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[Report No. 118–250]

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

IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2023

Ms. SINEMA (for herself, Mr. HAGERTY, Mr. LANKFORD, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 2, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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

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 2023”.

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 (e)
 18 through (f) as subsections (d) through (g), re-
 19 spectively; and

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

22 “**(e) EXAMINATIONS.**—

23 “**(1) DEFINITIONS.**—

24 “**(A) EXAMINATION DEFINED FOR PUR-**
 25 **POSES OF THIS CHAPTER.**—For purposes of
 26 this chapter, the term ‘examination’—

“(i) means an opportunity to directly demonstrate knowledge, skills, abilities, and competencies, through a passing score assessment;

“(ii) includes a résumé review that is—

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

“(II) 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 2023, does not include a self-assessment from an automated examination, a résumé review (except as provided in clause (ii)), or any other method of determining the experience or level of educational attainment of an individual, alone.

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

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

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

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

8 “(I) the Office; or

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

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

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

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

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

1 “(H) 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 “(H)(aa) is based upon a job
 14 analysis;

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

18 “(cc) does not discriminate on
 19 the basis of a protected status, as es-
 20 tablished by the Director in regula-
 21 tions implementing this subsection;
 22 and

23 “(III) may include—

24 “(aa) a structured interview;

1 “(bb) a work-related exer-
2 aise;

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

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

11 “(2) TECHNICAL ASSESSMENTS.—

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

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

“(ii) administer the assessment developed under clause (i) to—

“(I) determine whether an applicant for the position has a passing score to be qualified for the position; or

“(II) rank applicants for the position for category rating purposes under section 3319.

“(B) SHARING AND CUSTOMIZATION OF ASSESSMENTS.—

“(i) SHARING.—An examining agency may share a technical assessment with another examining agency if each agency maintains appropriate control over examination 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).

1 “(iii) PLATFORM FOR SHARING AND
2 CUSTOMIZATION.—

3 “(I) IN GENERAL.—The Director
4 shall establish and operate a platform
5 on which examining agencies can
6 share and customize technical assess-
7 ments under this subparagraph.

8 “(II) GUIDANCE.—Not later than
9 1 year after the date of enactment of
10 the Chance to Compete Act of 2023,
11 the Director shall issue guidance to
12 examining agencies on how to effi-
13 ciently and effectively share assess-
14 ments using the platform established
15 under subclause (I).

16 “(C) ADOPTION OF DETERMINATIONS BY
17 OTHER AGENCIES.—For purposes of sections
18 3318(b) and 3319(c), an appointing authority,
19 other than the appointing authority requesting
20 a certificate of eligibles, that selects an indi-
21 vidual from that certificate in accordance with
22 such section 3318(b) or 3319(c) may adopt the
23 determination described in subparagraph (A) of
24 this paragraph of a subject matter expert em-
25 ployed by the requesting appointing authority

1 instead of administering an additional technical
2 assessment of the individual.”.

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

11 ~~(3) TECHNICAL AND CONFORMING AMEND-~~
12 ~~MENT.—~~Section 3330a(a)(1)(B) of title 5, United
13 States Code, is amended by striking “section
14 3304(f)(1)” and inserting “section 3304(g)(1)”.

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

23 ~~(c) OPM REPORTING.—~~

24 ~~(1) PUBLIC DASHBOARD.—~~

1 (A) IN GENERAL.—The Director shall
 2 maintain and periodically update a publicly
 3 available dashboard that, with respect to each
 4 position in the competitive service for which an
 5 examining agency examined applicants during
 6 the applicable period, includes—

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

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

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

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

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

17 (V) a cognitive ability test;

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

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

22 (B) TIMING.—

23 (i) INITIAL DATA.—Not later than
 24 180 days after the date of enactment of
 25 this Act, the Director shall update the

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

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

17 (2) ANNUAL PROGRESS REPORT.—

18 (A) IN GENERAL.—Each year, the Direc-
 19 tor, in accordance with subparagraphs (B) and
 20 (C), shall make publicly available and submit to
 21 Congress an overall progress report that in-
 22 cludes summary data of the use of examinations
 23 (as defined in subsection (c)(1)(A) of section
 24 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.

