Suspend the Rules and Pass the Bill, H.R. 6967, With an Amendment
(The amendment strikes all after the enacting clause and inserts a new text)

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.

IN THE HOUSE OF REPRESENTATIVES

March 8, 2022

Mr. HICE of Georgia (for himself, Mr. K HANNA, Ms. F OXX, and Mr. M FUME) introduced the following bill; which was referred to the Committee on Oversight and Reform

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chance to Compete Act of 2022”.
SEC. 2. DEFINITIONS.

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

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

SEC. 3. DEFINING THE TERM “EXAMINATION” FOR PURPOSES OF HIRING IN THE COMPETITIVE SERVICE.

(a) EXAMINATIONS; TECHNICAL ASSESSMENTS.—

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

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

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

“(c) EXAMINATIONS.—

“(1) DEFINITIONS.—

“(A) EXAMINATION.—

“(i) In this chapter, the term ‘examination’—
“(I) means an opportunity to directly demonstrate knowledge, skills, abilities, and competencies, through an assessment;

“(II) includes a résumé review that is—

“(aa) conducted by a subject matter expert; and

“(bb) based upon indicators that—

“(AA) are derived from a job analysis; and

“(BB) bear a rational relationship to performance in the position for which the examining agency is hiring; and

“(III) on and after the date that is 2 years after the date of enactment of the Chance to Compete Act of 2022, does not include a self-assessment from an automated examination, a résumé review (except as provided in subclause (II)), or any other method of determining the experience or
level of educational attainment of an individual, alone.

“(ii)(I) An agency’s Chief Human Capital Officer may waive clause (i)(III) if the Officer provides a written report to the Director of the Office of Personnel Management within 30 days of authorizing the waiver that justifies the need for such waiver and articulates the data, evidence, and circumstances for such need.

“(II) The Director is authorized to provide agencies guidance and instruction on the data, evidence, and circumstances that should be included in the waiver described in subclause (I) and shall post any waiver on a public website within 30 days of receipt of the waiver.

“(III) A waiver shall not be considered in effect until it is posted on the public website pursuant to subclause (II).

“(B) OTHER DEFINITIONS.—In this subsection—

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

“(iii) 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;

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

“(I) who possesses understanding of the duties of, and knowledge, skills, and abilities required for, the position for which the employee or selecting official is developing or administering an assessment; and

“(II) whom the agency that employs the employee or selecting official designates to assist in the development and administration of technical assessments under paragraph (2); and

“(v) the term ‘technical assessment’ means an assessment developed under paragraph (2)(A)(i) that—
“(I) allows for the demonstration of job-related technical skills, abilities, and knowledge;

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

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

“(III) may include—

“(aa) a structured interview;

“(bb) a work-related exercise;

“(cc) a custom or generic procedure used to measure an individual’s employment or career-related qualifications and interests; or

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

“(2) TECHNICAL ASSESSMENTS.—

“(A) IN GENERAL.—For the purpose of conducting an examination for a position in the competitive service, an individual or individuals whom an agency determines to have an exper-
tise in the subject and job field of the position,
as affirmed and audited by the Chief Human
Capital Officer or Human Resources Director
(as applicable) of that agency, may—

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

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

“(I) determine whether an appli-
cant for the position has dem-
onstrated qualification for the posi-
tion; or

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

“(B) SHARING AND CUSTOMIZATION OF
ASSESSMENTS.—

“(i) SHARING.—An examining agency
may share a technical assessment with an-
other examining agency if each agency
maintains appropriate control over exam-
ination material.
“(ii) CUSTOMIZATION.—An examining agency with which a technical assessment is shared under clause (i) may customize the assessment as appropriate, provided that the resulting assessment satisfies the requirements under part 300 of title 5, Code of Federal Regulations (or any successor regulation).

“(iii) PLATFORM FOR SHARING AND CUSTOMIZATION.—

“(I) IN GENERAL.—The Director shall establish and operate an online platform on which examining agencies can share and customize technical assessments under this subparagraph.

“(II) ONLINE PLATFORM.—The Director shall—

“(aa) not be responsible for independently validating the utility of the content and technical assessments shared in the online platform described in subclause (I); and

“(bb) ensure that such online platform includes the ability
of its users to rate the utility of
the content and technical assess-
ments shared in the online plat-
form to allow for a ranking of
such contents.

“(3) REGULATIONS.—Not later than one year
after the date of enactment of the Chance to Com-
pete Act of 2022, the Office of Personnel Manage-
ment shall prescribe regulations necessary for the
administration of this subsection with respect to em-
ployees in each agency.”.

(2) ALTERNATIVE RANKING AND SELECTION
PROCEDURES.—Section 3319(a) of title 5, United
States Code, is amended by adding at the end the
following: “To be placed in a quality category under
the preceding sentence, an applicant shall be re-
quired to have passed an examination in accordance
with section 3304(b), subject to the exceptions in
that section.”.

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

(b) OPM REPORTING.—

(1) PUBLIC ONLINE TOOL.—
(A) IN GENERAL.—The Director of the Office of Personnel Management shall maintain and periodically update a publicly available online tool that, with respect to each position in the competitive service for which an examining agency examined applicants during the applicable period, includes—

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

(I) a behavioral off-the-shelf assessment;

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

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

(IV) a technical off-the-shelf assessment; or

(V) a cognitive ability test;

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

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

(B) TIMING.—

(i) INITIAL DATA.—Not later than 180 days after the date of enactment of
this Act, the Director shall update the online tool described in subparagraph (A) with data for positions in the competitive service for which an examining agency examined applicants during the period beginning on the date of enactment of this Act and ending on the date of submission of the report.

