SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS FOR CIVILIAN AGENCIES.

Section 1703(j) of title 41, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "sections 3304, 5333, and 5753" and inserting "section 3304"; and

(B) by striking "use the authorities in those sections to recruit and"; and

(2) in paragraph (2), by striking "September 30, 2012" and inserting "September 30, 2017".

Section-by-Section Analysis

Direct hire authority permits an agency to appoint candidates to positions in cases in which there is either a severe shortage of candidates or a critical hiring need. Section 1413 of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136), codified at 41 U.S.C. 1703, authorized agency heads to determine, under regulations prescribed by the Office of Personnel Management (OPM), that certain Federal acquisition positions are shortage category positions in order to use direct hire authorities. Supporting evidence of a shortage must be kept in a file for documentation and reporting purposes.

Section 1413 was originally set to expire at the end of Fiscal Year 2007. Congress extended the authority until September 30, 2012 (see section 853 of the Fiscal Year 2008 National Defense Authorization Act). This proposal would further extend the authority until September 30, 2017.

Between Fiscal Years 2000 and 2008, spending on contracting doubled while the size of the acquisition workforce remained essentially flat. This lack of capacity has caused harm at every step of the acquisition process, from inadequate communication with industry, poor definition of the government's requirements, unjustified sole-source contracting, and poorly-run competitions, to failure to adequately oversee contractors and ensure they deliver what they committed to, in terms of cost, schedule and performance. To reverse this trend, it has been a top priority of this Administration to make sure agencies apply fiscally responsible acquisition practices that cut contracting costs and better protect taxpayers from cost overruns and poor performance. Sustaining this important effort, as well as achieving success with new efforts to cut unnecessary and wasteful spending, depends on a capable and competent acquisition workforce.

Budget Implications: This proposal has no budgetary impact as it addresses procurement processes and not amounts appropriated for procurement of items or services.

Changes to Existing Law: This proposal would make the following changes to section 1703 of title 41, United States Code:

TITLE 41, UNITED STATES CODE

§ 1703. Acquisition workforce

(a) ***

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(j) RECRUITMENT PROGRAM.—

(1) SHORTAGE CATEGORY POSITIONS.—For purposes of ~~sections~~ section 3304~~, 5333, and 5753~~ of title 5, the head of a department or agency of the Federal Government (other than the Secretary of Defense) may determine, under regulations prescribed by the Office of Personnel Management, that certain Federal acquisition positions (as described in subsection (g)(1)(A)) are shortage category positions in order to ~~use the authorities in those sections to recruit and~~ appoint highly qualified individuals directly to those positions in the department or agency.

(2) TERMINATION OF AUTHORITY.—The head of a department or agency may not appoint an individual to a position of employment under this subsection after September 30, ~~2012~~ 2017.

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