

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4502
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Modernizing the Acqui-
3 sition of Cybersecurity Experts Act of 2023”.

**4 SEC. 2. EDUCATIONAL REQUIREMENTS FOR COMPETITIVE
5 SERVICE CYBERSECURITY POSITIONS.**

6 Section 3308 of title 5, United States Code, is
7 amended—

8 (1) by striking “The Office of Personnel Man-
9 agement” and inserting “(a) IN GENERAL.—Con-
10 sistent with subsection (b), the Office of Personnel
11 Management”; and

12 (2) by adding at the end the following:

13 “(b) EDUCATION REQUIREMENTS FOR CYBERSECU-
14 RITY POSITIONS.—

15 “(1) IN GENERAL.—With respect to any cov-
16 ered position—

17 “(A) an agency may prescribe a minimum
18 educational requirement for employment in

1 such a position only if a minimum education
2 qualification is required by law to perform the
3 duties of the position in the State or locality
4 where the duties of the position are to be per-
5 formed; and

6 “(B) an agency may consider education in
7 determining a candidate’s satisfaction of any
8 other minimum qualification only if the can-
9 didate’s education directly reflects the com-
10 petencies necessary to satisfy that qualification
11 and perform the duties of the position.

12 “(2) PUBLICATION.—Not later than one year
13 after the date of the enactment of the Modernizing
14 the Acquisition of Cybersecurity Experts Act of
15 2023 and annually thereafter, the Office of Per-
16 sonnel Management shall publish on the Office’s
17 website—

18 “(A) any changes made to minimum quali-
19 fications standards concerning education for
20 covered positions; and

21 “(B) aggregate data indicating the level of
22 educational attainment, sorted by position clas-
23 sification, of all accessions to covered positions.

24 “(3) COVERED POSITION DEFINED.—In this
25 subsection, the term ‘covered position’ means—

1 “(A) any position in the competitive service
2 classified under the GS-2210 information tech-
3 nology management series, or any successor se-
4 ries; and

5 “(B) any other position in the competitive
6 service designated as “cybersecurity” under the
7 National Initiative for Cybersecurity Education
8 (NICE) Cybersecurity Workforce Framework
9 (NIST Special Publication 800–181), or suc-
10 cessor framework.”.

Amend the title so as to read: “A bill to amend title 5, United States Code, to limit the use of educational requirements or qualifications in evaluating candidates for certain cybersecurity positions in the competitive service, and for other purposes.”.

