

117TH CONGRESS  
2D SESSION

# H. R. 6967

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2022

Mr. HICE of Georgia (for himself, Mr. KHANNA, Ms. FOXX, and Mr. MFUME) introduced the following bill; which was referred to the Committee on Oversight and Reform

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## A BILL

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

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 2022”.

6 **SEC. 2. DEFINITIONS.**

7 (a) TERMS DEFINED IN SECTION 3304 OF TITLE 5,  
8 UNITED STATES CODE.—In this Act, the terms “agency”,  
9 “Director”, “examining agency”, “Office”, “subject mat-

1 ter expert”, and “technical assessment” have the mean-  
2 ings given those terms in subsection (c)(1) of section 3304  
3 of title 5, United States Code, as added by section 3(a).

4 (b) OTHER TERMS.—In this Act, the term “competi-  
5 tive service” has the meaning given the term in section  
6 2102 of title 5, United States Code.

7 **SEC. 3. DEFINING THE TERM “EXAMINATION” FOR PUR-**  
8 **POSES OF HIRING IN THE COMPETITIVE**  
9 **SERVICE.**

10 (a) EXAMINATIONS; TECHNICAL ASSESSMENTS.—

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

13 (A) by redesignating subsections (c)  
14 through (f) as subsections (d) through (g), re-  
15 spectively; and

16 (B) by inserting after subsection (b) the  
17 following:

18 “(c) EXAMINATIONS.—

19 “(1) DEFINITIONS.—

20 “(A) EXAMINATION DEFINED FOR PUR-  
21 POSES OF THIS CHAPTER.—For purposes of  
22 this chapter, the term ‘examination’—

23 “(i) means an opportunity to directly  
24 demonstrate knowledge, skills, abilities,

1 and competencies, through a passing score  
2 assessment;

3 “(ii) includes a résumé review that  
4 is—

5 “(I) conducted by a subject mat-  
6 ter expert; and

7 “(II) based upon indicators  
8 that—

9 “(aa) are derived from a job  
10 analysis; and

11 “(bb) bear a rational rela-  
12 tionship to performance in the  
13 position for which the examining  
14 agency is hiring; and

15 “(iii) on and after the date that is 2  
16 years after the date of enactment of the  
17 Chance to Compete Act of 2022, does not  
18 include a self-assessment from an auto-  
19 mated examination, a résumé review (ex-  
20 cept as provided in clause (ii)), or any  
21 other method of determining the experi-  
22 ence or level of educational attainment of  
23 an individual, alone.

24 “(B) OTHER TERMS.—In this subsection—

1 “(i) the term ‘agency’ means an agen-  
2 cy described in section 901(b) of title 31;

3 “(ii) the term ‘Director’ means the  
4 Director of the Office;

5 “(iii) the term ‘examining agency’  
6 means—

7 “(I) the Office; or

8 “(II) an agency to which the Di-  
9 rector has delegated examining au-  
10 thority under section 1104(a)(2) of  
11 this title;

12 “(iv) the term ‘Office’ means the Of-  
13 fice of Personnel Management;

14 “(v) the term ‘passing score assess-  
15 ment’ means an assessment that an indi-  
16 vidual can pass or fail;

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

19 “(I) who possesses understanding  
20 of the duties of, and knowledge, skills,  
21 and abilities required for, the position  
22 for which the employee or selecting of-  
23 ficial is developing or administering  
24 an assessment; and

1                   “(II) whom the delegated exam-  
2                   ining unit of the agency that employs  
3                   the employee or selecting official des-  
4                   ignates to assist in the development  
5                   and administration of technical as-  
6                   sessments under paragraph (2); and

7                   “(vii) the term ‘technical assessment’  
8                   means an assessment developed under  
9                   paragraph (2)(A)(i) that—

10                   “(I) allows for the demonstration  
11                   of job-related technical skills, abilities,  
12                   and knowledge;

13                   “(II)(aa) is based upon a job  
14                   analysis; and

15                   “(bb) is relevant to the position  
16                   for which the assessment is developed;  
17                   and

18                   “(III) may include—

19                   “(aa) a structured interview;

20                   “(bb) a work-related exer-  
21                   cise;

22                   “(cc) a custom or generic  
23                   procedure used to measure an in-  
24                   dividual’s employment or career-

1 related qualifications and inter-  
2 ests; or

3 “(dd) another assessment  
4 that meets the criteria under  
5 subclauses (I) and (II).

6 “(2) TECHNICAL ASSESSMENTS.—

7 “(A) IN GENERAL.—For the purpose of  
8 conducting an examination for a position in the  
9 competitive service, a subject matter expert who  
10 is determined by the subject matter expert’s  
11 agency to be an expert in the subject and job  
12 field of the position, as affirmed and audited by  
13 the Chief Human Capital Officer or Human Re-  
14 sources Director (as applicable) of that agency,  
15 may—

16 “(i) develop, in partnership with  
17 human resources employees of the exam-  
18 ining agency, a position-specific assessment  
19 that is relevant to the position; and

20 “(ii) administer the assessment devel-  
21 oped under clause (i) to—

22 “(I) determine whether an appli-  
23 cant for the position has a passing  
24 score to be qualified for the position;  
25 or

1                   “(II) rank applicants for the po-  
2                   sition for category rating purposes  
3                   under section 3319.

