

116TH CONGRESS
2D SESSION

S. 4812

To provide the Secretary of Defense and the Secretary of State with temporary direct hire authority for certain positions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20 (legislative day, OCTOBER 19), 2020

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

A BILL

To provide the Secretary of Defense and the Secretary of State with temporary direct hire authority for certain positions, and for other purposes.

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 “Hire To Secure our
5 Nation Act of 2020”.

6 **SEC. 2. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS**

7 **IN THE DEPARTMENT OF DEFENSE AND THE**
8 **DEPARTMENT OF STATE.**

9 (a) DEFINITION.—In this section, the term “covered
10 position”—

1 (1) means—

2 (A) a position requiring expertise with re-
 3 spect to the Islamic Republic of Iran, the Peo-
 4 ple’s Republic of China, or the Russian Federa-
 5 tion; or

6 (B) a position as a linguist with respect
 7 to—

8 (i) Farsi (or another language that is
 9 the primary language spoken in a Middle
 10 Eastern country);

11 (ii) Mandarin, Cantonese, or another
 12 language that is primarily spoken in the
 13 People’s Republic of China; or

14 (iii) Russian; and

15 (2) does not include a position in the Foreign
 16 Service.

17 (b) AUTHORITY.—

18 (1) DEPARTMENT OF DEFENSE.—The Sec-
 19 retary of Defense may use the authority provided
 20 under section 9905 of title 5, United States Code,
 21 to appoint qualified candidates to covered positions
 22 in the competitive service in the Department of De-
 23 fense.

24 (2) DEPARTMENT OF STATE.—The Secretary of
 25 State may appoint, without regard to the provisions

1 of subchapter I of chapter 33 of title 5, United
2 States Code (other than sections 3303 and 3328 of
3 that title), qualified candidates to covered positions
4 in the competitive service in the Department of
5 State.

6 (c) CITIZENSHIP REQUIREMENT.—A candidate ap-
7 pointed to a covered position under subsection (b) shall
8 be a citizen of the United States.

9 (d) EXPIRATION; EXTENSIONS.—

10 (1) EXPIRATION.—Subject to paragraph (2) of
11 this subsection, the authority provided to the Sec-
12 retary of Defense and the Secretary of State under
13 paragraphs (1) and (2) of subsection (b), respec-
14 tively, shall expire on the date that is 3 years after
15 the date of enactment of this Act.

16 (2) EXTENSIONS.—

17 (A) IN GENERAL.—The authority provided
18 to the Secretary of Defense or the Secretary of
19 State under paragraph (1) or (2) of subsection
20 (b), respectively, shall be extended for an addi-
21 tional 3-year period that begins on date on
22 which that authority expires under paragraph
23 (1) of this subsection if, before that expiration
24 date, the applicable Secretary submits to Con-
25 gress a notification describing the ways in

1 which the Islamic Republic of Iran, the People's
2 Republic of China, and the Russian Federation
3 continue to threaten the national security of the
4 United States.

5 (B) ADDITIONAL EXTENSIONS.—If the
6 Secretary of Defense or the Secretary of State
7 has received an extension under subparagraph
8 (A), the authority of the Secretary under para-
9 graph (1) or (2) of subsection (b), as applica-
10 ble, shall be extended for an additional 3-year
11 period that begins on the date on which the ex-
12 tension expires if, before the date on which the
13 extension expires, the Secretary submits to
14 Congress the notification required under sub-
15 paragraph (A).

16 (C) RULE OF CONSTRUCTION.—Nothing in
17 this paragraph may be construed to limit the
18 number of extensions of authority that the Sec-
19 retary of Defense or the Secretary of State may
20 receive under this paragraph.

21 **SEC. 3. NATIONAL SECURITY AND FOREIGN LANGUAGE**
22 **PROFESSIONALS FELLOWSHIP PROGRAM.**

23 (a) IN GENERAL.—

24 (1) ESTABLISHMENT.—There is established in
25 the Department of Defense and the Department of

1 State the National Security and Foreign Language
2 Professionals Fellowship Program (referred to in
3 this section as the “Program”).

