

Calendar No. 558

117TH CONGRESS
2^D SESSION**S. 3423****[Report No. 117–206]**

To implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2021

Ms. SINEMA (for herself, Mr. HAGERTY, Mr. LANKFORD, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 17, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring.

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 “Chance to Compete
5 Act of 2021”.

1 **SEC. 2. DEFINITIONS.**

2 (a) TERMS DEFINED IN SECTION 3308 OF TITLE 5,
3 UNITED STATES CODE.—In this Act, the terms “agency”,
4 “Director”, “examining agency”, “Office”, “subject mat-
5 ter expert”, and “technical assessment” have the mean-
6 ings given those terms in subsection (a) of section 3308
7 of title 5, United States Code, as added by section 3(a).

8 (b) OTHER TERMS.—In this Act, the term “competi-
9 tive service” has the meaning given the term in section
10 2102 of title 5, United States Code.

11 **SEC. 3. DEFINING THE TERM “EXAMINATION” FOR PUR-**
12 **POSES OF HIRING IN THE COMPETITIVE**
13 **SERVICE.**

14 (a) IN GENERAL.—Section 3308 of title 5, United
15 States Code, is amended—

16 (1) by striking “The Office of Personnel Man-
17 agement” and inserting the following:

18 “(a) DEFINITIONS.—

19 “(1) EXAMINATION DEFINED FOR PURPOSES OF
20 CHAPTER.—For purposes of this chapter, the term
21 ‘examination’, with respect to the competitive serv-
22 ice—

23 “(A) means an opportunity to directly
24 demonstrate knowledge, skills, abilities, and
25 competencies, through a passing score assess-
26 ment (unless the examining agency determines

that another method, not limited to the outcomes of pass or fail, makes meaningful and objective differentiations in rating candidates); and

“(B) does not include a self-assessment from an automated examination, a résumé review (unless conducted by a subject matter expert in a structured manner), or any other method of determining the experience or level of educational attainment of an individual, alone.

“(2) OTHER TERMS.—In this section—

“(A) the term ‘agency’ means an agency described in section 901(b) of title 31;

“(B) the term ‘Director’ means the Director of the Office;

“(C) the term ‘examining agency’ means—

“(i) the Office; or

“(ii) an agency to which the Director has delegated examining authority under section 1104(a)(2) of this title;

“(D) the term ‘Office’ means the Office of Personnel Management;

“(E) the term ‘passing score assessment’ means an assessment that an individual can pass or fail;

1 ~~“(F) the term ‘subject matter expert’~~
 2 ~~means an employee—~~

3 ~~“(i) who is determined by the employ-~~
 4 ~~ee’s agency to be an expert in the subject~~
 5 ~~and job field of a position in the competi-~~
 6 ~~tive service; and~~

7 ~~“(ii) whom the employee’s agency des-~~
 8 ~~ignates to develop and conduct technical~~
 9 ~~assessments; and~~

10 ~~“(G) the term ‘technical assessment’~~
 11 ~~means a position-specific assessment developed~~
 12 ~~under subsection (b)(1)(A).~~

13 ~~“(b) TECHNICAL ASSESSMENTS.—~~

14 ~~“(1) IN GENERAL.—For the purpose of con-~~
 15 ~~ducting an examination for a position in the com-~~
 16 ~~petitive service, a subject matter expert who is deter-~~
 17 ~~mined by the subject matter expert’s agency to be~~
 18 ~~an expert in the subject and job field of the position,~~
 19 ~~as affirmed and audited by the Chief Human Capital~~
 20 ~~Officer or Human Resources Director (as applicable)~~
 21 ~~of that agency, may—~~

22 ~~“(A) develop, in partnership with human~~
 23 ~~resources employees of the examining agency, a~~
 24 ~~position-specific assessment that is relevant to~~
 25 ~~the position; and~~

1 “(B) conduct the assessment developed
2 under subparagraph (A) to—

3 “(i) determine whether an applicant
4 for the position has a passing score to be
5 qualified for the position; or

6 “(ii) rank applicants for the position
7 as ‘most qualified’ or ‘qualified’ for cat-
8 egory rating purposes under section 3319.

