

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
2^D 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. KHANNA, Ms. FOXX, and Mr. MFUME) 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.

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”.

1 **SEC. 2. DEFINITIONS.**

2 (a) TERMS DEFINED IN SECTION 3304 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 (c)(1) of section 3304
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) EXAMINATIONS; TECHNICAL ASSESSMENTS.—

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

17 (A) by redesignating subsections (c)
18 through (f) as subsections (d) through (g), re-
19 spectively; and

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

22 “(c) EXAMINATIONS.—

23 “(1) DEFINITIONS.—

24 “(A) EXAMINATION.—

25 “(i) In this chapter, the term ‘exam-
26 ination’—

1 “(I) means an opportunity to di-
2 rectly demonstrate knowledge, skills,
3 abilities, and competencies, through
4 an assessment;

5 “(II) includes a résumé review
6 that is—

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

9 “(bb) based upon indicators
10 that—

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

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

18 “(III) on and after the date that
19 is 2 years after the date of enactment
20 of the Chance to Compete Act of
21 2022, does not include a self-assess-
22 ment from an automated examination,
23 a résumé review (except as provided
24 in subclause (II)), or any other meth-
25 od of determining the experience or

1 level of educational attainment of an
2 individual, alone.

3 “(ii)(I) An agency’s Chief Human
4 Capital Officer may waive clause (i)(III) if
5 the Officer provides a written report to the
6 Director of the Office of Personnel Man-
7 agement within 30 days of authorizing the
8 waiver that justifies the need for such
9 waiver and articulates the data, evidence,
10 and circumstances for such need.

11 “(II) The Director is authorized to
12 provide agencies guidance and instruction
13 on the data, evidence, and circumstances
14 that should be included in the waiver de-
15 scribed in subclause (I) and shall post any
16 waiver on a public website within 30 days
17 of receipt of the waiver.

18 “(III) A waiver shall not be consid-
19 ered in effect until it is posted on the pub-
20 lic website pursuant to subclause (II).

21 “(B) OTHER DEFINITIONS.—In this sub-
22 section—

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

1 “(ii) the term ‘Director’ means the
2 Director of the Office;

3 “(iii) the term ‘examining agency’
4 means—

5 “(I) the Office; or

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

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

12 “(I) who possesses understanding
13 of the duties of, and knowledge, skills,
14 and abilities required for, the position
15 for which the employee or selecting of-
16 ficial is developing or administering
17 an assessment; and

18 “(II) whom the agency that em-
19 ploys the employee or selecting official
20 designates to assist in the develop-
21 ment and administration of technical
22 assessments under paragraph (2); and

23 “(v) the term ‘technical assessment’
24 means an assessment developed under
25 paragraph (2)(A)(i) that—

1 “(I) allows for the demonstration
2 of job-related technical skills, abilities,
3 and knowledge;

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

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

9 “(III) may include—

10 “(aa) a structured interview;

11 “(bb) a work-related exer-
12 cise;

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
20 subclauses (I) and (II).

21 “(2) TECHNICAL ASSESSMENTS.—

22 “(A) IN GENERAL.—For the purpose of
23 conducting an examination for a position in the
24 competitive service, an individual or individuals
25 whom an agency determines to have an exper-

1 tise in the subject and job field of the position,
2 as affirmed and audited by the Chief Human
3 Capital Officer or Human Resources Director
4 (as applicable) of that agency, may—

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

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

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

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

18 “(B) SHARING AND CUSTOMIZATION OF
19 ASSESSMENTS.—

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
3 is shared under clause (i) may customize
4 the assessment as appropriate, provided
5 that the resulting assessment satisfies the
6 requirements under part 300 of title 5,
7 Code of Federal Regulations (or any suc-
8 cessor regulation).

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

11 “(I) IN GENERAL.—The Director
12 shall establish and operate an online
13 platform on which examining agencies
14 can share and customize technical as-
15 sessments under this subparagraph.

