

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid on the table, without any intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5014) was ordered to a third reading, was read the third time, and passed.

FEDERAL HIRING PROCESS IMPROVEMENT ACT OF 2010

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 373, S. 736.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 736) to provide for improvements in the Federal hiring process and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Hiring Process Improvement Act of 2010”.

SEC. 2. DEFINITION.

In this Act, the term “agency”—

(1) means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) shall not include the Government Accountability Office.

SEC. 3. STRATEGIC WORKFORCE PLAN.

(a) IN GENERAL.—

(1) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of enactment of this Act and in every subsequent year, the head of each agency, in consultation with the Office of Personnel Management and the Office of Management and Budget, shall develop a strategic workforce plan as part of the agency performance plan required under section 1115 of title 31, United States Code, to include—

(A) hiring projections, including occupation and grade level;

(B) long-term and short-term strategic human capital planning to address critical skills deficiencies;

(C) recruitment strategies to attract highly qualified candidates from diverse backgrounds;

(D) streamlining the hiring process to conform with the provisions in this Act; and

(E) a specific analysis of the contractor workforce, whether the balance between work being performed by the Federal workforce and the contractor workforce should be adjusted, and the capacity of the agency to manage employees who are not Federal employees and are doing the work of the Government.

(2) INCLUSION IN PERFORMANCE PLAN.—Section 1115(a) of title 31, United States Code, is amended—

(A) in paragraph (5), by striking “and” after the semicolon;

(B) in paragraph (6), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(7) include the strategic workforce plan developed under section 3 of the Federal Hiring Process Improvement Act of 2010.”.

(b) HIRING PROJECTIONS.—Agencies shall make hiring projections made under strategic workforce plans available to the public, including on agency websites.

(c) SUBMISSION TO THE OFFICE OF PERSONNEL MANAGEMENT.—Each agency strategic workforce plan shall be submitted to the Office of Personnel Management.

(d) GOVERNMENTWIDE STRATEGIC WORKFORCE PLAN.—Based on the agency plans submitted under subsection (a), the Office of Personnel Management shall—

(1) develop a governmentwide strategic workforce plan updated at least annually to include the contents described under subsection (a)(1) on a governmentwide basis; and

(2) make such plan available to the President, Congress, and the public.

SEC. 4. FEDERAL JOB ANNOUNCEMENTS.

(a) TARGETED ANNOUNCEMENTS.—In consultation with the Chief Human Capital Officers Council, the head of each agency shall—

(1) take steps necessary to target highly qualified applicant pools with diverse backgrounds before posting job announcements;

(2) clearly and prominently post job announcements in strategic locations convenient to, and accessible by, such targeted applicant pools;

(3) seek to develop relationships with targeted and diverse applicant pools to develop regular pipelines for high-quality applicants; and

(4) post job announcements for a reasonable period of time.

(b) PUBLIC NOTICE REQUIREMENTS.—The requirements of subsection (a) shall not supersede public notice requirements.

(c) PLAIN WRITING REQUIREMENT.—

(1) DEFINITION.—In this subsection, the term “plain writing” means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

(2) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, all job announcements for Federal positions shall be in plain writing in accordance with guidance provided by the Office of Management and Budget.

(d) CONTACT INFORMATION.—Job announcements shall include contact information for applicants to seek further information.

SEC. 5. APPLICATION PROCESS AND NOTIFICATION REQUIREMENTS.

(a) APPLICATION PROCESS.—Not later than 180 days after the date of enactment of this Act and in consultation with the Office of Personnel Management and the Office of Management and Budget, the head of each agency shall develop processes to—

(1) ensure that job announcements are open for a reasonable period of time as determined by the head of the agency to allow applicants from diverse backgrounds time to submit an application;

(2) review and revise the hiring process of the agency to create a streamlined and timely system for hiring decisions;

(3) allow applicants to submit a cover letter, resume, and answers to brief questions, such as questions relating to United States citizenship and veterans status, to complete an application;

(4) allow applicants to submit application materials in a variety of formats, including word processing documents and portable document format;