9 “(2) TYPES OF ASSESSMENTS.—A technical as-
10 sessment developed under paragraph (1) may in-
11 clude—

12 “(A) a structured interview;

13 “(B) a work-related sample;

14 “(C) a custom or generic behavioral assess-
15 ment (which, if generic, may be customized as
16 needed); or

17 “(D) another assessment.

18 “(3) SHARING AND CUSTOMIZATION OF ASSESS-
19 MENTS.—

20 “(A) SHARING.—An examining agency
21 may share a technical assessment developed
22 under paragraph (1) with another examining
23 agency.

24 “(B) CUSTOMIZATION.—An examining
25 agency with which a technical assessment is

1 shared under subparagraph (A) may customize
 2 the assessment as appropriate.

3 “(C) PLATFORM FOR SHARING AND
 4 CUSTOMIZATION.—The Director shall establish
 5 and operate a platform on which examining
 6 agencies can share and customize technical as-
 7 sessments under this paragraph.

8 “(4) ADOPTION OF DETERMINATIONS BY
 9 OTHER AGENCIES.—For purposes of sections
 10 3318(b) and 3319(c), an appointing authority, other
 11 than the appointing authority requesting a certifi-
 12 cate of eligibles, that selects an individual from that
 13 certificate in accordance with such section 3318(b)
 14 or 3319(c) may adopt the determination described in
 15 paragraph (1) of this subsection of a subject matter
 16 expert employed by the requesting appointing au-
 17 thority instead of conducting an additional technical
 18 assessment of the individual.

19 “(e) EDUCATIONAL REQUIREMENTS.—The Office”;
 20 and

21 (2) in subsection (e), as so designated, in the
 22 second sentence, by striking “this section” and in-
 23 serting “this subsection”.

24 (b) IMPLEMENTATION OF PASSING SCORE ASSESS-
 25 MENT REQUIREMENT.—Not later than 1 year after the

1 date of enactment of this Act, the Director and the head
 2 of any other examining agency shall eliminate the use of
 3 any examination for the competitive service that does not
 4 satisfy the definition of the term “examination” in sub-
 5 section (a) of section 3308 of title 5, United States Code,
 6 as added by subsection (a) of this section.

7 (c) OPM REPORTING.—

8 (1) PUBLIC DASHBOARD.—

9 (A) IN GENERAL.—The Director shall
 10 maintain and periodically update a publicly
 11 available dashboard that, with respect to each
 12 position in the competitive service for which an
 13 examining agency examined applicants during
 14 the applicable period, includes—

15 (i) the type of assessment used, such
 16 as—

17 (I) a behavioral off-the-shelf as-
 18 sessment;

19 (II) a résumé review conducted
 20 by a subject matter expert;

21 (III) an interview conducted by a
 22 subject matter expert;

23 (IV) a technical off-the-shelf as-
 24 sessment; or

25 (V) a cognitive ability test;

1 (ii) whether or not the agency selected
2 a candidate for the position; and

3 (iii) the hiring authority used to fill
4 the position.

5 (B) TIMING.—

6 (i) INITIAL DATA.—Not later than
7 180 days after the date of enactment of
8 this Act, the Director shall update the
9 dashboard described in subparagraph (A)
10 with data for positions in the competitive
11 service for which an examining agency ex-
12 amined applicants during the period begin-
13 ning on the date of enactment of this Act
14 and ending on the date of submission of
15 the report.

16 (ii) SUBSEQUENT UPDATES.—Not
17 later than October 1 of each fiscal year be-
18 ginning after the date on which the dash-
19 board is initially updated under clause (i),
20 the Director shall update the dashboard
21 described in subparagraph (A) with data
22 for positions in the competitive service for
23 which an examining agency examined ap-
24 plicants during the preceding fiscal year.