(d) 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 (1) assesses the implementation of this section
2 and the amendments made by this section;

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

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

10 **SEC. 4. AMENDMENTS TO COMPETITIVE SERVICE ACT OF**
11 **2015.**

12 (a) PLATFORMS FOR SHARING CERTIFICATES OF
13 ELIGIBLES.—Section 3318(b) of title 5, United States
14 Code, is amended—

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

17 (2) by redesignating paragraph (5) as para-
18 graph (6); and

19 (3) by inserting after paragraph (4) the fol-
20 lowing:

21 “(5) PLATFORM FOR SHARING RÉSUMÉS OF IN-
22 DIVIDUALS ON CERTIFICATES OF ELIGIBLES.—The
23 Director of the Office shall establish and operate a
24 platform on which an appointing authority can
25 share, with other appointing authorities and the

1 Chief Human Capital Officers Council established
 2 under section 1303 of the Chief Human Capital Of-
 3 ficers Act of 2002 (5 U.S.C. 1401 note; Public Law
 4 107–296), the résumés of individuals who are on a
 5 certificate of eligibles requested by the appointing
 6 authority.”.

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

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

12 (2) by inserting after subsection (b) the fol-
 13 lowing:

14 “(c) MAXIMIZING SHARING OF APPLICANT INFORMA-
 15 TION.—

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

17 “(A) the terms ‘agency’, ‘Director’, and
 18 ‘Office’ have the meanings given those terms in
 19 section 3304(c)(1) of title 5, United States
 20 Code; and

21 “(B) the term ‘competitive service’ has the
 22 meaning given the term in section 2102 of title
 23 5, United States Code.

24 “(2) MAXIMIZING SHARING.—The Director
 25 shall maximize the sharing of information among

1 agencies regarding qualified applicants for positions
 2 in the competitive service, including by—

3 “(A) providing for the delegation to other
 4 agencies of the authority of the Office to host
 5 multi-agency hiring actions to increase the re-
 6 turn on investment on high-quality pooled an-
 7 nouncements; and

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

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

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

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

18 (1) by striking “scientific, technical, or profes-
 19 sional”;

20 (2) by inserting “legally” before “performed”;
 21 and

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

25 (b) IMPLEMENTATION.—

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

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

12 **SEC. 6. TALENT TEAMS.**

13 ~~(a) FEDERAL AGENCY TALENT TEAMS.—~~

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

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

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

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

1 ~~(C) sharing high-quality certificates of eli-~~
 2 ~~gibles; and~~

3 ~~(D) facilitating hiring for the competitive~~
 4 ~~service using examinations (as defined in such~~
 5 ~~subsection (e)(1)(A)) and subject matter ex-~~
 6 ~~perts.~~

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

13 ~~(1) the development of technical assessments;~~
 14 ~~and~~

15 ~~(2) the sharing of certificates of eligibles and~~
 16 ~~accompanying résumés under sections 3318(b) and~~
 17 ~~3319(e) of title 5, United States Code.~~

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Chance to Compete Act*
 20 *of 2024”.*

21 **SEC. 2. DEFINITIONS.**

22 ~~(a) AMENDATORY DEFINITIONS.—~~

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

1 (A) by redesignating subsections (b) through
2 (g) as subsections (i) through (n), respectively;

3 (B) by redesignating subsection (a) as sub-
4 section (b); and

5 (C) by inserting before subsection (b), as so
6 redesignated, the following:

7 “(a) *DEFINITIONS.*—*In this section:*

8 “(1) *AGENCY.*—*The term ‘agency’ means an Ex-*
9 *ecutive agency.*

10 “(2) *DIRECTOR.*—*The term ‘Director’ means the*
11 *Director of the Office.*

12 “(3) *EXAMINATION.*—*The term ‘examination’*
13 *means the process by which an applicant dem-*
14 *onstrates knowledge, skills, abilities, and com-*
15 *petencies.*

16 “(4) *EXAMINING AGENCY.*—*The term ‘examining*
17 *agency’ means—*

18 “(A) *the Office; or*

19 “(B) *an agency to which the Director has*
20 *delegated examining authority under section*
21 *1104(a)(2).*

22 “(5) *OCCUPATIONAL QUESTIONNAIRE.*—*The term*
23 *‘occupational questionnaire’ means a rating and ex-*
24 *perience evaluation or assessment questionnaire*
25 *that—*

1 “(A) is used to screen, rate, and rank an
2 applicant;

3 “(B) is commonly delivered through auto-
4 mated staffing systems used for Federal hiring;
5 and

6 “(C) consists of self-ratings of training and
7 experience.