(ii) Subsequent updates.—Not later than October 1 of each fiscal year beginning after the date on which the online tool is initially updated under clause (i), the Director shall update the online tool described in subparagraph (A) with data for positions in the competitive service for which an examining agency examined applicants during the preceding fiscal year.

(2) Annual progress report.—

(A) In general.—Each year, the Director, in accordance with subparagraphs (B) and (C), shall make publicly available and submit to Congress an overall progress report that includes summary data from examinations that are closed, audited, and anonymous on the use of examinations (as defined in subsection
(c)(1)(A) of section 3304 of title 5, United States Code, as added by subsection (a) of this section) for the competitive service, including technical assessments.

(B) Categories; baseline data.—In carrying out subparagraph (A), the Director shall—

(i) break the data down by applicant demographic indicator, including veteran status, race, gender, disability, and any other measure the Director determines appropriate; and

(ii) use the data available as of October 1, 2020, as a baseline.

(C) Limitations.—In carrying out subparagraph (A), the Director may only make publicly available and submit to Congress data relating to examinations for which—

(i) the related announcement is closed;

(ii) certificates have been audited; and

(iii) all hiring processes are completed.

(c) GAO Report.—Not later than 5 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 section and the amendments made by this section;

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

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

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

(a) PLATFORMS FOR SHARING CERTIFICATES OF ELIGIBLES.—

(1) IN GENERAL.—Section 3318(b) of title 5, United States Code, is amended—

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

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) ONLINE TOOL FOR SHARING RÉSUMÉS OF INDIVIDUALS ON CERTIFICATES OF ELIGIBLES.—Not
later than one year after the date of enactment of the Chance to Compete Act of 2022, the Director of the Office of Personnel Management shall establish and operate an online tool on which an appointing authority can share, with other appointing authorities and the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note; Public Law 107–296), the resumes of individuals who are on a certificate of eligibles requested by the appointing authority. In carrying out this paragraph, the Director shall consult with the Chief Human Capital Officers Counsel and its membership to develop a plan to establish such online tool.”.

(2) PLAN.—Not later than 270 days year after the date of enactment of this Act, the Director shall provide to Congress a plan to develop the online tool required in paragraph (5) of section 3318(b) of title 5, United States Code, as added by paragraph (1) of this subsection. Such plan shall—

(A) incorporate the input and feedback collected during the required consultation under such paragraph; and

(B) include estimated costs for building and operating the online tool for ten years.
(b) **Maximizing Sharing of Applicant Information.**—Section 2 of the Competitive Service Act of 2015 (Public Law 114–137; 130 Stat. 310) is amended—

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

(2) by inserting after subsection (b) the following:

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`“(c) Exploring the Benefits of Maximizing Sharing of Applicant Information.—`

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

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

(c) REPORT.—Not later than one year after the date
of enactment of this Act, the Director shall provide a writ-
ten report to Congress on the findings of the research re-
quired by the amendment made by subsection (b)(2). Such
report shall include a plan to implement the most effective
methods of maximizing the sharing of qualified candidates
for positions in the competitive service.

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

(a) OPM Review.—The Director shall conduct a re-
view of all examinations for hiring for a position that the
Office or any other examining ageney has determined re-
quires a minimum educational requirement because of the
nature of the duties of such position is of a scientific, tech-
nical, or professional position pursuant to section 3308 of
title 5, United States Code, to determine whether there
are data, evidence, or other information that justifies the
need for educational requirements for such position. The
Director shall consult with appropriate agencies, employee
representatives, external experts, and other stakeholders
when making any such determinations.
(b) **Online Tool Regarding Position Duties.**—

(1) *In General.*—Not later than two years after the date of enactment of this Act, the Director shall create and maintain an online tool that lists each of the duties determined to require minimum educational requirements and the data, evidence, or other information that justifies the need for these educational requirements. This online tool shall include a mechanism to receive feedback regarding data, evidence, or information that could affect the determination that a duty requires a minimum educational requirement.

(2) *Hiring Practices.*—Not later than one year after the creation of the online tool under paragraph (1), the Director and the head of any other examining agency shall amend the hiring practices of the Office or the other examining agency, respectively, in accordance with the findings of the review made by subsection (a).

(c) **Online Tool Regarding Recruiting.**—Upon the date of enactment of this Act, the Director shall establish and maintain an online tool that provides Federal agencies guidance on, and information about, all programs and authorities that help agencies attract, recruit, hire, and retain individuals.
SEC. 6. TALENT TEAMS.

(a) FEDERAL AGENCY TALENT TEAMS.—

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

(2) DUTIES.—An agency talent team shall provide hiring support to the agency and other agencies, including by—

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

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

(C) sharing high-quality certificates of eligibles; and

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

(b) OFFICE OF PERSONNEL MANAGEMENT.—The Director may establish a Federal talent team to support agency talent teams in facilitating pooled hiring actions across the Federal Government, providing training, and creating technology platforms to facilitate hiring for the competitive service, including—
(1) the development of technical assessments;

and

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

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.