

119TH CONGRESS
2D SESSION

S. _____

To provide the Under Secretary of Commerce for Industry and Security
with authority to attract highly qualified experts.

IN THE SENATE OF THE UNITED STATES

Mr. HUSTED (for himself and Mr. WARNER) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To provide the Under Secretary of Commerce for Industry
and Security with authority to attract highly qualified
experts.

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 “BIS Strategic Talent
5 Recruitment to Enhance National Guardrails for Techno-
6 logical Handling Act” or the “BIS STRENGTH Act”.

1 **SEC. 2. APPOINTMENT OF HIGHLY QUALIFIED EXPERTS TO**
2 **BUREAU OF INDUSTRY AND SECURITY.**

3 (a) IN GENERAL.—The Under Secretary of Com-
4 merce for Industry and Security, in order to attract to
5 the Bureau of Industry and Security highly qualified ex-
6 perts in needed occupations (as determined by the Under
7 Secretary), may—

8 (1) conduct an annual study to identify specific
9 gaps in uncommon, special knowledge, skills, and ex-
10 pertise at the Bureau that have been difficult to fill
11 through the civil service and constrain the Bureau's
12 ability to effectively fulfil the Bureau's mandate;

13 (2) notwithstanding any provision of section
14 3304 or sections 3309 through 3318 of title 5,
15 United States Code, appoint personnel from outside
16 the civil service (as defined in section 2101 of title
17 5, United States Code) that have the expertise iden-
18 tified pursuant to paragraph (1) to positions in the
19 Bureau; and

20 (3) prescribe the rates of basic pay for positions
21 to which employees are appointed under paragraph
22 (2) at rates not in excess of the maximum rate of
23 basic pay authorized for senior-level positions under
24 section 5376 of title 5, United States Code, as in-
25 creased by locality-based comparability payments
26 under section 5304 of that title, notwithstanding any

1 provision of that title governing the rates of pay or
2 classification of employees in the executive branch.

3 (b) LIMITATION ON TERM OF APPOINTMENT.—The
4 service of an employee under an appointment made pursu-
5 ant to subsection (a) may not exceed 5 years.

6 (c) LIMITATION ON TOTAL ANNUAL COMPENSA-
7 TION.—Notwithstanding any other provision of this sec-
8 tion or of section 5307 of title 5, United States Code, no
9 additional payments may be paid to an employee ap-
10 pointed under subsection (a) in any calendar year if, or
11 to the extent that, the total annual compensation of the
12 employee will exceed the maximum amount of total annual
13 compensation payable to the Vice President under section
14 104 of title 3, United States Code.

15 (d) LIMITATION ON NUMBER OF EMPLOYEES.—The
16 number of employees appointed and retained by the Under
17 Secretary under subsection (a) shall not exceed 25 at any
18 time.

19 (e) REPORT REQUIRED.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, and an-
22 nually thereafter, the Under Secretary shall submit
23 to the committees specified in paragraph (2) a re-
24 port that includes—

1 (A) a list of areas in which the Under Sec-
2 retary has identified specific gaps in expertise
3 pursuant to subsection (a)(1);

4 (B) a description of the steps taken by the
5 Under Secretary to appoint personnel with ex-
6 pertise in such areas from within the civil serv-
7 ice during the period specified in paragraph (3);

8 (C) the number of individuals appointed to
9 the Bureau of Industry and Security under the
10 authority provided by this section during the
11 period specified in paragraph (3);

12 (D) a description of the qualifications of
13 such individuals and their responsibilities dur-
14 ing that period;

15 (E) a description of the impact of such in-
16 dividuals on carrying out the mission of the Bu-
17 reau of Industry and Security; and

18 (F) an assessment of the long-term staff-
19 ing needs of the Bureau of Industry and Secu-
20 rity pertaining to export controls, including
21 those needs identified in the course of carrying
22 out this section.

23 (2) COMMITTEES SPECIFIED.—The committees
24 specified in this paragraph are—

1 (A) the Committee on Banking, Housing,
2 and Urban Affairs and the Committee on
3 Homeland Security and Governmental Affairs
4 of the Senate; and

5 (B) the Committee on Oversight and Gov-
6 ernment Reform and the Committee on Foreign
7 Affairs of the House of Representatives.

8 (3) PERIOD SPECIFIED.—The period specified
9 in this paragraph is—

10 (A) in the case of the first report required
11 by paragraph (1), the 180-day period preceding
12 submission of the report; and

13 (B) in the case of any subsequent report
14 required by paragraph (1), the one-year period
15 preceding submission of the report.

16 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to waive any requirement regard-
18 ing—

19 (1) background investigations or qualifications
20 of applicants to positions with the Bureau of Indus-
21 try and Security; or

22 (2) compliance with applicable Federal ethics
23 and conflict-of-interest statutes and regulations.

24 (g) TERMINATION.—

1 (1) IN GENERAL.—The authority provided by
2 this section shall cease to be effective on the date
3 that is 5 years after the date of the enactment of
4 this section.

5 (2) SAVINGS PROVISIONS.—In the case of an
6 employee who, on the day before the termination
7 date under paragraph (1), is serving in a position
8 pursuant to an appointment under subsection (a)—

9 (A) the termination of the authority does
10 not terminate the employee's employment in
11 that position before the expiration of the lesser
12 of—

13 (i) the period for which the employee
14 was appointed; or

15 (ii) the period to which the employee's
16 service is limited under subsection (b), in-
17 cluding any extension made under para-
18 graph (2) of that subsection before the ter-
19 mination of the authority; and

20 (B) the rate of basic pay prescribed for the
21 position may not be reduced as long as the em-
22 ployee continues to serve in the position without
23 a break in service.