

118TH CONGRESS
2D SESSION

S. 59

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chance to Compete
3 Act of 2024”.

4 **SEC. 2. DEFINITIONS.**

5 (a) AMENDATORY DEFINITIONS.—

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

8 (A) by redesignating subsections (b)
9 through (g) as subsections (h) through (m), re-
10 spectively;

11 (B) by redesignating subsection (a) as sub-
12 section (b); and

13 (C) by inserting before subsection (b), as
14 so redesignated, the following:

15 “(a) DEFINITIONS.—In this section:

16 “(1) AGENCY.—The term ‘agency’ means an
17 Executive agency.

18 “(2) DIRECTOR.—The term ‘Director’ means
19 the Director of the Office.

20 “(3) EXAMINATION.—The term ‘examination’
21 means the process by which an applicant dem-
22 onstrates knowledge, skills, abilities, and com-
23 petencies.

24 “(4) EXAMINING AGENCY.—The term ‘exam-
25 ining agency’ means—

26 “(A) the Office; or

1 “(B) an agency to which the Director has
2 delegated examining authority under section
3 1104(a)(2).

4 “(5) OFFICE.—The term ‘Office’ means the Of-
5 fice of Personnel Management.

6 “(6) PASSING SCORE.—The term ‘passing
7 score’ means a minimum acceptable score or rating,
8 consistent with applicable law, that may include a
9 quantitative or qualitative assessment that an appli-
10 cant can pass or fail.

11 “(7) RELEVANT COMMITTEES.—The term ‘rel-
12 evant committees’ means—

13 “(A) the Committee on Homeland Security
14 and Governmental Affairs of the Senate; and

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

17 “(8) SUBJECT MATTER EXPERT.—The term
18 ‘subject matter expert’ means an employee or select-
19 ing official—

20 “(A) who possesses an understanding of
21 the duties of, and knowledge, skills, and abili-
22 ties required for, the position for which the em-
23 ployee or selecting official is developing or ad-
24 ministering an examination; and

1 “(B) whom the delegated examining unit
2 of the examining agency that employs the em-
3 ployee or selecting official designates to assist
4 in the development and administration of tech-
5 nical assessments.

6 “(9) TECHNICAL ASSESSMENT.—The term
7 ‘technical assessment’ means a position-specific tool
8 that is relevant to the position for which the tool is
9 developed that—

10 “(A) allows for the demonstration of job-
11 related skills, abilities, knowledge, and com-
12 petencies;

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

14 “(C) does not solely include or principally
15 rely upon a self-assessment from an automated
16 examination.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENTS.—

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

21 (i) in chapter 33—

22 (I) in section 3302(2), by strik-
23 ing “3304(a)” and inserting
24 “3304(b)”; and

1 (II) in section 3330a(a)(1)(B),
2 by striking “3304(f)(1)” and inserting
3 “3304(l)(1)”; and

4 (ii) in section 9810(b), by striking
5 “3304(b)” and inserting “3304(h)”.

6 (B) ACT TO ESTABLISH A COMMISSION ON
7 SECURITY AND COOPERATION IN EUROPE.—
8 Section 8(d)(2) of the Act entitled, “An Act to
9 establish a Commission on Security and Co-
10 operation in Europe”, approved June 3, 1976
11 (22 U.S.C. 3008(d)(2)) is amended by striking
12 “3304(c)(1)” and inserting “3304(i)(1)”.

13 (C) U.S.-CHINA RELATIONS ACT OF
14 2000.—Section 308(e)(2) of the U.S.-China Re-
15 lations Act of 2000 (22 U.S.C. 6918(e)(2)) is
16 amended by striking “3304(c)(1)” and insert-
17 ing “3304(i)(1)”.

18 (D) ENERGY INDEPENDENCE AND SECUR-
19 ITY ACT OF 2007.—Section 136(i)(1) of the
20 Energy Independence and Security Act of 2007
21 (42 U.S.C. 17013(i)(1)) is amended by striking
22 “3304(a)(3)” and inserting “3304(b)(3)”.

23 (E) SUBSECTION HEADINGS.—Section
24 3304 of title 5, United States Code, as amend-

1 ed by paragraph (1) of this subsection, is
2 amended—

3 (i) in subsection (b), by striking “The
4 President” and inserting “RULES.—The
5 President”;

6 (ii) in subsection (h), by striking “An
7 individual” and inserting “EXAMINATION
8 OR EXCEPTION REQUIRED.—An indi-
9 vidual”;

10 (iii) in subsection (i), by striking “(1)
11 For the purpose” and inserting “TECHNI-
12 CIANS.—(1) For the purpose”;

13 (iv) in subsection (j), by striking “The
14 Office” and inserting “CONSIDERATION OF
15 EXPERIENCE.—The office”;

16 (v) in subsection (k), by striking
17 “Employees” and inserting “USE OF PUB-
18 LIC BUILDINGS.—Employees”; and

19 (vi) in subsection (l), by striking “(1)
20 Preference eligibles or veterans” and in-
21 sserting “PREFERENCE ELIGIBLES AND
22 VETERANS.—(1) Preference eligibles or
23 veterans”.