1 (2) ~~ANNUAL PROGRESS REPORT.~~—Each year,
 2 the Director shall make publicly available and sub-
 3 mit to Congress an overall progress report that in-
 4 cludes summary data of the use of examinations (as
 5 defined in subsection (a) of section 3308 of title 5,
 6 United States Code, as added by subsection (a) of
 7 this section) for the competitive service, including
 8 technical assessments, broken down by applicant de-
 9 mographic indicator, including veteran status, race,
 10 gender, disability, and any other measure the Direc-
 11 tor determines appropriate, using the data available
 12 as of October 1, 2020, as a baseline.

13 (d) ~~GAO REPORT.~~—Not later than 5 years after the
 14 date of enactment of this Act, the Comptroller General
 15 of the United States shall submit to Congress a report
 16 that—

17 (1) assesses the implementation of this section
 18 and the amendments made by this section;

19 (2) assesses the impact and modifications to the
 20 hiring process for the competitive service made by
 21 this section and the amendments made by this sec-
 22 tion; and

23 (3) makes recommendations for the improve-
 24 ment of the hiring process for the competitive serv-
 25 ice.

1 **SEC. 4. AMENDMENTS TO COMPETITIVE SERVICE ACT OF**
 2 **2015.**

3 (a) **PLATFORMS FOR SHARING CERTIFICATES OF**
 4 **ELIGIBLES.**—Section 3318(b) of title 5, United States
 5 Code, is amended—

6 (1) in paragraph (1), by striking “240-day”
 7 and inserting “1-year”;

8 (2) by redesignating paragraph (5) as para-
 9 graph (6); and

10 (3) by inserting after paragraph (4) the fol-
 11 lowing:

12 “(5) **PLATFORM FOR SHARING RÉSUMÉS OF IN-**
 13 **DIVIDUALS ON CERTIFICATES OF ELIGIBLES.**—The
 14 Director of the Office shall establish and operate a
 15 platform on which an appointing authority can
 16 share, with other appointing authorities and the
 17 Chief Human Capital Officers Council established
 18 under section 1303 of the Chief Human Capital Of-
 19 ficers Act of 2002 (5 U.S.C. 1401 note; Public Law
 20 107–296), the résumés of individuals who are on a
 21 certificate of eligibles requested by the appointing
 22 authority.”.

23 (b) **MAXIMIZING SHARING OF APPLICANT INFORMA-**
 24 **TION.**—Section 2 of the Competitive Service Act of 2015
 25 (Public Law 114–137; 130 Stat. 310) is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(e) MAXIMIZING SHARING OF APPLICANT INFORMA-
6 TION.—

7 “(1) DEFINITIONS.—In this subsection—

8 “(A) the terms ‘agency’, ‘Director’, and
9 ‘Office’ have the meanings given those terms in
10 section 3308(a) of title 5, United States Code;
11 and

12 “(B) the term ‘competitive service’ has the
13 meaning given the term in section 2102 of title
14 5, United States Code.

15 “(2) MAXIMIZING SHARING.—The Director
16 shall maximize the sharing of information among
17 agencies regarding qualified applicants for positions
18 in the competitive service, including by—

19 “(A) providing for the delegation to other
20 agencies of the authority of the Office to host
21 multi-agency hiring actions to increase the re-
22 turn on investment on high-quality pooled an-
23 nouncements; and

24 “(B) sharing certificates of eligibles for ap-
25 pointment.”.

1 (c) AMENDMENT OF IMPLEMENTING REGULA-
 2 TIONS.—Not later than 180 days after the date of enact-
 3 ment of this Act, the Director shall promulgate regulations
 4 to carry out the amendments made by this section.

5 **SEC. 5. MODERNIZING AND REFORMING THE ASSESSMENT**
 6 **AND HIRING OF FEDERAL JOB CANDIDATES.**

7 (a) IN GENERAL.—Subsection (c) of section 3308 of
 8 title 5, United States Code, as so designated by section
 9 3(a), is amended—

10 (1) by striking “scientific, technical, or profes-
 11 sional”;

12 (2) by inserting “legally” before “performed”;
 13 and

14 (3) by inserting “in a jurisdiction in which the
 15 duties of the position are to be performed” after “a
 16 prescribed minimum education”.