8 “(6) OFFICE.—The term ‘Office’ means the Office
9 of Personnel Management.

10 “(7) PASSING SCORE.—The term ‘passing score’
11 means a minimum acceptable score or rating, con-
12 sistent with applicable law, that may include a quan-
13 titative or qualitative assessment that an applicant
14 can pass or fail.

15 “(8) RELEVANT COMMITTEES.—The term ‘rel-
16 evant committees’ means—

17 “(A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate; and

19 “(B) the Committee on Oversight and Ac-
20 countability of the House of Representatives.

21 “(9) RESUME REVIEW.—The term ‘resume re-
22 view’ means an evaluation of an applicant’s resume
23 that is conducted by a subject matter expert.

1 “(10) *SUBJECT MATTER EXPERT.*—*The term*
 2 *‘subject matter expert’ means an employee or selecting*
 3 *official—*

4 “(A) *who possesses an understanding of the*
 5 *duties of, and knowledge, skills, and abilities re-*
 6 *quired for, the position for which the employee or*
 7 *selecting official is developing or administering*
 8 *an examination; and*

9 “(B) *whom the delegated examining unit of*
 10 *the examining agency that employs the employee*
 11 *or selecting official designates to assist in the de-*
 12 *velopment and administration of technical as-*
 13 *sessments.*

14 “(11) *TECHNICAL ASSESSMENT.*—*The term ‘tech-*
 15 *nical assessment’ means a position-specific tool that*
 16 *is relevant to the position for which the tool is devel-*
 17 *oped that—*

18 “(A) *allows for the demonstration of job-re-*
 19 *lated skills, abilities, knowledge, and com-*
 20 *petencies;*

21 “(B) *is based upon a job analysis; and*

22 “(C) *does not include an occupational ques-*
 23 *tionnaire.”.*

24 (2) *TECHNICAL AND CONFORMING AMEND-*
 25 *MENTS.—*

(A) *TITLE 5, UNITED STATES CODE.—Part III of title 5, United States Code, is amended—*

(i) in chapter 33—

(I) in section 3302(2), by striking

“3304(a)” and inserting “3304(b)”;

and

(II) in section 3330a(a)(1)(B), by

striking “3304(f)(1)” and inserting

“3304(m)(1)”; and

(ii) in section 9810(b), by striking

“3304(b)” and inserting “3304(i)”.

(B) *ACT TO ESTABLISH A COMMISSION ON SECURITY AND COOPERATION IN EUROPE.—Section 8(d)(2) of the Act entitled, “An Act to establish a Commission on Security and Cooperation in Europe”, approved June 3, 1976 (22 U.S.C. 3008(d)(2)) is amended by striking “3304(c)(1)” and inserting “3304(j)(1)”.*

(C) *U.S.-CHINA RELATIONS ACT OF 2000.—Section 308(e)(2) of the U.S.-China Relations Act of 2000 (22 U.S.C. 6918(e)(2)) is amended by striking “3304(c)(1)” and inserting “3304(j)(1)”.*

(D) *ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.—Section 136(i)(1) of the Energy*

1 *Independence and Security Act of 2007 (42*
 2 *U.S.C. 17013(i)(1)) is amended by striking*
 3 *“3304(a)(3)” and inserting “3304(b)(3)”.*

4 *(E) SUBSECTION HEADINGS.—Section 3304*
 5 *of title 5, United States Code, as amended by*
 6 *paragraph (1) of this subsection, is amended—*

7 *(i) in subsection (b), by striking “The*
 8 *President” and inserting “RULES.—The*
 9 *President”;*

10 *(ii) in subsection (i), by striking “An*
 11 *individual” and inserting “EXAMINATION*
 12 *OR EXCEPTION REQUIRED.—An indi-*
 13 *vidual”;*

14 *(iii) in subsection (j), by striking “(1)*
 15 *For the purpose” and inserting “TECHNI-*
 16 *CIANS.—(1) For the purpose”;*