4                   “(B) SHARING AND CUSTOMIZATION OF  
5                   ASSESSMENTS.—

6                   “(i) SHARING.—An examining agency  
7                   may share a technical assessment with an-  
8                   other examining agency if each agency  
9                   maintains appropriate control over exam-  
10                  ination material.

11                  “(ii) CUSTOMIZATION.—An examining  
12                  agency with which a technical assessment  
13                  is shared under clause (i) may customize  
14                  the assessment as appropriate, provided  
15                  that the resulting assessment satisfies the  
16                  requirements under part 300 of title 5,  
17                  Code of Federal Regulations (or any suc-  
18                  cessor regulation).

19                  “(iii) PLATFORM FOR SHARING AND  
20                  CUSTOMIZATION.—

21                  “(I) IN GENERAL.—The Director  
22                  shall establish and operate a platform  
23                  on which examining agencies can  
24                  share and customize technical assess-  
25                  ments under this subparagraph.

1                   “(II) GUIDANCE.—Not later than  
2                   1 year after the date of enactment of  
3                   the Chance to Compete Act of 2022,  
4                   the Director shall issue guidance to  
5                   examining agencies on how to effi-  
6                   ciently and effectively share assess-  
7                   ments using the platform established  
8                   under subclause (I).

9                   “(C) ADOPTION OF DETERMINATIONS BY  
10                  OTHER AGENCIES.—For purposes of sections  
11                  3318(b) and 3319(e), an appointing authority,  
12                  other than the appointing authority requesting  
13                  a certificate of eligibles, that selects an indi-  
14                  vidual from that certificate in accordance with  
15                  such section 3318(b) or 3319(e) may adopt the  
16                  determination described in subparagraph (A) of  
17                  this paragraph of a subject matter expert em-  
18                  ployed by the requesting appointing authority  
19                  instead of administering an additional technical  
20                  assessment of the individual.”.

21                  (2) ALTERNATIVE RANKING AND SELECTION  
22                  PROCEDURES.—Section 3319(a) of title 5, United  
23                  States Code, is amended by adding at the end the  
24                  following: “To be placed in a quality category under  
25                  the preceding sentence, an applicant shall be re-



1       quired to have passed an examination in accordance  
2       with section 3304(b), subject to the exceptions in  
3       that section.”.

4               (3) TECHNICAL AND CONFORMING AMEND-  
5       MENT.—Section 3330a(a)(1)(B) of title 5, United  
6       States Code, is amended by striking “section  
7       3304(f)(1)” and inserting “section 3304(g)(1)”.

8               (b) IMPLEMENTATION OF PASSING SCORE ASSESS-  
9       MENT REQUIREMENT.—Not later than 2 years after the  
10       date of enactment of this Act, the Director and the head  
11       of any other examining agency shall eliminate the use of  
12       any examination for the competitive service that does not  
13       satisfy the definition of the term “examination” in sub-  
14       section (c)(1)(A) of section 3304 of title 5, United States  
15       Code, as added by subsection (a) of this section.

16              (c) OPM REPORTING.—

17                      (1) PUBLIC DASHBOARD.—

18                              (A) IN GENERAL.—The Director shall  
19                              maintain and periodically update a publicly  
20                              available dashboard that, with respect to each  
21                              position in the competitive service for which an  
22                              examining agency examined applicants during  
23                              the applicable period, includes—

24                                      (i) the type of assessment used, such  
25                                      as—

1 (I) a behavioral off-the-shelf as-  
2 sessment;

3 (II) a résumé review conducted  
4 by a subject matter expert;

5 (III) an interview conducted by a  
6 subject matter expert;

7 (IV) a technical off-the-shelf as-  
8 sessment; or

9 (V) a cognitive ability test;

10 (ii) whether or not the agency selected  
11 a candidate for the position; and

12 (iii) the hiring authority used to fill  
13 the position.

14 (B) TIMING.—

15 (i) INITIAL DATA.—Not later than  
16 180 days after the date of enactment of  
17 this Act, the Director shall update the  
18 dashboard described in subparagraph (A)  
19 with data for positions in the competitive  
20 service for which an examining agency ex-  
21 amined applicants during the period begin-  
22 ning on the date of enactment of this Act  
23 and ending on the date of submission of  
24 the report.