17 (b) IMPLEMENTATION.—

18 (1) REGULATIONS AND GUIDANCE DOCU-
 19 MENTS.—Not later than 1 year after the date of en-
 20 actment of this Act, the Director shall amend all
 21 regulations and guidance documents as necessary to
 22 implement the amendments made by subsection (a).

23 (2) HIRING PRACTICES.—Not later than 1 year
 24 after the date of enactment of this Act, the Director
 25 and the head of any other examining agency shall

1 amend the hiring practices of the Office or the other
 2 examining agency, respectively, in accordance with
 3 the amendments made by subsection (a).

4 **SEC. 6. TALENT TEAMS.**

5 (a) **FEDERAL AGENCY TALENT TEAMS.**—

6 (1) **IN GENERAL.**—An agency may establish 1
 7 or more talent teams (referred to in this section as
 8 “agency talent teams”), including at the component
 9 level.

10 (2) **DUTIES.**—An agency talent team shall pro-
 11 vide hiring support to the agency and other agencies,
 12 including by—

13 (A) improving examinations (as defined in
 14 subsection (a) of section 3308 of title 5, United
 15 States Code, as added by section 3(a));

16 (B) facilitating writing job announcements
 17 for the competitive service;

18 (C) sharing high-quality certificates of eli-
 19 gibles; and

20 (D) facilitating hiring for the competitive
 21 service using examinations (as defined in such
 22 subsection (a)) and subject matter experts.

23 (b) **OFFICE OF PERSONNEL MANAGEMENT.**—The
 24 Director may establish a Federal talent team to support
 25 agency talent teams in facilitating pooled hiring actions

1 across the Federal Government, providing training, and
 2 creating technology platforms to facilitate hiring for the
 3 competitive service, including—

4 (1) the development of technical assessments;
 5 and

6 (2) the sharing of certificates of eligibles under
 7 sections 3318(b) and 3319(c) of title 5, United
 8 States Code.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Chance to Compete Act*
 11 *of 2022”.*

12 **SEC. 2. DEFINITIONS.**

13 (a) *TERMS DEFINED IN SECTION 3304 OF TITLE 5,*
 14 *UNITED STATES CODE.—In this Act, the terms “agency”,*
 15 *“Director”, “examining agency”, “Office”, “subject matter*
 16 *expert”, and “technical assessment” have the meanings*
 17 *given those terms in subsection (c)(1) of section 3304 of title*
 18 *5, United States Code, as added by section 3(a).*

19 (b) *OTHER TERMS.—In this Act, the term “competi-*
 20 *tive service” has the meaning given the term in section 2102*
 21 *of title 5, United States Code.*

22 **SEC. 3. DEFINING THE TERM “EXAMINATION” FOR PUR-**
 23 **POSES OF HIRING IN THE COMPETITIVE**
 24 **SERVICE.**

25 (a) *EXAMINATIONS; TECHNICAL ASSESSMENTS.—*

1 (1) *IN GENERAL.*—Section 3304 of title 5,
2 *United States Code, is amended—*

3 *(A) by redesignating subsections (c) through*
4 *(f) as subsections (d) through (g), respectively;*
5 *and*

6 *(B) by inserting after subsection (b) the fol-*
7 *lowing:*

8 “(c) *EXAMINATIONS.*—

9 “(1) *DEFINITIONS.*—

10 “(A) *EXAMINATION DEFINED FOR PURPOSES*
11 *OF THIS CHAPTER.*—*For purposes of this chap-*
12 *ter, the term ‘examination’—*

13 “(i) *means an opportunity to directly*
14 *demonstrate knowledge, skills, abilities, and*
15 *competencies, through a passing score as-*
16 *essment;*

17 “(ii) *includes a résumé review that*
18 *is—*

19 “(I) *conducted by a subject matter*
20 *expert; and*

21 “(II) *based upon indicators*
22 *that—*

23 “(aa) *are derived from a job*
24 *analysis; and*

1 “(bb) bear a rational rela-
 2 tionship to performance in the po-
 3 sition for which the examining
 4 agency is hiring; and

5 “(iii) on and after the date that is 2
 6 years after the date of enactment of the
 7 Chance to Compete Act of 2022, does not in-
 8 clude a self-assessment from an automated
 9 examination, a résumé review (except as
 10 provided in clause (ii)), or any other meth-
 11 od of determining the experience or level of
 12 educational attainment of an individual,
 13 alone.

