi-  
21          tions, allowance rates, and all other terms and  
22          conditions in law or regulation.

23                   “(4) PLAN FOR EXECUTION OF AUTHORI-  
24          TIES.—Not later than 120 days after the date of en-  
25          actment of this section, the Secretary shall submit a

1 report to the appropriate committees of Congress  
2 with a plan for the use of the authorities provided  
3 under this subsection.

4 “(5) COLLECTIVE BARGAINING AGREEMENTS.—  
5 Nothing in paragraph (1) may be construed to im-  
6 pair the continued effectiveness of a collective bar-  
7 gaining agreement with respect to an office, compo-  
8 nent, subcomponent, or equivalent of the Depart-  
9 ment that is a successor to an office, component,  
10 subcomponent, or equivalent of the Department cov-  
11 ered by the agreement before the succession.

12 “(6) REQUIRED REGULATIONS.—The Secretary,  
13 in coordination with the Director of the Office of  
14 Personnel Management, shall prescribe regulations  
15 for the administration of this section.

16 “(c) ANNUAL REPORT.—Not later than 1 year after  
17 the date of enactment of this section, and every year there-  
18 after for 4 years, the Secretary shall submit to the appro-  
19 priate committees of Congress a detailed report that—

20 “(1) discusses the process used by the Sec-  
21 retary in accepting applications, assessing can-  
22 didates, ensuring adherence to veterans’ preference,  
23 and selecting applicants for vacancies to be filled by  
24 an individual for a qualified position;

25 “(2) describes—

1           “(A) how the Secretary plans to fulfill the  
2           critical need of the Department to recruit and  
3           retain employees in qualified positions;

4           “(B) the measures that will be used to  
5           measure progress; and

6           “(C) any actions taken during the report-  
7           ing period to fulfill such critical need;

8           “(3) discusses how the planning and actions  
9           taken under paragraph (2) are integrated into the  
10          strategic workforce planning of the Department;

11          “(4) provides metrics on actions occurring dur-  
12          ing the reporting period, including—

13               “(A) the number of employees in qualified  
14               positions hired by occupation and grade and  
15               level or pay band;

16               “(B) the placement of employees in quali-  
17               fied positions by directorate and office within  
18               the Department;

19               “(C) the total number of veterans hired;

20               “(D) the number of separations of employ-  
21               ees in qualified positions by occupation and  
22               grade and level or pay band;

23               “(E) the number of retirements of employ-  
24               ees in qualified positions by occupation and  
25               grade and level or pay band; and

1           “(F) the number and amounts of recruit-  
2           ment, relocation, and retention incentives paid  
3           to employees in qualified positions by occupa-  
4           tion and grade and level or pay band; and

5           “(5) describes the training provided to super-  
6           visors of employees in qualified positions at the De-  
7           partment on the use of the new authorities.

8           “(d) THREE-YEAR PROBATIONARY PERIOD.—The  
9           probationary period for all employees hired under the au-  
10          thority established in this section shall be 3 years.

11          “(e) INCUMBENTS OF EXISTING COMPETITIVE SERV-  
12          ICE POSITIONS.—

13           “(1) IN GENERAL.—An individual serving in a  
14          position on the date of enactment of this section  
15          that is selected to be converted to a position in the  
16          excepted service under this section shall have the  
17          right to refuse such conversion.

18           “(2) SUBSEQUENT CONVERSION.—After the  
19          date on which an individual who refuses a conversion  
20          under paragraph (1) stops serving in the position se-  
21          lected to be converted, the position may be converted  
22          to a position in the excepted service.”.

23          (b) CONFORMING AMENDMENT.—Section 3132(a)(2)  
24          of title 5, United States Code, is amended in the matter  
25          following subparagraph (E)—



1           (1) in clause (i), by striking “or” at the end;

2           (2) in clause (ii), by inserting “or” after the

3           semicolon; and

4           (3) by inserting after clause (ii) the following:

5           “(iii) any position established as a qualified po-

6           sition in the excepted service by the Secretary of

7           Homeland Security under section 226 of the Home-

8           land Security Act of 2002;”.

9           (c) TABLE OF CONTENTS AMENDMENT.—The table  
10          of contents in section 1(b) of the Homeland Security Act  
11          of 2002 (6 U.S.C. 101 et seq.) is amended by inserting  
12          after the item relating to section 225 the following:

“Sec. 226. Cybersecurity recruitment and retention.”.