(5) not require any applicant to provide a Social Security number or any other personal identifying information unnecessary for the initial review of an applicant for a position;

(6) not require lengthy writing requirements such as knowledge, skills, and ability essays as part of an initial application;

(7) not require the submission of additional material in support of an application, such as educational transcript, proof of veterans status, and professional certifications, unless necessary to complete the hiring process;

(8) provide for a valid, job-related assessment process to help identify the best candidates for the position to be filled and which does not place an unreasonable burden upon applicants;

(9) ensure that applicants are given a reasonable amount of time after the closing date of the job announcement to provide additional necessary information; and

(10) include the hiring manager in all parts of the hiring process, including—

(A) targeted recruitment;

(B) drafting the job announcement;

(C) review of the initial applications;

(D) interviewing the applicants; and

(E) the final decisionmaking process.

(b) NOTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—In consultation with the Chief Human Capital Officers Council, the head of each agency shall develop mechanisms under which each applicant for a Federal job vacancy shall receive timely notification of the status of each application or provide the applicant the ability to check on the status of each application.

(2) CONTENTS OF NOTIFICATION.—A notification to an applicant under this subsection shall include—

(A) notice of receipt of an application not later than 5 business days after the application was received by the employing agency;

(B) an explanation of the hiring process and an estimated timeline of the next actions in the process;

(C) notice of the qualification and status of an applicant after all applications for the applicable position have been initially reviewed and ranked;

(D) notice of the qualifications and status of the applicant after all interviews for the applicable position are completed;

(E) for all applicants selected for an interview, notice of the ongoing process if selected, including the process for any needed security clearance or suitability review, not later than the date of the interview; and

(F) notice to nonaccepted applicants that the applicable position is not open not later than 10 business days after the date on which—

(i) the selected candidate has accepted an offer of employment; or

(ii) the job announcement has been cancelled.

SEC. 6. APPLICANT INVENTORY.

(a) IN GENERAL.—Section 3330 of title 5, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

“(e)(1) The Office of Personnel Management shall establish and keep current a comprehensive inventory of individuals seeking employment in the Federal Government.

“(2) The inventory under this subsection shall—

“(A) be made available to agencies for use in filling vacancies;

“(B) contain information voluntarily provided by applicants for employment, including—

“(i) the resume and contact information provided by the applicant; and

“(ii) any other information which the Office considers appropriate;

“(C) retain information for no longer than 1 calendar year;

“(D) not include information relating to—

“(i) the application of the applicant for a specific vacancy announcement; or

“(ii) any other information relating to vacancy announcements; and

“(E) shall provide for a mechanism to allow—

“(i) applicants to update resume, qualifications, and contact information; and

“(ii) agency officials to search information in the inventory by agency and job classification.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 7. TRAINING.

Not later than 120 days after the date of enactment of this Act—

(1) in consultation with the Chief Human Capital Officers Council, the Office of Personnel Management shall develop and notify agencies of a training program for human resources professionals to implement the requirements of this Act; and

(2) each agency shall develop and submit to the Office of Personnel Management a plan to implement the training program.

SEC. 8. REDUCTION IN THE LENGTH OF THE HIRING PROCESS.

(a) **AGENCY PLANS.**—In consultation with the Office of Management and Budget, the head of each agency shall develop a plan to reduce the length of the hiring process, which shall include an analysis of the current hiring process performed in accordance with standards established by the Office of Personnel Management.

(b) **REQUIREMENTS.**—To the extent practical, the plan shall require that each agency fill identified vacancies not later than an average of 80 calendar days after the date of identification of the vacancy.

(c) **REPORTS.**—Each agency shall submit an annual report to Congress on the average period of time required to fill each job, and whether such jobs are cancelled or reopened.

SEC. 9. MEASURES OF FEDERAL HIRING EFFECTIVENESS.

(a) **IN GENERAL.**—Each agency shall measure and collect information on indicators of hiring effectiveness with respect to the following:

(1) RECRUITING AND HIRING.

(A) Ability to reach and recruit highly qualified talent from diverse talent pools.

