

“(2) undertake a resume review for each candidate who is referred for additional consideration after analysis of the results of the occupational questionnaire is complete.

“(f) **FEDERAL AGENCY TALENT TEAMS.**—

“(1) **IN GENERAL.**—An agency may establish 1 or more agency talent teams, including at the component level.

“(2) **DUTIES.**—An agency talent team shall provide hiring support to the agency, including by—

“(A) improving examinations;

“(B) facilitating the writing of job announcements for the competitive service;

“(C) sharing high-quality certificates of eligible applicants; and

“(D) facilitating hiring for the competitive service using examinations.

“(g) **OFFICE OF PERSONNEL MANAGEMENT TALENT TEAM.**—The Director may establish a Federal talent team to support agency talent teams by—

“(1) facilitating hiring actions across the Federal Government;

“(2) providing training;

“(3) creating tools and guides to facilitate hiring for the competitive service; and

“(4) developing technical assessments.

“(h) **RULEMAKING.**—The Director shall promulgate such regulations as are necessary to implement and interpret this section.”.

#### **SEC. 4. COMPETITIVE SERVICE CANDIDATE HIRING AND REFORM.**

(a) **REVIEW.**—

(1) **IN GENERAL.**—The Director shall conduct a review of examinations for hiring for each position in the competitive service that an examining agency has determined requires a minimum educational requirement because the position is of a scientific, technical, or professional nature pursuant to section 3308 of title 5, United States Code, to determine whether data, evidence, or other information justifies the need for educational requirements for the position.

(2) **CONSULTATION.**—In carrying out paragraph (1), the Director shall consult with, at minimum—

(A) agencies, as deemed appropriate by the Director;

(B) employee representatives;

(C) external experts; and

(D) relevant stakeholders.

(b) **REPORT ON HIRING PRACTICES.**—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the relevant committees recommendations to amend the hiring practices of examining agencies in accordance with the findings of the review conducted under subsection (a)(1).

#### **SEC. 5. REPORTS.**

(a) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and each year thereafter ending with the fifth publication and submission of the report, the Director shall publish on a public-facing website, and submit to the relevant committees, a report that—

(A) examines the progress of examining agencies in implementing the requirements of this Act and the amendments made by this Act; and

(B) identifies any significant difficulties encountered in the implementation described in subparagraph (A).

(2) **INCLUSION IN ANNUAL REPORT.**—The Director may include the report required under paragraph (1) as an addendum to the report required under subsection (b).

(3) **DELAYED REPORTING.**—If the Director is unable to publish and submit the report within the timeline required under paragraph (1), the Director shall publish on a public-facing website, and submit to the relevant committees, a notification of the delay that—

(A) provides a reason for the delay; and

(B) advises the public and the relevant committees of the anticipated date of publication and submission of the report.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Director shall publish on a public-facing website and submit to the relevant committees a report that, with respect to categories of positions in the competitive service for which an examining agency examined applicants during the applicable period, includes—

(A) the type of examination used; and

(B) summary data from examinations that are closed, audited, and anonymous on the use of examinations for the competitive service, including technical assessments.

(2) **DEMOGRAPHIC INDICATORS.**—In carrying out paragraph (1), the Director shall break the data down by applicant demographic indicators to facilitate direct comparability and trendline comparisons to data available as of October 1, 2020, as a baseline.

(3) **LIMITATIONS.**—In carrying out this subsection, the Director may only publish and submit to the relevant committees data relating to examinations for which—

(A) the related announcement is closed;

(B) certificates have been audited; and

(C) all hiring processes are completed.

(4) **DELAYED REPORTING.**—If the Director is unable to publish and submit the report within the timeline required under paragraph (1), the Director shall publish on a public-facing website, and submit to the relevant committees, a notification of the delay that—

(A) provides a reason for the delay; and

(B) advises the public and the relevant committees of the anticipated date of publication and submission of the report.

(c) **PROVISION OF DATA BY AGENCIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance to examining agencies regarding the data that the Director needs from the examining agencies in order to comply with subsections (a) and (b).

(2) **REPORTING TIMELINES.**—Each examining agency shall provide the data outlined in the guidance issued by the Director under paragraph (1) on a quarterly basis.

#### **SEC. 6. GAO REPORT.**

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses the implementation of this Act and the amendments made by this Act;

(2) assesses the impact of modifications made by this Act to the hiring process for the competitive service under section 3304 of title 5, United States Code; and

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

#### **SEC. 7. EVALUATION FOR POTENTIAL UPDATES OR REVISIONS TO GOVERNMENT-WIDE SYSTEMS OF RECORDS AT THE OFFICE OF PERSONNEL MANAGEMENT.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Director shall evaluate whether the Government-wide system of records notices, the OPM/GOVT-5 Recruiting, Examining, and Placement Records, and the OPM/GOVT-6 Personnel Research and Test Validation Records, or any successor materials thereto, require updating or revision in order to support the implementation of this Act and the amendments made by this Act.

(b) **ISSUANCE OF UPDATES OR REVISIONS; NOTICE TO CONGRESS.**—If the Director determines under subsection (a) that any updates or revisions are necessary, the Director, in accordance with section 552a of title 5, United States Code (commonly known as the “Privacy Act”), shall promptly—

(1) issue the updates or revisions; and

(2) notify the relevant committees.

Mr. SCHUMER. I ask unanimous consent that the committee-reported sub-

stitute amendment be withdrawn; that the Sinema substitute amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 3325) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill (S. 59), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### **VETERANS BENEFITS IMPROVEMENT ACT OF 2023**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of S. 2513, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2513) to amend title 38, United States Code, to improve benefits administered by the Secretary of Veterans Affairs, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Moran-Tester substitute amendment be considered and agreed to; the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3326) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill (S. 2513), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### **ELIZABETH DOLE HOME AND COMMUNITY BASED SERVICES FOR VETERANS AND CAREGIVERS ACT OF 2023**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of S. 141 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 141) to amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home

and community based services for veterans, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Moran-Tester substitute amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3327) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 141), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

### FDA MODERNIZATION ACT 3.0

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 5046 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 5046) to require the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to publish a final rule relating to nonclinical testing methods.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Booker-Schmitt substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3328) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "FDA Modernization Act 3.0".

#### SEC. 2. REGULATIONS ON NONCLINICAL TESTING METHODS.

(a) INTERIM FINAL RULE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall publish an interim final rule pursuant to subsections (b) and (c) to ensure implementation of the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117-328; 136 Stat. 5821).

(2) EFFECTIVENESS OF INTERIM FINAL RULE.—Notwithstanding subparagraph (B) of section 553(b) of title 5, United States Code, the interim final rule issued by the Secretary of Health and Human Services under paragraph (1) shall become immediately effective as an interim final rule without requiring the Secretary of Health and Human Services to demonstrate good cause therefor.

(b) INCLUSIONS.—

(1) IN GENERAL.—The interim final rule shall replace any references to "animal" tests, data, studies, models, and research with a reference to nonclinical tests, data, studies, models, and research in the following sections of title 21, Code of Federal Regulations:

- (A) Section 312.22(c).
- (B) Section 312.23(a)(3)(iv).
- (C) Section 312.23(a)(5)(ii).
- (D) Section 312.23(a)(5)(iii).
- (E) Section 312.23(a)(8).
- (F) Section 312.23(a)(8)(i).
- (G) Section 312.23(a)(8)(ii).
- (H) Section 312.23(a)(10)(i).
- (I) Section 312.23(a)(10)(ii).
- (J) Section 312.33(b)(6).
- (K) Section 312.82(a).
- (L) Section 312.88.
- (M) Section 314.50(d)(2).
- (N) Section 314.50(d)(2)(iv).
- (O) Section 314.50(d)(5)(i).
- (P) Section 314.50(d)(5)(vi)(a).
- (Q) Section 314.50(d)(5)(vi)(b).
- (R) Section 314.93(e)(2).
- (S) Section 315.6(d).
- (T) Section 330.10(a)(2).
- (U) Section 601.35(d).

(V) Any other section necessary to ensure regulatory consistency with the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117-328; 136 Stat. 5821).

(2) ADDITIONAL CHANGES.—The Secretary may make such additional changes to the sections of title 21, Code of Federal Regulations, described in subparagraphs (A) through (V) of paragraph (1) as the Secretary determines appropriate to fully implement the replacement required under such paragraph.

(c) DEFINITION OF NONCLINICAL TEST.—The definition of "nonclinical test" in section 505(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(z)) shall be added to sections 312.3, 314.3, 315.2, and 601.31 of title 21, Code of Federal Regulations.

(d) TECHNICAL AMENDMENT.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by designating the second subsection (z) (relating to clinical

trial diversity action plans), as added by section 3601(a) of the Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022 (division FF of Public Law 117-328), as subsection (aa).

The bill (S. 5046), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

### ORDERS FOR MONDAY, DECEMBER 16, 2024

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m. on Monday, December 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate resume consideration of the House message to accompany H.R. 5009; further, that the cloture motion with respect to the motion to concur ripen at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ADJOURNMENT UNTIL MONDAY, DECEMBER 16, 2024, AT 3 P.M.

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:22 p.m., adjourned until Monday, December 16, 2024, at 3 p.m.

### CONFIRMATION

Executive nomination confirmed by the Senate December 12, 2024:

#### NUCLEAR REGULATORY COMMISSION

MATTHEW JAMES MARZANO, OF ILLINOIS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2028.

### WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 12, 2024 withdrawing from further Senate consideration the following nomination:

RYAN YOUNG PARK, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE JAMES A. WYNN, JR., RETIRING, WHICH WAS SENT TO THE SENATE ON JULY 8, 2024.