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

18 “(aa) not be responsible for
19 independently validating the util-
20 ity of the content and technical
21 assessments shared in the online
22 platform described in subclause
23 (I); and

24 “(bb) ensure that such on-
25 line platform includes the ability

1 of its users to rate the utility of
2 the content and technical assess-
3 ments shared in the online plat-
4 form to allow for a ranking of
5 such contents.

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

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

20 (3) TECHNICAL AND CONFORMING AMEND-
21 MENT.—Section 3330a(a)(1)(B) of title 5, United
22 States Code, is amended by striking “section
23 3304(f)(1)” and inserting “section 3304(g)(1)”.

24 (b) OPM REPORTING.—

25 (1) PUBLIC ONLINE TOOL.—

1 (A) IN GENERAL.—The Director of the Of-
2 fice of Personnel Management shall maintain
3 and periodically update a publicly available on-
4 line tool that, with respect to each position in
5 the competitive service for which an examining
6 agency examined applicants during the applica-
7 ble period, includes—

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

10 (I) a behavioral off-the-shelf as-
11 sessment;

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

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

16 (IV) a technical off-the-shelf as-
17 sessment; or

18 (V) a cognitive ability test;

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

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

23 (B) TIMING.—

24 (i) INITIAL DATA.—Not later than
25 180 days after the date of enactment of

1 this Act, the Director shall update the on-
2 line tool described in subparagraph (A)
3 with data for positions in the competitive
4 service for which an examining agency ex-
5 amined applicants during the period begin-
6 ning on the date of enactment of this Act
7 and ending on the date of submission of
8 the report.

9 (ii) SUBSEQUENT UPDATES.—Not
10 later than October 1 of each fiscal year be-
11 ginning after the date on which the online
12 tool is initially updated under clause (i),
13 the Director shall update the online tool
14 described in subparagraph (A) with data
15 for positions in the competitive service for
16 which an examining agency examined ap-
17 plicants during the preceding fiscal year.

18 (2) ANNUAL PROGRESS REPORT.—

19 (A) IN GENERAL.—Each year, the Direc-
20 tor, in accordance with subparagraphs (B) and
21 (C), shall make publicly available and submit to
22 Congress an overall progress report that in-
23 cludes summary data from examinations that
24 are closed, audited, and anonymous on the use
25 of examinations (as defined in subsection

1 (c)(1)(A) of section 3304 of title 5, United
2 States Code, as added by subsection (a) of this
3 section) for the competitive service, including
4 technical assessments.

5 (B) CATEGORIES; BASELINE DATA.—In
6 carrying out subparagraph (A), the Director
7 shall—

8 (i) break the data down by applicant
9 demographic indicator, including veteran
10 status, race, gender, disability, and any
11 other measure the Director determines ap-
12 propriate; and

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

15 (C) LIMITATIONS.—In carrying out sub-
16 paragraph (A), the Director may only make
17 publicly available and submit to Congress data
18 relating to examinations for which—

19 (i) the related announcement is
20 closed;

21 (ii) certificates have been audited; and

22 (iii) all hiring processes are com-
23 pleted.

24 (c) GAO REPORT.—Not later than 5 years after the
25 date of enactment of this Act, the Comptroller General

1 of the United States shall submit to Congress a report
2 that—

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

5 (2) assesses the impact and modifications to the
6 hiring process for the competitive service made by
7 this section and the amendments made by this sec-
8 tion; and

9 (3) makes recommendations for the improve-
10 ment of the hiring process for the competitive serv-
11 ice.

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

14 (a) **PLATFORMS FOR SHARING CERTIFICATES OF**
15 **ELIGIBLES.—**

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

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

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

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

24 “(5) **ONLINE TOOL FOR SHARING RÉSUMÉS OF**
25 **INDIVIDUALS ON CERTIFICATES OF ELIGIBLES.—Not**

1 later than one year after the date of enactment of
2 the Chance to Compete Act of 2022, the Director of
3 the Office of Personnel Management shall establish
4 and operate an online tool on which an appointing
5 authority can share, with other appointing authori-
6 ties and the Chief Human Capital Officers Council
7 established under section 1303 of the Chief Human
8 Capital Officers Act of 2002 (5 U.S.C. 1401 note;
9 Public Law 107–296), the resumes of individuals
10 who are on a certificate of eligibles requested by the
11 appointing authority. In carrying out this para-
12 graph, the Director shall consult with the Chief
13 Human Capital Officers Counsel and its membership
14 to develop a plan to establish such online tool.”.