(B) Use and impact of each hiring authority and flexibility to recruit most qualified applicants, including the use of student internships and scholarship programs as a talent pool for permanent hires.

(C) Use and impact of special hiring authorities and flexibilities to recruit diverse candidates, including veteran, minority, and disabled candidates.

(D) The age, educational level, and source of applicants.

(E) Length of time between the time a position is advertised and the time a first offer of employment is made.

(F) Length of time between the time a first offer of employment for a position is made and the time a new hire starts in that position.

(G) Number of internal and external applicants for Federal positions.

(H) Number of positions filled compared to the specific number in the annual workforce plan of the agency, with specific reference to mission-critical occupations or areas of critical shortage deficiencies.

(I) Number of offers accepted compared to the number of offers made for permanent positions.

(2) HIRING MANAGER ASSESSMENT.

(A) Manager satisfaction with the quality of the applicants interviewed and new hires.

(B) Manager satisfaction with the match between the skills of newly hired individuals and the needs of the agency.

(C) Manager satisfaction with the hiring process and hiring outcomes.

(D) Mission-critical deficiencies closed by new hires and the connection between mission-critical deficiencies and annual agency performance.

(E) Manager satisfaction with the length of time to fill a position.

(3) **APPLICANT ASSESSMENT.**—Applicant satisfaction with the hiring process (including clarity of job announcement, reasons for withdrawal of any application, user-friendliness of the application process, communication regarding status of application, and timeliness of hiring decision).

(4) NEW HIRE ASSESSMENT.

(A) New hire satisfaction with the hiring process (including clarity of job announcement,

user-friendliness of the application process, communication regarding status of application, and timeliness of hiring decision).

(B) Satisfaction with the onboarding experience (including timeliness of onboarding after the hiring decision, welcoming and orientation processes, and being provided with timely and useful new employee information and assistance).

(C) New hire attrition.

(D) Investment in training and development for employees during their first year of employment.

(E) Other indicators and measures as required by the Office of Personnel Management.

(b) REPORTS.

(1) **IN GENERAL.**—Each agency shall submit on an annual basis and in accordance with regulations prescribed under subsection (c) the information collected under subsection (a) to the Office of Personnel Management.

(2) **AVAILABILITY OF RECRUITING AND HIRING INFORMATION.**—Each year the Office of Personnel Management shall provide the information submitted under paragraph (1) in a consistent format to allow for a comparison of hiring effectiveness and experience across demographic groups and agencies to—

(A) Congress before that information is made publicly available; and

(B) the public on the website of the Office not later than 90 days after the submission of the information under paragraph (1).

(c) **REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations directing the methodology, timing, and reporting of the data described in subsection (a).

SEC. 10. REGULATIONS.

(a) **IN GENERAL.**—Except as provided under section 9(c), not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations as necessary to carry out this Act.

(b) **CONSULTATION.**—The Director of the Office of Personnel Management shall consult the Chief Human Capital Officers Council in the development of regulations under this section.

Mr. LEVIN. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 736), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

**EXECUTIVE NOMINATION—
DISCHARGE AND REFERRAL**

Mr. LEVIN. Mr. President, as in executive session, I ask unanimous consent that the Senate now proceed to the nomination of John S. Pistole, to be Assistant Secretary of Department of Homeland Security, Transportation Security Administration, received by the Senate on Monday, May 17, and referred to the Committee on Commerce; that upon the reporting out of or discharge of the nomination the nomination then be referred to the Committee on Homeland Security and Govern-

mental Affairs for a period not to exceed 30 calendars days; after which the nomination, if still in committee, be discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Public Law 106-567, appoints the following individual to serve as a member of the Public Interest Declassification Board: William A. Burck of the District of Columbia.

**ORDERS FOR WEDNESDAY, MAY 19,
2010**

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 3217, Wall Street reform, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, under the previous order, the cloture vote on the substitute amendment will occur at 2 p.m. As a reminder, the filing deadline for second-degree amendments is 1 p.m. tomorrow.

**ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW**

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:40 p.m., adjourned until Wednesday, May 19, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

HELEN PATRICIA REED-ROWE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624: