SEC. ___. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS.

Section 1703(j)(2) of title 41, United States Code, is amended by striking "September 30, 2017" and inserting "September 30, 2022".

Section-by-Section Analysis

Direct-hire authority permits an agency to appoint candidates to positions for which there is either a severe shortage of candidates or a critical hiring need. Section 1413 of National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136) 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 National Defense Authorization Act for Fiscal Year 2008, P.L. 110-181) and again in 2012 until September 30, 2017 (see section 1103 of the NDAA for Fiscal Year 2013, P.L. 112-239), following its enactment into positive law as section 1703 of title 41, U.S. Code, by P.L. 111-350. This section would further extend the sunset until September 30, 2022.

The government depends on skilled acquisition and program personnel to understand complex market dynamics, develop clear requirements, negotiate in the best interest of the taxpayer, and hold contractors to high performance standards. The expediency that direct hire authority allows can be helpful to an agency both in meeting critical initiatives that may require particular expertise, such as to support information technology modernization or cyber security efforts, as well as to support the agency as it plans and executes on its reorganization activities.

Budget Implications: There would be no budgetary impact for civilian agencies as a result of this legislative change because the proposal only extends an authorization and does not affect the overall budget requirements of agencies.

Changes to Existing Law: Section 1703(j)(2) of title 41, U.S. Code, is amended to read as follows:

TITLE 41, UNITED STATES CODE: PUBLIC CONTRACTS

Sec. 1703. Acquisition workforce.

(j) Recruitment program.—

(1) Shortage category positions.—For purposes of sections 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 section after September 30, ~~**2017**~~ **2022**.