17 *(iv) in subsection (k), by striking “The*
 18 *Office” and inserting “CONSIDERATION OF*
 19 *EXPERIENCE.—The office”;*

20 *(v) in subsection (l), by striking “Em-*
 21 *ployees” and inserting “USE OF PUBLIC*
 22 *BUILDINGS.—Employees”; and*

23 *(vi) in subsection (m), by striking “(1)*
 24 *Preference eligibles or veterans” and insert-*
 25 *ing “PREFERENCE ELIGIBLES AND VET-*

1 *ERANS.—(1) Preference eligibles or vet-*
 2 *erans”.*

3 *(b) FREESTANDING DEFINITIONS.—In this Act—*

4 *(1) each term that is defined in section 3304(a)*
 5 *of title 5, United States Code, as added by subsection*
 6 *(a) of this section, shall have the meaning given the*
 7 *term in such section 3304(a); and*

8 *(2) the term “competitive service” has the mean-*
 9 *ing given the term in section 2102 of title 5, United*
 10 *States Code.*

11 **SEC. 3. MODERNIZING FEDERAL HIRING.**

12 *Section 3304 of title 5, United States Code, is amended*
 13 *by inserting after subsection (b), as redesignated by section*
 14 *2, the following:*

15 *“(c) EXAMINATIONS.—*

16 *“(1) IN GENERAL.—For the purpose of testing*
 17 *applicants for appointment for a position, or class of*
 18 *positions, in the competitive service, an examining*
 19 *agency shall conduct an examination pursuant to*
 20 *subsection (b).*

21 *“(2) INTERIM EXAMINATION PERIOD.—*

22 *“(A) PREFERENCE FOR TECHNICAL ASSESS-*
 23 *MENT.—During the 3-year period beginning on*
 24 *the date of enactment of the Chance to Compete*
 25 *Act of 2024, an examining agency shall pref-*

erence the use of a technical assessment, to the maximum extent practicable, to assess the job-related skills, abilities, knowledge, and competencies of an applicant for a position in the competitive service.

“(B) *USE OF OCCUPATIONAL QUESTIONNAIRE.*—During the 3-year period beginning on the date of enactment of the Chance to Compete Act of 2024, if an examining agency determines that the use of a technical assessment to assess the job-related skills, abilities, knowledge, and competencies of an applicant for a position in the competitive service is not practicable, the examining agency may use an occupational questionnaire for that purpose if the examining agency—

“(i) includes a brief description of the rationale for the use of the occupational questionnaire in the job posting; and

“(ii) adheres to the process under subsection (e).

“(3) *TRANSITION PLANNING.*—

“(A) *IN GENERAL.*—Not later 18 months after the date of enactment of the Chance to Compete Act of 2024, the Director shall submit

1 to the relevant committees a plan to transition
 2 Federal hiring practices to adopt technical as-
 3 sessments in accordance with subsection (d),
 4 which shall include—

5 “(i) the prioritization of—

6 “(I) job classifications; and

7 “(II) resource requirements; and

8 “(ii) a timeline for full implementa-
 9 tion of the transition.

10 “(B) *ADDITIONAL CONSULTATION.*—In de-
 11 veloping the plan under subparagraph (A), the
 12 Director shall consult with, at minimum—

13 “(i) the Director of the Office of Man-
 14 agement and Budget;

15 “(ii) the Chair of the Chief Human
 16 Capital Officers Council;

17 “(iii) employee representatives; and

18 “(iv) relevant external stakeholders.

19 “(4) *IMPLEMENTATION OF TECHNICAL ASSESS-*
 20 *MENTS.*—

21 “(A) *IMPLEMENTATION OF PLAN.*—Not later
 22 than 3 years after the date of enactment of the
 23 Chance to Compete Act of 2024, the Director
 24 shall implement the plan submitted under para-
 25 graph (3).

1 “(B) *ADOPTION OF TECHNICAL ASSESS-*
 2 *MENTS.—On and after the date that is 3 years*
 3 *after the date of enactment of the Chance to*
 4 *Compete Act of 2024, an examining agency shall*
 5 *use a technical assessment to examine applicants*
 6 *for positions in the competitive service in accord-*
 7 *ance with subsection (d).*

8 “(C) *WAIVER.—*

9 “(i) *IN GENERAL.—The requirement*
 10 *under subparagraph (B) shall not apply to*
 11 *an examining agency with respect to a par-*
 12 *ticular job series if—*

13 “(I) *the examining agency deter-*
 14 *mines that use of a technical assess-*
 15 *ment is impracticable for the job series;*

16 “(II) *the head of the examining*
 17 *agency submits to the Director and the*
 18 *relevant committees a certification that*
 19 *use of the technical assessment is im-*
 20 *practicable, which certification shall*
 21 *include—*

22 “(aa) *identification of the job*
 23 *series;*

24 “(bb) *identification of the*
 25 *number of positions that are in-*

1 *cluded in the job series within the*
 2 *agency for which the examining*
 3 *agency is conducting examina-*
 4 *tions; and*

5 *“(cc) a description of the ra-*
 6 *tionale for the determination; and*

7 *“(III) the examining agency ad-*
 8 *heres to the process under subsection*
 9 *(e).*

10 *“(ii) EFFECTIVENESS OF WAIVER.—A*
 11 *waiver under this subparagraph shall be ef-*
 12 *fective for the period—*

13 *“(I) beginning on the date that is*
 14 *1 day after the date on which the ap-*
 15 *plicable certification is submitted*
 16 *under clause (i)(II); and*

17 *“(II) ending on the date that is 3*
 18 *years after the date on which the ap-*
 19 *plicable certification is submitted*
 20 *under clause (i)(II).*

21 *“(iii) RENEWAL OF WAIVER.—The*
 22 *head of an examining agency may renew a*
 23 *waiver under this subparagraph by submit-*
 24 *ting a new certification under clause (i)(II)*
 25 *not more than 30 days before the date that*

1 *is 3 years after the date on which the pre-*
 2 *vious certification was submitted under that*
 3 *clause.*

4 “(iv) *NO DELEGATION OF CERTIFI-*
 5 *CATION AUTHORITY.—The head of an exam-*
 6 *ining agency may not delegate the authority*
 7 *to submit a certification under clause*
 8 *(i)(II).*

9 “(d) *TECHNICAL ASSESSMENT.—*

10 “(1) *IN GENERAL.—For the purpose of con-*
 11 *ducting an examination for a position in the com-*
 12 *petitive service, an individual who is determined by*
 13 *an examining agency to be a subject matter expert in*
 14 *the subject and job field of the position may—*

15 “(A) *develop, in partnership with human*
 16 *resources employees of the examining agency, a*
 17 *position-specific assessment that is relevant to*
 18 *the position, based on job analysis, which may*
 19 *include—*

20 “(i) *a structured interview;*

21 “(ii) *a work-related exercise;*

22 “(iii) *a custom or generic procedure*
 23 *used to measure an applicant’s employment*
 24 *or career-related qualifications and inter-*
 25 *ests; or*

1 “(iv) another assessment that—

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

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

8 “(B) administer the assessment developed
9 under subparagraph (A) to—

10 “(i) determine whether an applicant
11 for the position has a passing score to be
12 qualified for the position; or

13 “(ii) rank applicants for the position
14 for category rating purposes under section
15 3319.

16 “(2) *FEASIBILITY STUDY ON SHARING AND*
17 *CUSTOMIZATION OF ASSESSMENT.*—Not later than 1
18 year after the date of enactment of the Chance to
19 Compete Act of 2024, the Director shall—

20 “(A) conduct a feasibility study that exam-
21 ines the practicability, including a cost benefit
22 analysis, of—

23 “(i) the sharing of technical assess-
24 ments by an examining agency with an-
25 other examining agency;

1 “(ii) mechanisms for each examining
 2 agency to maintain appropriate control
 3 over examination material that is shared by
 4 the examining agency as described in clause
 5 (i);

6 “(iii) limits on customization of a
 7 technical assessment that is shared as de-
 8 scribed in clause (i) and mechanisms to en-
 9 sure that the resulting technical assessment
 10 satisfies the requirements under part 300 of
 11 title 5, Code of Federal Regulations (or any
 12 successor regulation); and

13 “(iv) the development of an online
 14 platform on which examining agencies can
 15 share and customize technical assessments
 16 as described in this subparagraph; and

17 “(B) submit to the relevant committees a re-
 18 port on the study conducted under subparagraph
 19 (A).