24 (b) FREESTANDING DEFINITIONS.—In this Act—

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

5 (2) the term “competitive service” has the
 6 meaning given the term in section 2102 of title 5,
 7 United States Code.

8 **SEC. 3. MODERNIZING FEDERAL HIRING.**

9 Section 3304 of title 5, United States Code, is
 10 amended by inserting after subsection (b), as redesignated
 11 by section 2, the following:

12 “(c) EXAMINATIONS.—

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

18 “(2) INTERIM EXAMINATION PERIOD.—

19 “(A) PREFERENCE FOR TECHNICAL AS-
 20 SESSMENT.—During the 3-year period begin-
 21 ning on the date of enactment of the Chance to
 22 Compete Act of 2024, an examining agency
 23 shall preference the use of a technical assess-
 24 ment, to the maximum extent practicable, to as-
 25 sess the job-related skills, abilities, knowledge,

1 and competencies of an applicant for a position
2 in the competitive service.

3 “(B) USE OF ALTERNATIVE ASSESS-
4 MENT.—During the 3-year period beginning on
5 the date of enactment of the Chance to Com-
6 pete Act of 2024, if an examining agency deter-
7 mines that the use of a technical assessment to
8 assess the job-related skills, abilities, knowl-
9 edge, and competencies of an applicant for a
10 position in the competitive service is not prac-
11 ticable, the examining agency may use an alter-
12 native assessment for that purpose if the exam-
13 ining agency includes a brief description of the
14 rationale for the use of the alternative assess-
15 ment in the job posting.

16 “(3) TRANSITION PLANNING.—

17 “(A) IN GENERAL.—Not later 18 months
18 after the date of enactment of the Chance to
19 Compete Act of 2024, the Director shall submit
20 to the relevant committees a plan to transition
21 Federal hiring practices to adopt technical as-
22 sessments in accordance with subsection (d),
23 which shall include—

24 “(i) the prioritization of—

25 “(I) job classifications; and

1 “(II) resource requirements; and

2 “(ii) a timeline for full implementa-
3 tion of the transition.

4 “(B) ADDITIONAL CONSULTATION.—In de-
5 veloping the plan under subparagraph (A), the
6 Director shall consult with, at minimum—

7 “(i) the Director of the Office of Man-
8 agement and Budget;

9 “(ii) the Chair of the Chief Human
10 Capital Officers Council;

11 “(iii) employee representatives; and

12 “(iv) relevant external stakeholders.

13 “(4) IMPLEMENTATION OF TECHNICAL ASSESS-
14 MENTS.—

15 “(A) IMPLEMENTATION OF PLAN.—Not
16 later than 3 years after the date of enactment
17 of the Chance to Compete Act of 2024, the Di-
18 rector shall implement the plan submitted
19 under paragraph (3).

20 “(B) ADOPTION OF TECHNICAL ASSESS-
21 MENTS.—On and after the date that is 3 years
22 after the date of enactment of the Chance to
23 Compete Act of 2024, an examining agency
24 shall use a technical assessment to examine ap-

1 plicants for positions in the competitive service
2 in accordance with subsection (d).

3 “(C) WAIVER.—

4 “(i) IN GENERAL.—The requirement
5 under subparagraph (B) shall not apply to
6 an examining agency with respect to a par-
7 ticular job series if—

8 “(I) the examining agency deter-
9 mines that use of a technical assess-
10 ment is impracticable for the job se-
11 ries; and

12 “(II) the head of the examining
13 agency submits to the Director and
14 the relevant committees a certification
15 that use of the technical assessment is
16 impracticable, which certification shall
17 include—

18 “(aa) identification of the
19 job series;

20 “(bb) identification of the
21 number of positions that are in-
22 cluded in the job series within
23 the agency for which the exam-
24 ining agency is conducting exami-
25 nations; and

1 “(cc) a description of the ra-
2 tionale for the determination.

3 “(ii) EFFECTIVENESS OF WAIVER.—A
4 waiver under this subparagraph shall be
5 effective for the period—

6 “(I) beginning on the date that is
7 1 day after the date on which the ap-
8 plicable certification is submitted
9 under clause (i)(II); and

10 “(II) ending on the date that is
11 3 years after the date on which the
12 applicable certification is submitted
13 under clause (i)(II).

14 “(iii) NO DELEGATION OF CERTIFI-
15 CATION AUTHORITY.—The head of an ex-
16 amining agency may not delegate the au-
17 thority to submit a certification under
18 clause (i)(II).

19 “(d) TECHNICAL ASSESSMENT.—

20 “(1) IN GENERAL.—For the purpose of con-
21 ducting an examination for a position in the com-
22 petitive service, an individual who is determined by
23 an examining agency to be a subject matter expert
24 in the subject and job field of the position may—

1 “(A) develop, in partnership with human
2 resources employees of the examining agency, a
3 position-specific assessment that is relevant to
4 the position, based on job analysis, which may
5 include—

6 “(i) a structured interview;

7 “(ii) a work-related exercise;

8 “(iii) a custom or generic procedure
9 used to measure an applicant’s employ-
10 ment or career-related qualifications and
11 interests; or

12 “(iv) another assessment that—

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

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

19 “(B) administer the assessment developed
20 under subparagraph (A) to—

21 “(i) determine whether an applicant
22 for the position has a passing score to be
23 qualified for the position; or

1 “(ii) rank applicants for the position
2 for category rating purposes under section
3 3319.