14 “(B) *OTHER TERMS.*—In this subsection—

15 “(i) the term ‘agency’ means an agency
 16 described in section 901(b) of title 31;

17 “(ii) the term ‘Director’ means the Di-
 18 rector of the Office;

19 “(iii) the term ‘examining agency’
 20 means—

21 “(I) the Office; or

22 “(II) an agency to which the Di-
 23 rector has delegated examining author-
 24 ity under section 1104(a)(2) of this
 25 title;

1 “(iv) the term ‘Office’ means the Office
2 of Personnel Management;

3 “(v) the term ‘passing score assessment’
4 means an assessment that an individual
5 can pass or fail;

6 “(vi) the term ‘subject matter expert’
7 means an employee or selecting official—

8 “(I) who possesses understanding
9 of the duties of, and knowledge, skills,
10 and abilities required for, the position
11 for which the employee or selecting offi-
12 cial is developing or administering an
13 assessment; and

14 “(II) whom the delegated exam-
15 ining unit of the agency that employs
16 the employee or selecting official des-
17 ignates to assist in the development
18 and administration of technical assess-
19 ments under paragraph (2); and

20 “(vii) the term ‘technical assessment’
21 means an assessment developed under para-
22 graph (2)(A)(i) that—

23 “(I) allows for the demonstration
24 of job-related technical skills, abilities,
25 and knowledge;

1 “(II)(aa) is based upon a job
2 analysis;

3 “(bb) is relevant to the position
4 for which the assessment is developed;
5 and

6 “(cc) does not discriminate on the
7 basis of a protected status, as estab-
8 lished by Director in regulations im-
9 plementing this subsection; and

10 “(III) may include—

11 “(aa) a structured interview;

12 “(bb) a work-related exercise;

13 “(cc) a custom or generic
14 procedure used to measure an in-
15 dividual’s employment or career-
16 related qualifications and inter-
17 ests; or

18 “(dd) another assessment
19 that meets the criteria under sub-
20 clauses (I) and (II).

21 “(2) *TECHNICAL ASSESSMENTS.*—

22 “(A) *IN GENERAL.*—For the purpose of con-
23 ducting an examination for a position in the
24 competitive service, a subject matter expert who
25 is determined by the subject matter expert’s

1 *agency to be an expert in the subject and job*
 2 *field of the position, as affirmed and audited by*
 3 *the Chief Human Capital Officer or Human Re-*
 4 *sources Director (as applicable) of that agency,*
 5 *may—*

6 *“(i) develop, in partnership with*
 7 *human resources employees of the exam-*
 8 *ining agency, a position-specific assessment*
 9 *that is relevant to the position; and*

10 *“(ii) administer the assessment devel-*
 11 *oped under clause (i) to—*

12 *“(I) determine whether an appli-*
 13 *cant for the position has a passing*
 14 *score to be qualified for the position; or*

15 *“(II) rank applicants for the posi-*
 16 *tion for category rating purposes under*
 17 *section 3319.*

18 *“(B) SHARING AND CUSTOMIZATION OF AS-*
 19 *SESSMENTS.—*

20 *“(i) SHARING.—An examining agency*
 21 *may share a technical assessment with an-*
 22 *other examining agency if each agency*
 23 *maintains appropriate control over exam-*
 24 *ination material.*

1 “(ii) *CUSTOMIZATION.*—*An examining*
 2 *agency with which a technical assessment is*
 3 *shared under clause (i) may customize the*
 4 *assessment as appropriate, provided that*
 5 *the resulting assessment satisfies the re-*
 6 *quirements under part 300 of title 5, Code*
 7 *of Federal Regulations (or any successor*
 8 *regulation).*

9 “(iii) *PLATFORM FOR SHARING AND*
 10 *CUSTOMIZATION.*—

11 “(I) *IN GENERAL.*—*The Director*
 12 *shall establish and operate a platform*
 13 *on which examining agencies can share*
 14 *and customize technical assessments*
 15 *under this subparagraph.*

16 “(II) *GUIDANCE.*—*Not later than*
 17 *1 year after the date of enactment of*
 18 *the Chance to Compete Act of 2022, the*
 19 *Director shall issue guidance to exam-*
 20 *ining agencies on how to efficiently*
 21 *and effectively share assessments using*
 22 *the platform established under sub-*
 23 *clause (I).*

24 “(C) *ADOPTION OF DETERMINATIONS BY*
 25 *OTHER AGENCIES.*—*For purposes of sections*

1 3318(b) and 3319(c), an appointing authority,
 2 other than the appointing authority requesting a
 3 certificate of eligibles, that selects an individual
 4 from that certificate in accordance with such sec-
 5 tion 3318(b) or 3319(c) may adopt the deter-
 6 mination described in subparagraph (A) of this
 7 paragraph of a subject matter expert employed
 8 by the requesting appointing authority instead of
 9 administering an additional technical assess-
 10 ment of the individual.”.

11 (2) *ALTERNATIVE RANKING AND SELECTION PRO-*
 12 *CEDURES.*—Section 3319(a) of title 5, United States
 13 Code, is amended by adding at the end the following:
 14 “To be placed in a quality category under the pre-
 15 ceding sentence, an applicant shall be required to
 16 have passed an examination in accordance with sec-
 17 tion 3304(b), subject to the exceptions in that sec-
 18 tion.”.

19 (3) *TECHNICAL AND CONFORMING AMEND-*
 20 *MENT.*—Section 3330a(a)(1)(B) of title 5, United
 21 States Code, is amended by striking “section
 22 3304(f)(1)” and inserting “section 3304(g)(1)”.

23 (b) *IMPLEMENTATION OF PASSING SCORE ASSESS-*
 24 *MENT REQUIREMENT.*—Not later than 2 years after the date
 25 of enactment of this Act, the Director and the head of any

1 *other examining agency shall eliminate the use of any ex-*
 2 *amination for the competitive service that does not satisfy*
 3 *the definition of the term “examination” in subsection*
 4 *(c)(1)(A) of section 3304 of title 5, United States Code, as*
 5 *added by subsection (a) of this section.*

6 *(c) OPM REPORTING.—*

7 *(1) PUBLIC DASHBOARD.—*

8 *(A) IN GENERAL.—The Director shall main-*
 9 *tain and periodically update a publicly avail-*
 10 *able dashboard that, with respect to each position*
 11 *in the competitive service for which an exam-*
 12 *ining agency examined applicants during the*
 13 *applicable period, includes—*

14 *(i) the type of assessment used, such*
 15 *as—*

16 *(I) a behavioral off-the-shelf as-*
 17 *essment;*

18 *(II) a résumé review conducted by*
 19 *a subject matter expert;*

20 *(III) an interview conducted by a*
 21 *subject matter expert;*

22 *(IV) a technical off-the-shelf as-*
 23 *essment; or*

24 *(V) a cognitive ability test;*

1 (ii) *whether or not the agency selected*
 2 *a candidate for the position; and*

3 (iii) *the hiring authority used to fill*
 4 *the position.*

5 (B) *TIMING.—*

6 (i) *INITIAL DATA.—Not later than 180*
 7 *days after the date of enactment of this Act,*
 8 *the Director shall update the dashboard de-*
 9 *scribed in subparagraph (A) with data for*
 10 *positions in the competitive service for*
 11 *which an examining agency examined ap-*
 12 *plicants during the period beginning on the*
 13 *date of enactment of this Act and ending on*
 14 *the date of submission of the report.*