4 (2) ROTATIONS.—Under the Program—

5 (A) the applicable agency that appoints an
6 individual to a position under the Program shall
7 provide the individual with—

8 (i) developmental or professional expe-
9 riences relating to the national security of
10 the United States; and

11 (ii) training for the position that re-
12 lates to the national security of the United
13 States; and

14 (B) the Secretary of Defense and the Sec-
15 retary of State (referred to collectively in this
16 section as the “Secretaries”) shall seek to re-
17 cruit experienced practitioners and academics to
18 apply for senior-level positions within the appli-
19 cable agency.

20 (b) ELIGIBILITY.—

21 (1) IN GENERAL.—In order to apply for a posi-
22 tion under the Program, an individual—

23 (A) shall have—

1 (i) a professional or graduate degree
2 in an area that is relevant to the national
3 security of the United States; or

4 (ii) significant professional experience
5 in a position or a subject area relating to
6 the national security of the United States;

7 (B) may be a student in a graduate or pro-
8 fessional school if the individual expects to ob-
9 tain the degree described in paragraph (A)(i)
10 not later than August 31 of the academic year
11 in which the individual is applying; and

12 (C) shall have not less than 10 years of
13 professional experience, which may include time
14 spent towards obtaining the degree described in
15 subparagraph (A)(i).

16 (2) PREFERENCE.—In making appointments
17 under the Program, the applicable Secretary shall
18 give preference to—

19 (A) individuals with language proficiency
20 that the Secretary of Defense determines is
21 critical to the national security of the United
22 States; and

23 (B) cyber security professionals.

1 (c) ANNOUNCEMENT; SELECTION OF FINALISTS.—

2 The Director of the Office of Personnel Management
3 shall—

4 (1) announce the opportunity to apply for a po-
5 sition under the Program;

6 (2) select finalists for the Program; and

7 (3) publish, and provide to the Secretaries, a
8 list of the finalists selected under paragraph (2) for
9 consideration by the Secretaries with respect to ap-
10 pointments under the Program.

11 (d) LENGTH OF APPOINTMENT.—An appointment
12 made under the Program shall be for a period that is not
13 less than 2 years and not more than 4 years.

14 (e) MOVEMENT BETWEEN AGENCIES.—

15 (1) IN GENERAL.—At any time during an ap-
16 pointment of an individual under the Program, the
17 individual may move to the other agency partici-
18 pating in the Program if—

19 (A) the individual separates from the origi-
20 nal agency; and

21 (B) the new employing agency appoints the
22 individual without a break in service.

23 (2) REIMBURSEMENT.—If a move described in
24 paragraph (1) occurs during the 180-day period be-
25 ginning on the date on which an individual is ap-

1 pointed by the original employing agency, the origi-
 2 nal employing agency may request reimbursement of
 3 $\frac{1}{4}$ of the placement fee with respect to the indi-
 4 vidual from the new appointing agency.

5 (f) TERMINATION.—The head of the applicable agen-
 6 cy may terminate an individual serving in an appointment
 7 under the Program—

8 (1) for reasons relating to misconduct, poor
 9 performance, or suitability; and

10 (2) if the agency head submits to the Director
 11 of the Office of Personnel Management written noti-
 12 fication regarding the termination.

13 (g) CONVERSION TO THE COMPETITIVE SERVICE.—

14 (1) IN GENERAL.—Not earlier than 2 years
 15 after the date on which an individual is appointed
 16 under the Program, the applicable agency may non-
 17 competitively convert the individual, without a break
 18 in service, to a position in the competitive service.

19 (2) NUMBER OF POSITIONS AVAILABLE.—The
 20 Chief Human Capital Officers Council, in consulta-
 21 tion with the Secretary of Defense and the Secretary
 22 of State, shall determine the number of individuals
 23 who may be converted under paragraph (1).

24 (3) RULE OF CONSTRUCTION.—Nothing in this
 25 subsection may be construed as granting any indi-

1 vidual appointed under the Program a right to a
2 noncompetitive conversion to a position in the com-
3 petitive service.

4 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed to replace—

6 (1) the Presidential Management Fellows Pro-
7 gram established under subpart D of part 362 of
8 title 5, Code of Federal Regulations, or any suc-
9 cessor regulation; or

10 (2) any provision of title 5, United States Code,
11 regarding appointive positions in the civil service.

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