

Calendar No. 299

115TH CONGRESS
2D SESSION**S. 1887****[Report No. 115–205]**

To grant expedited hiring authority to the head of an agency to appoint college graduates and post-secondary students.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2017

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 5, 2018

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To grant expedited hiring authority to the head of an agency to appoint college graduates and post-secondary students.

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 “Direct Hire of Stu-
5 dents and Recent Graduates Act of 2017”.

1 **SEC. 2. EXPEDITED HIRING AUTHORITY FOR COLLEGE**
 2 **GRADUATES AND POST-SECONDARY STU-**
 3 **DENTS.**

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

7 **“§ 3115. Expedited hiring authority for college grad-**
 8 **uates; competitive service**

9 “(a) DEFINITIONS.—In this section:

10 “(1) DIRECTOR.—The term ‘Director’ means
 11 the Director of the Office of Personnel Management.

12 “(2) INSTITUTION OF HIGHER EDUCATION.—
 13 The term ‘institution of higher education’ has the
 14 meaning given the term in section 101(a) of the
 15 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

16 “(b) APPOINTMENT.—

17 “(1) IN GENERAL.—The head of an agency may
 18 appoint, without regard to any provision of sections
 19 3309 through 3319 and 3330, a qualified individual
 20 to a position in the competitive service classified in
 21 a professional or administrative occupational cat-
 22 egory at the GS–11 level, or an equivalent level, or
 23 below.

24 “(2) RESTRICTIONS.—An appointment under
 25 paragraph (1) shall be made in accordance with reg-
 26 ulations prescribed by the Director.

1 “(c) QUALIFICATIONS FOR APPOINTMENT.—The
 2 head of an agency may make an appointment under sub-
 3 section (b) only if the individual being appointed—

4 “(1) has received a baccalaureate or graduate
 5 degree from an institution of higher education;

6 “(2) applies for the position—

7 “(A) not later than 2 years after the date
 8 on which the individual being appointed re-
 9 ceived the degree described in paragraph (1); or

10 “(B) in the case of an individual who has
 11 completed a period of not less than 4 years of
 12 obligated service in a uniformed service, not
 13 later than 2 years after the date of the dis-
 14 charge or release of the individual from that
 15 service; and

16 “(3) meets each minimum qualification stand-
 17 ard prescribed by the Director for the position to
 18 which the individual is being appointed.

19 “(d) PUBLIC NOTICE AND ADVERTISING.—

20 “(1) IN GENERAL.—The head of an agency
 21 making an appointment under subsection (b) shall
 22 publicly advertise positions under this section.

23 “(2) REQUIREMENTS.—In carrying out para-
 24 graph (1), the head of an agency shall—

25 “(A) adhere to merit system principles;

1 “(B) advertise positions in a manner that
2 provides for diverse and qualified applicants;
3 and

4 “(C) ensure potential applicants have ap-
5 propriate information relevant to the positions
6 available.

7 “(e) LIMITATION ON APPOINTMENTS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), the total number of employees that the
10 head of an agency may appoint under this section
11 during a fiscal year may not exceed the number
12 equal to 15 percent of the number of individuals
13 that the agency head appointed during the previous
14 fiscal year to a position in the competitive service
15 classified in a professional or administrative occupa-
16 tional category, at the GS–11 level, or an equivalent
17 level, or below, under a competitive examining proce-
18 dure.

19 “(2) EXCEPTIONS.—Under a regulation pre-
20 scribed under subsection (f), the Director may estab-
21 lish a lower limit on the number of individuals that
22 may be appointed under paragraph (1) of this sub-
23 section during a fiscal year based on any factor the
24 Director considers appropriate.

1 “(f) REGULATIONS.—Not later than 180 days after
 2 the date of enactment of the Direct Hire of Students and
 3 Recent Graduates Act of 2017, the Director shall issue
 4 interim regulations, with an opportunity for comment, for
 5 the administration of this section.

6 “(g) REPORTING.—

7 ~~“(1) IN GENERAL.—Not later than September~~
 8 ~~30 of each of the first 3 fiscal years beginning after~~
 9 ~~the date of enactment of the Direct Hire of Students~~
 10 ~~and Recent Graduates Act of 2017, the head of an~~
 11 ~~agency that makes an appointment under this sec-~~
 12 ~~tion shall submit to Congress a report assessing the~~
 13 ~~impact of the use of the authority provided under~~
 14 ~~this section during the fiscal year in which the re-~~
 15 ~~port is submitted.~~

16 “(1) *IN GENERAL.—Not later than September 30*
 17 *of each of the first 3 fiscal years beginning after the*
 18 *date of enactment of the Direct Hire of Students and*
 19 *Recent Graduates Act of 2017, the head of an agency*
 20 *that makes an appointment under this section shall*
 21 *submit a report to—*

22 “(A) *Congress that assesses the impact of*
 23 *the use of the authority provided under this sec-*
 24 *tion during the fiscal year in which the report*
 25 *is submitted; and*

1 “(B) the Director that contains data that
 2 the Director considers necessary for the Director
 3 to assess the impact and effectiveness of the au-
 4 thority described in subparagraph (A).

