SEC. 1103. EXPANSION OF PERSONS ELIGIBLE FOR EXPEDITED FEDERAL HIRING FOLLOWING COMPLETION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended to read as follows:

"(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

"(1) APPOINTMENT AUTHORITY.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

(A) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint an eligible program participant—

"(i) to a position in the excepted service that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security; or

"(ii) subject to clause (ii) of such subsection, to a position in the excepted service in such Federal agency or office with national security responsibilities; and

(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career conditional appointment.

"(2) ELIGIBLE PROGRAM PARTICIPANT.—For purposes of paragraph (1), the term 'eligible program participant' means an individual who—

"(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded; and

"(B) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

"(i) under the terms of the agreement for such individual's scholarship or fellowship that was awarded under this section, owes a service commitment to a Department or such Federal agency or office referred to in paragraph (1);

"(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

"(iii) is a former civilian employee of the Federal Government who has less than a one-year break of service from the individual's last period of Federal employment in a non-permanent appointment in the excepted service with national security responsibilities.

"(3) TREATMENT OF CERTAIN SERVICE.—In the case of an individual described in paragraph (2)(B)(ii) or (2)(B)(iii) who receives an appointment under paragraph (1)(A), any period that the individual served in a position with the Federal Government may be counted towards satisfaction of the service requirement under paragraph (1)(B) if that service—

"(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security; or

"(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.".

Section-by-Section Analysis

This proposal would allow the Secretary of Defense and other agencies and organizations with national security responsibilities to appoint to the excepted service those individuals who have successfully completed the requirements of the National Security Education Program (NSEP) and meet eligibility for appointment. Award recipients are required by the NSEP to enter into a service commitment before receipt of an award. The current legislation restricts eligibility for excepted service appointment to only those graduates who have a service commitment at the time of appointment. The legislation is restrictive and eliminates a candidate pool of NSEP graduates with critical language and cultural skill and who are interested in Federal government civilian employment.

Section 802 of the David L. Boren National Security Act of 1991 (50 U.S.C. 1902), provides an excepted appointing authority to bring graduates who have a NSEP service obligation into the workforce. This proposal would expand this authority and provide management with a pipeline of talent who can be quickly hired for current and future needs of the Department of Defense and who have the required language, cultural and regional expertise and skills needed to achieve its national security mission. This proposal would provide the required flexibility the Department needs to bring talented NSEP graduates into the Federal government so that the Department can achieve a return on investment and recoup monies invested in these graduates, and so that we can meet the mission needs of the Department.

Specifically, this proposal would amend section 802(k) of the David L. Boren National Security Education Act of 1991 to broaden the eligible candidate pool of NSEP graduates by including three categories of individuals eligible for appointment: (1) NSEP graduates who have a service commitment to complete; (2) NSEP graduates who have completed their NSEP service commitment and are employed with the Federal government on a temporary appointment; and (3) NSEP graduates who have completed their service commitment, are former Federal government employees, and who have less than a one year of break in service from their last Federal appointment.

Budget Implications: There are no costs associated with enacting this proposal. The authority would give the Department of Defense a larger candidate pool of NSEP program participants and

graduates from whom to select for appointment to positions having national security responsibility.

Changes to Existing Law: This proposal would amend section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902), as amended by section 1101 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2484), as follows:

SEC. 802. SCHOLARSHIP, FELLOWSHIP, AND GRANT PROGRAM.

(a) ***

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~~(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—~~

~~(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department or such Federal agency or office; and~~

~~(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.~~

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(A) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint an eligible program participant—

(i) to a position in the excepted service that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security; or

(ii) subject to clause (ii) of such subsection, to a position in the excepted service in such Federal agency or office with national security responsibilities; and

(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career conditional appointment.

(2) ELIGIBLE PROGRAM PARTICIPANT.—For purposes of paragraph (1), the term "eligible program participant" means an individual who—

(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded; and

(B) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

(i) under the terms of the agreement for such individual's scholarship or fellowship that was awarded under this section, owes a service commitment to a Department or such Federal agency or office referred to in paragraph (1);

(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

(iii) is a former civilian employee of the Federal Government who has less than a one-year break of service from the individual's last period of Federal employment in a non-permanent appointment in the excepted service with national security responsibilities.

(3) TREATMENT OF CERTAIN SERVICE.—In the case of an individual described in paragraph (2)(B)(ii) or (2)(B)(iii) who receives an appointment under paragraph (1)(A), any period that the individual served in a position with the Federal Government may be counted towards satisfaction of the service requirement under paragraph (1)(B) if that service—

(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security; or

(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.