15 (2) PLAN.—Not later than 270 days year after
16 the date of enactment of this Act, the Director shall
17 provide to Congress a plan to develop the online tool
18 required in paragraph (5) of section 3318(b) of title
19 5, United States Code, as added by paragraph (1)
20 of this subsection. Such plan shall—

21 (A) incorporate the input and feedback col-
22 lected during the required consultation under
23 such paragraph; and

24 (B) include estimated costs for building
25 and operating the online tool for ten years.

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) EXPLORING THE BENEFITS OF MAXIMIZING
9 SHARING OF APPLICANT INFORMATION.—

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 research the benefits of maximizing the sharing
20 of information among agencies regarding qualified
21 applicants for positions in the competitive service,
22 including by—

23 “(A) providing for the delegation to other
24 agencies of the authority of the Office to host
25 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) REPORT.—Not later than one year after the date
6 of enactment of this Act, the Director shall provide a writ-
7 ten report to Congress on the findings of the research re-
8 quired by the amendment made by subsection (b)(2). Such
9 report shall include a plan to implement the most effective
10 methods of maximizing the sharing of qualified candidates
11 for positions in the competitive service.

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

14 (a) OPM REVIEW.—The Director shall conduct a re-
15 view of all examinations for hiring for a position that the
16 Office or any other examining agency has determined re-
17 quires a minimum educational requirement because of the
18 nature of the duties of such position is of a scientific, tech-
19 nical, or professional position pursuant to section 3308 of
20 title 5, United States Code, to determine whether there
21 are data, evidence, or other information that justifies the
22 need for educational requirements for such position. The
23 Director shall consult with appropriate agencies, employee
24 representatives, external experts, and other stakeholders
25 when making any such determinations.

1 (b) ONLINE TOOL REGARDING POSITION DUTIES.—

2 (1) IN GENERAL.—Not later than two years
3 after the date of enactment of this Act, the Director
4 shall create and maintain an online tool that lists
5 each of the duties determined to require minimum
6 educational requirements and the data, evidence, or
7 other information that justifies the need for these
8 educational requirements. This online tool shall in-
9 clude a mechanism to receive feedback regarding
10 data, evidence, or information that could affect the
11 determination that a duty requires a minimum edu-
12 cational requirement.

13 (2) HIRING PRACTICES.—Not later than one
14 year after the creation of the online tool under para-
15 graph (1), the Director and the head of any other
16 examining agency shall amend the hiring practices
17 of the Office or the other examining agency, respec-
18 tively, in accordance with the findings of the review
19 made by subsection (a).

20 (c) ONLINE TOOL REGARDING RECRUITING.—Upon
21 the date of enactment of this Act, the Director shall estab-
22 lish and maintain an online tool that provides Federal
23 agencies guidance on, and information about, all programs
24 and authorities that help agencies attract, recruit, hire,
25 and retain individuals.

1 **SEC. 6. TALENT TEAMS.**

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

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

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

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

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

15 (C) sharing high-quality certificates of eli-
16 gibles; and

17 (D) facilitating hiring for the competitive
18 service using examinations (as defined in such
19 subsection (c)(1)(A)) and subject matter ex-
20 perts.

21 (b) **OFFICE OF PERSONNEL MANAGEMENT.**—The
22 Director may establish a Federal talent team to support
23 agency talent teams in facilitating pooled hiring actions
24 across the Federal Government, providing training, and
25 creating technology platforms to facilitate hiring for the
26 competitive service, including—

1 (1) the development of technical assessments;
2 and

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

6 **SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.**

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