5 “(2) CONTENT.—The head of an agency shall
 6 include in each report under paragraph (1)—

7 “(A) the total number of individuals ap-
 8 pointed by the agency under this section, as
 9 well as the number of such individuals who
 10 are—

11 “(i) minorities or members of other
 12 underrepresented groups; or

13 “(ii) veterans;

14 “(B) recruitment sources;

15 “(C) the total number of individuals ap-
 16 pointed by the agency during the applicable fis-
 17 cal year to a position in the competitive service
 18 classified in a professional or administrative oc-
 19 cupational category at the GS–11 level, or an
 20 equivalent level, or below; and

21 “(D) any additional data specified by the
 22 Director of the Office of Personnel Manage-
 23 ment.

24 ~~“(3) SUBMISSION TO OFFICE OF PERSONNEL~~
 25 ~~MANAGEMENT.—Upon request of the Director of the~~

1 Office of Personnel Management, the head of an
 2 agency that submits a report to Congress under
 3 paragraph (1) shall submit a copy of the report to
 4 the Director.

5 “(h) SPECIAL PROVISION REGARDING THE DEPART-
 6 MENT OF DEFENSE.—

7 “(1) AUTHORITY.—Nothing in this section shall
 8 preclude the Secretary of Defense from exercising
 9 any authority to appoint a recent graduate under
 10 section 1106 of the National Defense Authorization
 11 Act for Fiscal Year 2017 (10 U.S.C. note prec.
 12 1580), or any applicable successor statute.

13 “(2) REGULATIONS.—Any regulations pre-
 14 scribed by the Director for the administration of this
 15 section shall not apply to the Department of Defense
 16 during the period ending on the date on which the
 17 appointment authority of the Secretary of Defense
 18 under section 1106 of the National Defense Author-
 19 ization Act for Fiscal Year 2017 (10 U.S.C. note
 20 prec. 1580), or any applicable successor statute, ter-
 21 minates.

22 **“§ 3116. Expedited hiring authority for post-sec-**
 23 **ondary students; competitive service**

24 “(a) DEFINITIONS.—In this section:

1 “(1) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office of Personnel Management.

3 “(2) INSTITUTION OF HIGHER EDUCATION.—
4 The term ‘institution of higher education’ has the
5 meaning given the term in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

7 “(3) STUDENT.—The term ‘student’ means an
8 individual enrolled or accepted for enrollment in an
9 institution of higher education who is pursuing a
10 baccalaureate or graduate degree on at least a part-
11 time basis as determined by the institution of higher
12 education.

13 “(b) APPOINTMENT.—

14 “(1) IN GENERAL.—The head of an agency may
15 make a time-limited appointment of a student, with-
16 out regard to any provision of sections 3309 through
17 3319 and 3330, to a position in the competitive
18 service at the GS–11 level, or an equivalent level, or
19 below for which the student is qualified.

20 “(2) RESTRICTIONS.—An appointment under
21 paragraph (1) shall be made in accordance with reg-
22 ulations prescribed by the Director.

23 “(c) PUBLIC NOTICE.—

24 “(1) IN GENERAL.—The head of an agency
25 making an appointment under subsection (b) shall

1 publicly advertise positions available under this sec-
2 tion.

3 “(2) REQUIREMENTS.—In carrying out para-
4 graph (1), the head of an agency shall—

5 “(A) adhere to merit system principles;

6 “(B) advertise positions in a manner that
7 provides for diverse and qualified applicants;
8 and

9 “(C) ensure potential applicants have ap-
10 propriate information relevant to the positions
11 available.

12 “(d) LIMITATION ON APPOINTMENTS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), the total number of students that the
15 head of an agency may appoint under this section
16 during a fiscal year may not exceed the number
17 equal to 15 percent of the number of students that
18 the agency head appointed during the previous fiscal
19 year to a position in the competitive service at the
20 GS–11 level, or an equivalent level, or below.

21 “(2) EXCEPTIONS.—Under a regulation pre-
22 scribed under subsection (g), the Director may es-
23 tablish a lower limit on the number of students that
24 may be appointed under paragraph (1) of this sub-

1 section during a fiscal year based on any factor the
 2 Director considers appropriate.

