

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 6967  
OFFERED BY MRS. CAROLYN B. MALONEY OF  
NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**4 SEC. 2. DEFINITIONS.**

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

11 (b) OTHER TERMS.—In this Act, the term “competi-  
12 tive service” has the meaning given the term in section  
13 2102 of title 5, United States Code.

**14 SEC. 3. DEFINING THE TERM “EXAMINATION” FOR PUR-  
15 POSES OF HIRING IN THE COMPETITIVE  
16 SERVICE.**

17 (a) EXAMINATIONS; TECHNICAL ASSESSMENTS.—

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

3           (A) by redesignating subsections (c)  
4 through (f) as subsections (d) through (g), re-  
5 spectively; and

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

8           “(c) EXAMINATIONS.—

9           “(1) DEFINITIONS.—

10           “(A) EXAMINATION.—

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

13           “(I) means an opportunity to di-  
14 rectly demonstrate knowledge, skills,  
15 abilities, and competencies, through  
16 an assessment;

17           “(II) includes a résumé review  
18 that is—

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

21           “(bb) based upon indicators  
22 that—

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

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

6                   “(III) on and after the date that  
7                   is 2 years after the date of enactment  
8                   of the Chance to Compete Act of  
9                   2022, does not include a self-assess-  
10                  ment from an automated examination,  
11                  a résumé review (except as provided  
12                  in subclause (II)), or any other meth-  
13                  od of determining the experience or  
14                  level of educational attainment of an  
15                  individual, alone.

16                  “(ii)(I) An agency’s Chief Human  
17                  Capital Officer may waive clause (i)(III) if  
18                  the Officer provides a written report to the  
19                  Director of the Office of Personnel Man-  
20                  agement within 30 days of authorizing the  
21                  waiver that justifies the need for such  
22                  waiver and articulates the data, evidence,  
23                  and circumstances for such need.

24                  “(II) The Director is authorized to  
25                  provide agencies guidance and instruction

1 on the data, evidence, and circumstances  
2 that should be included in the waiver de-  
3 scribed in subclause (I) and shall post any  
4 waiver on a public website within 30 days  
5 of receipt of the waiver.

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

9 “(B) OTHER DEFINITIONS.—In this sub-  
10 section—

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

13 “(ii) the term ‘Director’ means the  
14 Director of the Office;

15 “(iii) the term ‘examining agency’  
16 means—

17 “(I) the Office; or

18 “(II) an agency to which the Di-  
19 rector has delegated examining au-  
20 thority under section 1104(a)(2) of  
21 this title;

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

24 “(I) who possesses understanding  
25 of the duties of, and knowledge, skills,

1 and abilities required for, the position  
2 for which the employee or selecting of-  
3 ficial is developing or administering  
4 an assessment; and

5 “(II) whom the agency that em-  
6 ploys the employee or selecting official  
7 designates to assist in the develop-  
8 ment and administration of technical  
9 assessments under paragraph (2); and

10 “(v) the term ‘technical assessment’  
11 means an assessment developed under  
12 paragraph (2)(A)(i) that—

13 “(I) allows for the demonstration  
14 of job-related technical skills, abilities,  
15 and knowledge;

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

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

21 “(III) may include—

22 “(aa) a structured interview;

23 “(bb) a work-related exer-  
24 cise;

1                   “(cc) a custom or generic  
2                   procedure used to measure an in-  
3                   dividual’s employment or career-  
4                   related qualifications and inter-  
5                   ests; or

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

9                   “(2) TECHNICAL ASSESSMENTS.—

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

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

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

24                   “(I) determine whether an appli-  
25                   cant for the position has dem-

1                   onstrated qualification for the posi-  
2                   tion; or

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

6                   “(B) SHARING AND CUSTOMIZATION OF  
7                   ASSESSMENTS.—

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

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

21                  “(iii) PLATFORM FOR SHARING AND  
22                  CUSTOMIZATION.—

23                  “(I) IN GENERAL.—The Director  
24                  shall establish and operate an online  
25                  platform on which examining agencies

1 can share and customize technical as-  
2 sessments under this subparagraph.

