

115TH CONGRESS  
1ST SESSION

# S. 1887

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

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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

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

18                       “(A) the total number of individuals ap-  
19 pointed by the agency under this section, as  
20 well as the number of such individuals who  
21 are—

22                               “(i) minorities or members of other  
23 underrepresented groups; or

24                               “(ii) veterans;

25                               “(B) recruitment sources;

1 “(C) the total number of individuals ap-  
2 pointed by the agency during the applicable fis-  
3 cal year to a position in the competitive service  
4 classified in a professional or administrative oc-  
5 cupational category at the GS–11 level, or an  
6 equivalent level, or below; and

7 “(D) any additional data specified by the  
8 Director of the Office of Personnel Manage-  
9 ment.

10 “(3) SUBMISSION TO OFFICE OF PERSONNEL  
11 MANAGEMENT.—Upon request of the Director of the  
12 Office of Personnel Management, the head of an  
13 agency that submits a report to Congress under  
14 paragraph (1) shall submit a copy of the report to  
15 the Director.

16 “(h) SPECIAL PROVISION REGARDING THE DEPART-  
17 MENT OF DEFENSE.—

18 “(1) AUTHORITY.—Nothing in this section shall  
19 preclude the Secretary of Defense from exercising  
20 any authority to appoint a recent graduate under  
21 section 1106 of the National Defense Authorization  
22 Act for Fiscal Year 2017 (10 U.S.C. note prec.  
23 1580), or any applicable successor statute.

24 “(2) REGULATIONS.—Any regulations pre-  
25 scribed by the Director for the administration of this

1 section shall not apply to the Department of Defense  
 2 during the period ending on the date on which the  
 3 appointment authority of the Secretary of Defense  
 4 under section 1106 of the National Defense Author-  
 5 ization Act for Fiscal Year 2017 (10 U.S.C. note  
 6 prec. 1580), or any applicable successor statute, ter-  
 7 minates.

8 **“§ 3116. Expedited hiring authority for post-sec-**  
 9 **ondary students; competitive service**

10 “(a) DEFINITIONS.—In this section:

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

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

17 “(3) STUDENT.—The term ‘student’ means an  
 18 individual enrolled or accepted for enrollment in an  
 19 institution of higher education who is pursuing a  
 20 baccalaureate or graduate degree on at least a part-  
 21 time basis as determined by the institution of higher  
 22 education.

23 “(b) APPOINTMENT.—

24 “(1) IN GENERAL.—The head of an agency may  
 25 make a time-limited appointment of a student, with-

1 out regard to any provision of sections 3309 through  
 2 3319 and 3330, to a position in the competitive  
 3 service at the GS-11 level, or an equivalent level, or  
 4 below for which the student is qualified.

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

8 “(c) PUBLIC NOTICE.—

9 “(1) IN GENERAL.—The head of an agency  
 10 making an appointment under subsection (b) shall  
 11 publicly advertise positions available under this sec-  
 12 tion.

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

15 “(A) adhere to merit system principles;

16 “(B) advertise positions in a manner that  
 17 provides for diverse and qualified applicants;  
 18 and

19 “(C) ensure potential applicants have ap-  
 20 propriate information relevant to the positions  
 21 available.

22 “(d) LIMITATION ON APPOINTMENTS.—

23 “(1) IN GENERAL.—Except as provided in para-  
 24 graph (2), the total number of students that the  
 25 head of an agency may appoint under this section



1 during a fiscal year may not exceed the number  
 2 equal to 15 percent of the number of students that  
 3 the agency head appointed during the previous fiscal  
 4 year to a position in the competitive service at the  
 5 GS–11 level, or an equivalent level, or below.

6 “(2) EXCEPTIONS.—Under a regulation pre-  
 7 scribed under subsection (g), the Director may es-  
 8 tablish a lower limit on the number of students that  
 9 may be appointed under paragraph (1) of this sub-  
 10 section during a fiscal year based on any factor the  
 11 Director considers appropriate.

12 “(e) CONVERSION.—The head of an agency may,  
 13 without regard to any provision of chapter 33 or any other  
 14 provision of law relating to the examination, certification,  
 15 and appointment of individuals in the competitive service,  
 16 convert a student serving in an appointment under sub-  
 17 section (b) to a permanent appointment in the competitive  
 18 service within the agency without further competition if  
 19 the student—

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

22 “(2) has completed not less than 640 hours of  
 23 current continuous employment under subsection  
 24 (b); and

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

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

9           “(g) REGULATIONS.—Not later than 180 days after  
10 the date of enactment of the Direct Hire of Students and  
11 Recent Graduates Act of 2017, the Director shall issue  
12 interim regulations, with an opportunity for comment, for  
13 the administration of this section.

14          “(h) REPORTING.—

15               “(1) IN GENERAL.—Not later than September  
16 30 of each of the first 3 fiscal years beginning after  
17 the date of enactment of the Direct Hire of Students  
18 and Recent Graduates Act of 2017, the head of an  
19 agency that makes an appointment under this sec-  
20 tion shall submit to Congress a report assessing the  
21 impact of the use of the authority provided under  
22 this section during the fiscal year in which the re-  
23 port is submitted.

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

1           “(A) the total number of individuals ap-  
2           pointed by the agency under this section, as  
3           well as the number of such individuals who  
4           are—

5                   “(i) minorities or members of other  
6                   underrepresented groups; or

7                   “(ii) veterans;

8           “(B) recruitment sources;

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

14          “(D) any additional data specified by the  
15          Director of the Office of Personnel Manage-  
16          ment.

17          “(3) SUBMISSION TO OFFICE OF PERSONNEL  
18          MANAGEMENT.—Upon request of the Director of the  
19          Office of Personnel Management, the head of an  
20          agency that submits a report to Congress under  
21          paragraph (1) shall submit a copy of the report to  
22          the Director.

23          “(i) SPECIAL PROVISION REGARDING THE DEPART-  
24          MENT OF DEFENSE.—

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

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

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

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

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