20 “(e) OCCUPATIONAL QUESTIONNAIRE.—For the pur-
 21 pose of conducting an examination for a position in the
 22 competitive service for which an examining agency has de-
 23 termined that a technical assessment is impracticable under
 24 paragraph (2)(B) or (4)(C) of subsection (c), the examining
 25 agency shall—

1 “(1) *develop an occupational questionnaire in*
 2 *accordance with guidance or regulations of the Office;*
 3 *and*

4 “(2) *undertake a resume review for each can-*
 5 *didate who is referred for additional consideration*
 6 *after analysis of the results of the occupational ques-*
 7 *tionnaire is complete.*

8 “(f) *FEDERAL AGENCY TALENT TEAMS.—*

9 “(1) *IN GENERAL.—An agency may establish 1*
 10 *or more agency talent teams, including at the compo-*
 11 *nent level.*

12 “(2) *DUTIES.—An agency talent team shall pro-*
 13 *vide hiring support to the agency, including by—*

14 “(A) *improving examinations;*

15 “(B) *facilitating the writing of job an-*
 16 *nouncements for the competitive service;*

17 “(C) *sharing high-quality certificates of eli-*
 18 *gible applicants; and*

19 “(D) *facilitating hiring for the competitive*
 20 *service using examinations.*

21 “(g) *OFFICE OF PERSONNEL MANAGEMENT TALENT*
 22 *TEAM.—The Director may establish a Federal talent team*
 23 *to support agency talent teams by—*

24 “(1) *facilitating hiring actions across the Fed-*
 25 *eral Government;*

1 “(2) *providing training;*

2 “(3) *creating tools and guides to facilitate hiring*
3 *for the competitive service; and*

4 “(4) *developing technical assessments.*

5 “(h) *RULEMAKING.—The Director shall promulgate*
6 *such regulations as are necessary to implement and inter-*
7 *pret this section.”.*

8 **SEC. 4. COMPETITIVE SERVICE CANDIDATE HIRING AND RE-**
9 **FORM.**

10 (a) *REVIEW.—*

11 (1) *IN GENERAL.—The Director shall conduct a*
12 *review of examinations for hiring for each position in*
13 *the competitive service that an examining agency has*
14 *determined requires a minimum educational require-*
15 *ment because the position is of a scientific, technical,*
16 *or professional nature pursuant to section 3308 of*
17 *title 5, United States Code, to determine whether*
18 *data, evidence, or other information justifies the need*
19 *for educational requirements for the position.*

20 (2) *CONSULTATION.—In carrying out paragraph*
21 *(1), the Director shall consult with, at minimum—*

22 (A) *agencies, as deemed appropriate by the*
23 *Director;*

24 (B) *employee representatives;*

25 (C) *external experts; and*

1 (D) *relevant stakeholders.*

2 (b) *REPORT ON HIRING PRACTICES.*—Not later than
3 1 year after the date of enactment of this Act, the Director
4 shall submit to the relevant committees recommendations
5 to amend the hiring practices of examining agencies in ac-
6 cordance with the findings of the review conducted under
7 subsection (a)(1).

8 **SEC. 5. REPORTS.**

9 (a) *IMPLEMENTATION REPORTS.*—

10 (1) *IN GENERAL.*—Not later than 1 year after
11 the date of enactment of this Act, and each year there-
12 after ending with the fifth publication and submission
13 of the report, the Director shall publish on a public-
14 facing website, and submit to the relevant committees,
15 a report that—

16 (A) *examines the progress of examining*
17 *agencies in implementing the requirements of*
18 *this Act and the amendments made by this Act;*
19 *and*

20 (B) *identifies any significant difficulties en-*
21 *countered in the implementation described in*
22 *subparagraph (A).*

23 (2) *INCLUSION IN ANNUAL REPORT.*—The Direc-
24 tor may include the report required under paragraph

1 (1) *as an addendum to the report required under sub-*
 2 *section (b).*

3 (3) *DELAYED REPORTING.—If the Director is un-*
 4 *able to publish and submit the report within the*
 5 *timeline required under paragraph (1), the Director*
 6 *shall publish on a public-facing website, and submit*
 7 *to the relevant committees, a notification of the delay*
 8 *that—*