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

5 “(aa) not be responsible for  
6 independently validating the util-  
7 ity of the content and technical  
8 assessments shared in the online  
9 platform described in subclause  
10 (I); and

11 “(bb) ensure that such on-  
12 line platform includes the ability  
13 of its users to rate the utility of  
14 the content and technical assess-  
15 ments shared in the online plat-  
16 form to allow for a ranking of  
17 such contents.

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

24 (2) ALTERNATIVE RANKING AND SELECTION  
25 PROCEDURES.—Section 3319(a) of title 5, United



1 States Code, is amended by adding at the end the  
2 following: “To be placed in a quality category under  
3 the preceding sentence, an applicant shall be re-  
4 quired to have passed an examination in accordance  
5 with section 3304(b), subject to the exceptions in  
6 that section.”.

7 (3) TECHNICAL AND CONFORMING AMEND-  
8 MENT.—Section 3330a(a)(1)(B) of title 5, United  
9 States Code, is amended by striking “section  
10 3304(f)(1)” and inserting “section 3304(g)(1)”.

11 (b) OPM REPORTING.—

12 (1) PUBLIC ONLINE TOOL.—

13 (A) IN GENERAL.—The Director of the Of-  
14 fice of Personnel Management shall maintain  
15 and periodically update a publicly available on-  
16 line tool that, with respect to each position in  
17 the competitive service for which an examining  
18 agency examined applicants during the applica-  
19 ble period, includes—

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

22 (I) a behavioral off-the-shelf as-  
23 sessment;

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

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

3 (IV) a technical off-the-shelf as-  
4 sessment; or

5 (V) a cognitive ability test;

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

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

10 (B) TIMING.—

11 (i) INITIAL DATA.—Not later than  
12 180 days after the date of enactment of  
13 this Act, the Director shall update the on-  
14 line tool described in subparagraph (A)  
15 with data for positions in the competitive  
16 service for which an examining agency ex-  
17 amined applicants during the period begin-  
18 ning on the date of enactment of this Act  
19 and ending on the date of submission of  
20 the report.

21 (ii) SUBSEQUENT UPDATES.—Not  
22 later than October 1 of each fiscal year be-  
23 ginning after the date on which the online  
24 tool is initially updated under clause (i),  
25 the Director shall update the online tool

1 described in subparagraph (A) with data  
2 for positions in the competitive service for  
3 which an examining agency examined ap-  
4 plicants during the preceding fiscal year.

5 (2) ANNUAL PROGRESS REPORT.—

6 (A) IN GENERAL.—Each year, the Direc-  
7 tor, in accordance with subparagraphs (B) and  
8 (C), shall make publicly available and submit to  
9 Congress an overall progress report that in-  
10 cludes summary data from examinations that  
11 are closed, audited, and anonymous on the use  
12 of examinations (as defined in subsection  
13 (c)(1)(A) of section 3304 of title 5, United  
14 States Code, as added by subsection (a) of this  
15 section) for the competitive service, including  
16 technical assessments.

17 (B) CATEGORIES; BASELINE DATA.—In  
18 carrying out subparagraph (A), the Director  
19 shall—

20 (i) break the data down by applicant  
21 demographic indicator, including veteran  
22 status, race, gender, disability, and any  
23 other measure the Director determines ap-  
24 propriate; and

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

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

7 (i) the related announcement is  
8 closed;

9 (ii) certificates have been audited; and

10 (iii) all hiring processes are com-  
11 pleted.

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

16 (1) assesses the implementation of this section  
17 and the amendments made by this section;

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

22 (3) makes recommendations for the improve-  
23 ment of the hiring process for the competitive serv-  
24 ice.

1 **SEC. 4. AMENDMENTS TO COMPETITIVE SERVICE ACT OF**  
2 **2015.**

3 (a) PLATFORMS FOR SHARING CERTIFICATES OF  
4 ELIGIBLES.—

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

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

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

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

13 “(5) ONLINE TOOL FOR SHARING RÉSUMÉS OF  
14 INDIVIDUALS ON CERTIFICATES OF ELIGIBLES.—Not  
15 later than one year after the date of enactment of  
16 the Chance to Compete Act of 2022, the Director of  
17 the Office of Personnel Management shall establish  
18 and operate an online tool on which an appointing  
19 authority can share, with other appointing authori-  
20 ties and the Chief Human Capital Officers Council  
21 established under section 1303 of the Chief Human  
22 Capital Officers Act of 2002 (5 U.S.C. 1401 note;  
23 Public Law 107–296), the resumes of individuals  
24 who are on a certificate of eligibles requested by the  
25 appointing authority. In carrying out this para-  
26 graph, the Director shall consult with the Chief

1 Human Capital Officers Counsel and its membership  
2 to develop a plan to establish such online tool.”.

3 (2) PLAN.—Not later than 270 days year after  
4 the date of enactment of this Act, the Director shall  
5 provide to Congress a plan to develop the online tool  
6 required in paragraph (5) of section 3318(b) of title  
7 5, United States Code, as added by paragraph (1)  
8 of this subsection. Such plan shall—

9 (A) incorporate the input and feedback col-  
10 lected during the required consultation under  
11 such paragraph; and

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

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

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

19 (2) by inserting after subsection (b) the fol-  
20 lowing:

21 “(c) EXPLORING THE BENEFITS OF MAXIMIZING  
22 SHARING OF APPLICANT INFORMATION.—

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

24 “(A) the terms ‘agency’, ‘Director’, and  
25 ‘Office’ have the meanings given those terms in

1 section 3304(c)(1) of title 5, United States  
2 Code; and

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

6 “(2) MAXIMIZING SHARING.—The Director  
7 shall research the benefits of maximizing the sharing  
8 of information among agencies regarding qualified  
9 applicants for positions in the competitive service,  
10 including by—

11 “(A) providing for the delegation to other  
12 agencies of the authority of the Office to host  
13 multi-agency hiring actions to increase the re-  
14 turn on investment on high-quality pooled an-  
15 nouncements; and

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

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

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

3 (a) OPM REVIEW.—The Director shall conduct a re-  
4 view of all examinations for hiring for a position that the  
5 Office or any other examining agency has determined re-  
6 quires a minimum educational requirement because of the  
7 nature of the duties of such position is of a scientific, tech-  
8 nical, or professional position pursuant to section 3308 of  
9 title 5, United States Code, to determine whether there  
10 are data, evidence, or other information that justifies the  
11 need for educational requirements for such position. The  
12 Director shall consult with appropriate agencies, employee  
13 representatives, external experts, and other stakeholders  
14 when making any such determinations.

15 (b) ONLINE TOOL REGARDING POSITION DUTIES.—

16 (1) IN GENERAL.—Not later than two years  
17 after the date of enactment of this Act, the Director  
18 shall create and maintain an online tool that lists  
19 each of the duties determined to require minimum  
20 educational requirements and the data, evidence, or  
21 other information that justifies the need for these  
22 educational requirements. This online tool shall in-  
23 clude a mechanism to receive feedback regarding  
24 data, evidence, or information that could affect the  
25 determination that a duty requires a minimum edu-  
26 cational requirement.



1           (2) **HIRING PRACTICES.**—Not later than one  
2 year after the creation of the online tool under para-  
3 graph (1), the Director and the head of any other  
4 examining agency shall amend the hiring practices  
5 of the Office or the other examining agency, respec-  
6 tively, in accordance with the findings of the review  
7 made by subsection (a).

8           (c) **ONLINE TOOL REGARDING RECRUITING.**—Upon  
9 the date of enactment of this Act, the Director shall estab-  
10 lish and maintain an online tool that provides Federal  
11 agencies guidance on, and information about, all programs  
12 and authorities that help agencies attract, recruit, hire,  
13 and retain individuals.

14 **SEC. 6. TALENT TEAMS.**

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

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

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

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

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

3 (C) sharing high-quality certificates of eli-  
4 gibles; and

5 (D) facilitating hiring for the competitive  
6 service using examinations (as defined in such  
7 subsection (c)(1)(A)) and subject matter ex-  
8 perts.

9 (b) OFFICE OF PERSONNEL MANAGEMENT.—The  
10 Director may establish a Federal talent team to support  
11 agency talent teams in facilitating pooled hiring actions  
12 across the Federal Government, providing training, and  
13 creating technology platforms to facilitate hiring for the  
14 competitive service, including—

15 (1) the development of technical assessments;

16 and

17 (2) the sharing of certificates of eligibles and  
18 accompanying résumés under sections 3318(b) and

19 3319(e) of title 5, United States Code.