3 “(e) CONVERSION.—The head of an agency may,
 4 without regard to any provision of chapter 33 or any other
 5 provision of law relating to the examination, certification,
 6 and appointment of individuals in the competitive service,
 7 convert a student serving in an appointment under sub-
 8 section (b) to a permanent appointment in the competitive
 9 service within the agency without further competition if
 10 the student—

11 “(1) has completed the course of study leading
 12 to the baccalaureate or graduate degree;

13 “(2) has completed not less than 640 hours of
 14 current continuous employment *in an appointment*
 15 under subsection (b); and

16 “(3) meets the qualification standards for the
 17 position to which the student will be converted.

18 “(f) TERMINATION.—The head of an agency shall,
 19 without regard to any provision of chapter 35 or 75, termi-
 20 nate the appointment of a student appointed under sub-
 21 section (b) upon completion of the designated academic
 22 course of study unless the student is selected for conver-
 23 sion under subsection (e).

24 “(g) REGULATIONS.—Not later than 180 days after
 25 the date of enactment of the Direct Hire of Students and

1 Recent Graduates Act of 2017, the Director shall issue
 2 interim regulations, with an opportunity for comment, for
 3 the administration of this section.

4 “(h) REPORTING.—

5 ~~“(1) IN GENERAL.—Not later than September~~
 6 ~~30 of each of the first 3 fiscal years beginning after~~
 7 ~~the date of enactment of the Direct Hire of Students~~
 8 ~~and Recent Graduates Act of 2017, the head of an~~
 9 ~~agency that makes an appointment under this sec-~~
 10 ~~tion shall submit to Congress a report assessing the~~
 11 ~~impact of the use of the authority provided under~~
 12 ~~this section during the fiscal year in which the re-~~
 13 ~~port is submitted.~~

14 *“(1) IN GENERAL.—Not later than September 30*
 15 *of each of the first 3 fiscal years beginning after the*
 16 *date of enactment of the Direct Hire of Students and*
 17 *Recent Graduates Act of 2017, the head of an agency*
 18 *that makes an appointment under this section shall*
 19 *submit a report to—*

20 *“(A) Congress that assesses the impact of*
 21 *the use of the authority provided under this sec-*
 22 *tion during the fiscal year in which the report*
 23 *is submitted; and*

24 *“(B) the Director that contains data that*
 25 *the Director considers necessary for the Director*

1 *to assess the impact and effectiveness of the au-*
 2 *thority described in subparagraph (A).*

3 “(2) CONTENT.—The head of an agency shall
 4 include in each report under paragraph (1)—

5 “(A) the total number of individuals ap-
 6 pointed by the agency under this section, as
 7 well as the number of such individuals who
 8 are—

9 “(i) minorities or members of other
 10 underrepresented groups; or

11 “(ii) veterans;

12 “(B) recruitment sources;

13 “(C) the total number of individuals ap-
 14 pointed by the agency during the applicable fis-
 15 cal year to a position in the competitive service
 16 at the GS–11 level, or an equivalent level, or
 17 below; and

18 “(D) any additional data specified by the
 19 Director of the Office of Personnel Manage-
 20 ment.

21 ~~“(3) SUBMISSION TO OFFICE OF PERSONNEL~~
 22 ~~MANAGEMENT.—Upon request of the Director of the~~
 23 ~~Office of Personnel Management, the head of an~~
 24 ~~agency that submits a report to Congress under~~

1 paragraph (1) shall submit a copy of the report to
 2 the Director.

3 “(i) SPECIAL PROVISION REGARDING THE DEPART-
 4 MENT OF DEFENSE.—

5 “(1) AUTHORITY.—Nothing in this section shall
 6 preclude the Secretary of Defense from exercising
 7 any authority to appoint a post-secondary student
 8 under section 1106 of the National Defense Author-
 9 ization Act for Fiscal Year 2017 (10 U.S.C. note
 10 prec. 1580), or any applicable successor statute.

11 “(2) REGULATIONS.—Any regulations pre-
 12 scribed by the Director for the administration of this
 13 section shall not apply to the Department of Defense
 14 during the period ending on the date on which the
 15 appointment authority of the Secretary of Defense
 16 under section 1106 of the National Defense Author-
 17 ization Act for Fiscal Year 2017 (10 U.S.C. note
 18 prec. 1580), or any applicable successor statute, ter-
 19 minates.”.

20 (b) TABLE OF SECTIONS AMENDMENTS.—The table
 21 of sections for subchapter I of chapter 31 of title 5, United
 22 States Code, is amended by adding at the end the fol-
 23 lowing:

“3115. Expedited hiring authority for college graduates; competitive service.

“3116. Expedited hiring authority for post-secondary students; competitive serv-
 ice.”.

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