9 (A) *provides a reason for the delay; and*

10 (B) *advises the public and the relevant com-*
 11 *mittees of the anticipated date of publication*
 12 *and submission of the report.*

13 (b) *ANNUAL REPORT.—*

14 (1) *IN GENERAL.—Not later than 1 year after*
 15 *the date of enactment of this Act, and each year there-*
 16 *after, the Director shall publish on a public-facing*
 17 *website and submit to the relevant committees a re-*
 18 *port that, with respect to categories of positions in the*
 19 *competitive service for which an examining agency*
 20 *examined applicants during the applicable period, in-*
 21 *cludes—*

22 (A) *the type of examination used; and*

23 (B) *summary data from examinations that*
 24 *are closed, audited, and anonymous on the use of*

1 *examinations for the competitive service, includ-*
 2 *ing technical assessments.*

3 (2) *DEMOGRAPHIC INDICATORS.—In carrying*
 4 *out paragraph (1), the Director shall break the data*
 5 *down by applicant demographic indicators to facili-*
 6 *tate direct comparability and trendline comparisons*
 7 *to data available as of October 1, 2020, as a baseline.*

8 (3) *LIMITATIONS.—In carrying out this sub-*
 9 *section, the Director may only publish and submit to*
 10 *the relevant committees data relating to examinations*
 11 *for which—*

12 (A) *the related announcement is closed;*

13 (B) *certificates have been audited; and*

14 (C) *all hiring processes are completed.*

15 (4) *DELAYED REPORTING.—If the Director is un-*
 16 *able to publish and submit the report within the*
 17 *timeline required under paragraph (1), the Director*
 18 *shall publish on a public-facing website, and submit*
 19 *to the relevant committees, a notification of the delay*
 20 *that—*

21 (A) *provides a reason for the delay; and*

22 (B) *advises the public and the relevant com-*
 23 *mittees of the anticipated date of publication*
 24 *and submission of the report.*

25 (c) *PROVISION OF DATA BY AGENCIES.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of enactment of this Act, the Director shall
3 issue guidance to examining agencies regarding the
4 data that the Director needs from the examining
5 agencies in order to comply with subsections (a) and
6 (b).

7 (2) *REPORTING TIMELINES.*—Each examining
8 agency shall provide the data outlined in the guid-
9 ance issued by the Director under paragraph (1) on
10 a quarterly basis.

11 **SEC. 6. GAO REPORT.**

12 Not later than 3 years after the date of enactment of
13 this Act, the Comptroller General of the United States shall
14 submit to Congress a report that—

15 (1) assesses the implementation of this Act and
16 the amendments made by this Act;

17 (2) assesses the impact of modifications made by
18 this Act to the hiring process for the competitive serv-
19 ice under section 3304 of title 5, United States Code;
20 and

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

1 **SEC. 7. EVALUATION FOR POTENTIAL UPDATES OR REVI-**
2 **SIONS TO GOVERNMENT-WIDE SYSTEMS OF**
3 **RECORDS AT THE OFFICE OF PERSONNEL**
4 **MANAGEMENT.**

5 (a) *IN GENERAL.*—Not later than 1 year after the date
6 of enactment of this Act, the Director shall evaluate whether
7 the Government-wide system of records notices, the OPM/
8 GOVT–5 Recruiting, Examining, and Placement Records,
9 and the OPM/GOVT–6 Personnel Research and Test Vali-
10 dation Records, or any successor materials thereto, require
11 updating or revision in order to support the implementa-
12 tion of this Act and the amendments made by this Act.

13 (b) *ISSUANCE OF UPDATES OR REVISIONS; NOTICE TO*
14 *CONGRESS.*—If the Director determines under subsection
15 (a) that any updates or revisions are necessary, the Direc-
16 tor, in accordance with section 552a of title 5, United States
17 Code (commonly known as the “Privacy Act”), shall
18 promptly—

- 19 (1) *issue the updates or revisions; and*
20 (2) *notify the relevant committees.*

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[Report No. 118-250]

A BILL

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

DECEMBER 2, 2024

Reported with an amendment