15 (ii) *SUBSEQUENT UPDATES.—Not later*
 16 *than October 1 of each fiscal year beginning*
 17 *after the date on which the dashboard is*
 18 *initially updated under clause (i), the Di-*
 19 *rector shall update the dashboard described*
 20 *in subparagraph (A) with data for positions*
 21 *in the competitive service for which an ex-*
 22 *amining agency examined applicants dur-*
 23 *ing the preceding fiscal year.*

24 (2) *ANNUAL PROGRESS REPORT.—*

1 (A) *IN GENERAL.*—Each year, the Director,
 2 in accordance with subparagraphs (B) and (C),
 3 shall make publicly available and submit to Con-
 4 gress an overall progress report that includes
 5 summary data of the use of examinations (as de-
 6 fined in subsection (c)(1)(A) of section 3304 of
 7 title 5, United States Code, as added by sub-
 8 section (a) of this section) for the competitive
 9 service, including technical assessments.

10 (B) *CATEGORIES; BASELINE DATA.*—In car-
 11 rying out subparagraph (A), the Director shall—

12 (i) break the data down by applicant
 13 demographic indicator, including veteran
 14 status, race, gender, disability, and any
 15 other measure the Director determines ap-
 16 propriate; and

17 (ii) use the data available as of Octo-
 18 ber 1, 2020, as a baseline.

19 (C) *LIMITATIONS.*—In carrying out sub-
 20 paragraph (A), the Director may only make pub-
 21 licly available and submit to Congress data re-
 22 lating to examinations for which—

23 (i) the related announcement is closed;

24 (ii) certificates have been audited; and

25 (iii) all hiring processes are completed.

1 (d) *GAO REPORT.*—Not later than 5 years after the
 2 date of enactment of this Act, the Comptroller General of
 3 the United States shall submit to Congress a report that—

4 (1) *assesses the implementation of this section*
 5 *and the amendments made by this section;*

6 (2) *assesses the impact and modifications to the*
 7 *hiring process for the competitive service made by this*
 8 *section and the amendments made by this section;*
 9 *and*

10 (3) *makes recommendations for the improvement*
 11 *of the hiring process for the competitive service.*

12 **SEC. 4. AMENDMENTS TO COMPETITIVE SERVICE ACT OF**
 13 **2015.**

14 (a) *PLATFORMS FOR SHARING CERTIFICATES OF ELI-*
 15 *GIBLES.*—Section 3318(b) of title 5, United States Code, is
 16 *amended—*

17 (1) *in paragraph (1), by striking “240-day” and*
 18 *inserting “1-year”;*

19 (2) *by redesignating paragraph (5) as para-*
 20 *graph (6); and*

21 (3) *by inserting after paragraph (4) the fol-*
 22 *lowing:*

23 “(5) *PLATFORM FOR SHARING RÉSUMÉS OF INDI-*
 24 *VIDUALS ON CERTIFICATES OF ELIGIBLES.*—The Di-
 25 *rector of the Office shall establish and operate a plat-*

1 *form on which an appointing authority can share,*
 2 *with other appointing authorities and the Chief*
 3 *Human Capital Officers Council established under*
 4 *section 1303 of the Chief Human Capital Officers Act*
 5 *of 2002 (5 U.S.C. 1401 note; Public Law 107–296),*
 6 *the résumés of individuals who are on a certificate of*
 7 *eligibles requested by the appointing authority.”.*

8 *(b) MAXIMIZING SHARING OF APPLICANT INFORMA-*
 9 *TION.—Section 2 of the Competitive Service Act of 2015*
 10 *(Public Law 114–137; 130 Stat. 310) is amended—*

11 *(1) by redesignating subsections (c) and (d) as*
 12 *subsections (d) and (e), respectively; and*

13 *(2) by inserting after subsection (b) the fol-*
 14 *lowing:*

15 *“(c) MAXIMIZING SHARING OF APPLICANT INFORMA-*
 16 *TION.—*

17 *“(1) DEFINITIONS.—In this subsection—*

18 *“(A) the terms ‘agency’, ‘Director’, and ‘Of-*
 19 *fice’ have the meanings given those terms in sec-*
 20 *tion 3304(c)(1) of title 5, United States Code;*
 21 *and*

22 *“(B) the term ‘competitive service’ has the*
 23 *meaning given the term in section 2102 of title*
 24 *5, United States Code.*

1 “(2) *MAXIMIZING SHARING.*—*The Director shall*
 2 *maximize the sharing of information among agencies*
 3 *regarding qualified applicants for positions in the*
 4 *competitive service, including by—*

5 “(A) *providing for the delegation to other*
 6 *agencies of the authority of the Office to host*
 7 *multi-agency hiring actions to increase the re-*
 8 *turn on investment on high-quality pooled an-*
 9 *nouncements; and*

10 “(B) *sharing certificates of eligibles and ac-*
 11 *companying résumés for appointment.”.*

12 (c) *AMENDMENT OF IMPLEMENTING REGULATIONS.*—
 13 *Not later than 180 days after the date of enactment of this*
 14 *Act, the Director shall promulgate regulations to carry out*
 15 *the amendments made by this section.*

16 **SEC. 5. MODERNIZING AND REFORMING THE ASSESSMENT**
 17 **AND HIRING OF FEDERAL JOB CANDIDATES.**

18 (a) *IN GENERAL.*—*Section 3308 of title 5, United*
 19 *States Code, is amended—*

20 (1) *by striking “scientific, technical, or profes-*
 21 *sional”;*

22 (2) *by inserting “legally” before “performed”;*
 23 *and*

1 (3) by inserting “in a jurisdiction in which the
2 duties of the position are to be performed” after “a
3 prescribed minimum education”.

4 (b) *IMPLEMENTATION.*—

5 (1) *REGULATIONS AND GUIDANCE DOCUMENTS.*—

6 Not later than 1 year after the date of enactment of
7 this Act, the Director shall amend all regulations and
8 guidance documents as necessary to implement the
9 amendments made by subsection (a).

10 (2) *HIRING PRACTICES.*—Not later than 1 year
11 after the date of enactment of this Act, the Director
12 and the head of any other examining agency shall
13 amend the hiring practices of the Office or the other
14 examining agency, respectively, in accordance with
15 the amendments made by subsection (a).

16 **SEC. 6. TALENT TEAMS.**

17 (a) *FEDERAL AGENCY TALENT TEAMS.*—

18 (1) *IN GENERAL.*—An agency may establish 1 or
19 more talent teams (referred to in this section as
20 “agency talent teams”), including at the component
21 level.

22 (2) *DUTIES.*—An agency talent team shall pro-
23 vide hiring support to the agency and other agencies,
24 including by—

1 (A) improving examinations (as defined in
2 subsection (c)(1)(A) of section 3304 of title 5,
3 United States Code, as added by section 3(a));

4 (B) facilitating writing job announcements
5 for the competitive service;

6 (C) sharing high-quality certificates of eligi-
7 bles; and

8 (D) facilitating hiring for the competitive
9 service using examinations (as defined in such
10 subsection (c)(1)(A)) and subject matter experts.

11 (b) OFFICE OF PERSONNEL MANAGEMENT.—The Di-
12 rector may establish a Federal talent team to support agen-
13 cy talent teams in facilitating pooled hiring actions across
14 the Federal Government, providing training, and creating
15 technology platforms to facilitate hiring for the competitive
16 service, including—

17 (1) the development of technical assessments; and

18 (2) the sharing of certificates of eligibles and ac-
19 companying résumés under sections 3318(b) and
20 3319(c) of title 5, United States Code.

Calendar No. 558

117TH CONGRESS
2D Session

S. 3423

[Report No. 117-206]

A BILL

To implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring.

NOVEMBER 17, 2022

Reported with an amendment