4 “(2) FEASIBILITY STUDY ON SHARING AND
5 CUSTOMIZATION OF ASSESSMENT.—Not later than 1
6 year after the date of enactment of the Chance to
7 Compete Act of 2024, the Director shall—

8 “(A) conduct a feasibility study that exam-
9 ines the practicability, including a cost benefit
10 analysis, of—

11 “(i) the sharing of technical assess-
12 ments by an examining agency with an-
13 other examining agency;

14 “(ii) mechanisms for each examining
15 agency to maintain appropriate control
16 over examination material that is shared
17 by the examining agency as described in
18 clause (i);

19 “(iii) limits on customization of a
20 technical assessment that is shared as de-
21 scribed in clause (i) and mechanisms to en-
22 sure that the resulting technical assess-
23 ment satisfies the requirements under part
24 300 of title 5, Code of Federal Regulations
25 (or any successor regulation); and

1 “(iv) the development of an online
2 platform on which examining agencies can
3 share and customize technical assessments
4 as described in this subparagraph; and

5 “(B) submit to the relevant committees a
6 report on the study conducted under subpara-
7 graph (A).

8 “(e) FEDERAL AGENCY TALENT TEAMS.—

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

12 “(2) DUTIES.—An agency talent team shall
13 provide 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 “(f) 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 hir-
3 ing for the competitive service; and

4 “(4) developing technical assessments.

5 “(g) 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**
9 **REFORM.**

10 (a) REVIEW.—

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

21 (2) CONSULTATION.—In carrying out para-
22 graph (1), the Director shall consult with, at min-
23 imum—

24 (A) agencies, as deemed appropriate by the
25 Director;

1 (B) employee representatives;

2 (C) external experts; and

3 (D) relevant stakeholders.

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

10 **SEC. 5. REPORTS.**

11 (a) IMPLEMENTATION REPORTS.—

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

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

22 (B) identifies any significant difficulties
23 encountered in the implementation described in
24 subparagraph (A).

1 (2) INCLUSION IN ANNUAL REPORT.—The Di-
2 rector may include the report required under para-
3 graph (1) as an addendum to the report required
4 under subsection (b).

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

11 (A) provides a reason for the delay; and

12 (B) advises the public and the relevant
13 committees of the anticipated date of publica-
14 tion and submission of the report.

15 (b) ANNUAL REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, and each year
18 thereafter, the Director shall publish on a public-fac-
19 ing website and submit to the relevant committees a
20 report that, with respect to categories of positions in
21 the competitive service for which an examining agen-
22 cy examined applicants during the applicable period,
23 includes—

24 (A) the type of examination used; and

1 (B) summary data from examinations that
2 are closed, audited, and anonymous on the use
3 of examinations for the competitive service, in-
4 cluding technical assessments.

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

11 (3) LIMITATIONS.—In carrying out this sub-
12 section, the Director may only publish and submit to
13 the relevant committees data relating to examina-
14 tions for which—

15 (A) the related announcement is closed;

16 (B) certificates have been audited; and

17 (C) all hiring processes are completed.

18 (4) DELAYED REPORTING.—If the Director is
19 unable to publish and submit the report within the
20 timeline required under paragraph (1), the Director
21 shall publish on a public-facing website, and submit
22 to the relevant committees, a notification of the
23 delay that—

24 (A) provides a reason for the delay; and

1 (B) advises the public and the relevant
2 committees of the anticipated date of publica-
3 tion and submission of the report.

4 (c) PROVISION OF DATA BY AGENCIES.—

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

11 (2) REPORTING TIMELINES.—Each examining
12 agency shall provide the data outlined in the guid-
13 ance issued by the Director under paragraph (1) on
14 a quarterly basis.

15 **SEC. 6. GAO REPORT.**

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

19 (1) assesses the implementation of this Act and
20 the amendments made by this Act;

21 (2) assesses the impact of modifications made
22 by this Act to the hiring process for the competitive
23 service under section 3304 of title 5, United States
24 Code; and

1 (3) makes recommendations for the improve-
2 ment of the hiring process for the competitive serv-
3 ice.

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

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

17 (b) ISSUANCE OF UPDATES OR REVISIONS; NOTICE
18 TO CONGRESS.—If the Director determines under sub-
19 section (a) that any updates or revisions are necessary,
20 the Director, in accordance with section 552a of title 5,

1 United States Code (commonly known as the “Privacy
2 Act”), shall promptly—

3 (1) issue the updates or revisions; and

4 (2) notify the relevant committees.

Passed the Senate December 12, 2024.

Attest:

Secretary.

118TH CONGRESS
2^D SESSION

S. 59

AN ACT

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