1                   (ii) SUBSEQUENT UPDATES.—Not  
2                   later than October 1 of each fiscal year be-  
3                   ginning after the date on which the dash-  
4                   board is initially updated under clause (i),  
5                   the Director shall update the dashboard  
6                   described in subparagraph (A) with data  
7                   for positions in the competitive service for  
8                   which an examining agency examined ap-  
9                   plicants during the preceding fiscal year.

10               (2) ANNUAL PROGRESS REPORT.—

11                   (A) IN GENERAL.—Each year, the Direc-  
12                   tor, in accordance with subparagraphs (B) and  
13                   (C), shall make publicly available and submit to  
14                   Congress an overall progress report that in-  
15                   cludes summary data of the use of examinations  
16                   (as defined in subsection (c)(1)(A) of section  
17                   3304 of title 5, United States Code, as added  
18                   by subsection (a) of this section) for the com-  
19                   petitive service, including technical assessments.

20                   (B) CATEGORIES; BASELINE DATA.—In  
21                   carrying out subparagraph (A), the Director  
22                   shall—

23                   (i) break the data down by applicant  
24                   demographic indicator, including veteran  
25                   status, race, gender, disability, and any

1 other measure the Director determines ap-  
2 propriate; and

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

5 (C) LIMITATIONS.—In carrying out sub-  
6 paragraph (A), the Director may only make  
7 publicly available and submit to Congress data  
8 relating to examinations for which—

9 (i) the related announcement is  
10 closed;

11 (ii) certificates have been audited; and

12 (iii) all hiring processes are com-  
13 pleted.

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

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

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

1           (3) makes recommendations for the improve-  
2           ment of the hiring process for the competitive serv-  
3           ice.

4 **SEC. 4. AMENDMENTS TO COMPETITIVE SERVICE ACT OF**  
5 **2015.**

6           (a) PLATFORMS FOR SHARING CERTIFICATES OF  
7 ELIGIBLES.—Section 3318(b) of title 5, United States  
8 Code, is amended—

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

11           (2) by redesignating paragraph (5) as para-  
12           graph (6); and

13           (3) by inserting after paragraph (4) the fol-  
14           lowing:

15           “(5) PLATFORM FOR SHARING RÉSUMÉS OF IN-  
16           DIVIDUALS ON CERTIFICATES OF ELIGIBLES.—The  
17           Director of the Office shall establish and operate a  
18           platform on which an appointing authority can  
19           share, with other appointing authorities and the  
20           Chief Human Capital Officers Council established  
21           under section 1303 of the Chief Human Capital Of-  
22           ficers Act of 2002 (5 U.S.C. 1401 note; Public Law  
23           107–296), the résumés of individuals who are on a  
24           certificate of eligibles requested by the appointing  
25           authority.”.

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

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

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

8 “(c) MAXIMIZING SHARING OF APPLICANT INFORMA-  
9 TION.—

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

11 “(A) the terms ‘agency’, ‘Director’, and  
12 ‘Office’ have the meanings given those terms in  
13 section 3304(c)(1) of title 5, United States  
14 Code; and

15 “(B) the term ‘competitive service’ has the  
16 meaning given the term in section 2102 of title  
17 5, United States Code.

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

22 “(A) providing for the delegation to other  
23 agencies of the authority of the Office to host  
24 multi-agency hiring actions to increase the re-

1 turn on investment on high-quality pooled an-  
2 nouncements; and

3 “(B) sharing certificates of eligibles and  
4 accompanying résumés for appointment.”.

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

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

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

13 (1) by striking “scientific, technical, or profes-  
14 sional”;

15 (2) by inserting “legally” before “performed”;  
16 and

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

20 (b) IMPLEMENTATION.—

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

1           (2) HIRING PRACTICES.—Not later than 1 year  
2 after the date of enactment of this Act, the Director  
3 and the head of any other examining agency shall  
4 amend the hiring practices of the Office or the other  
5 examining agency, respectively, in accordance with  
6 the amendments made by subsection (a).

7 **SEC. 6. TALENT TEAMS.**

8           (a) FEDERAL AGENCY TALENT TEAMS.—

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

13           (2) DUTIES.—An agency talent team shall pro-  
14 vide hiring support to the agency and other agencies,  
15 including by—

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

19                   (B) facilitating writing job announcements  
20 for the competitive service;

21                   (C) sharing high-quality certificates of eli-  
22 gibles; and

23                   (D) facilitating hiring for the competitive  
24 service using examinations (as defined in such



1 subsection (c)(1)(A)) and subject matter ex-  
2 perts.

3 (b) OFFICE OF PERSONNEL MANAGEMENT.—The  
4 Director may establish a Federal talent team to support  
5 agency talent teams in facilitating pooled hiring actions  
6 across the Federal Government, providing training, and  
7 creating technology platforms to facilitate hiring for the  
8 competitive service, including—

9 (1) the development of technical assessments;

10 and

11 (2) the sharing of certificates of eligibles and  
12 accompanying résumés under sections 3318(b) and  
13 3319(e) of title 5, United States Code.

○