
S. 1330

To facilitate the reskilling of Federal employees, and for other purposes.

Referred to the Committee on and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. Sinema

Viz:

1 Strike all after the enacting clause and insert the following:

3 SECTION 1. SHORT TITLE.

This Act may be cited as the “Facilitating Federal Employee Reskilling Act”.

6 SEC. 2. RESKILLING FEDERAL EMPLOYEES.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.
(2) Appropriate committees of Congress.—The term “appropriate committees of Congress” means—

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

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) Competitive service.—The term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code.

(4) Director.—The term “Director” means the Director of the Office of Personnel Management.

(5) Employee.—The term “employee” means an employee serving in a position in the competitive service or the excepted service.

(6) Excepted service.—The term “excepted service” has the meaning given the term in section 2103 of title 5, United States Code.

(7) Federal reskilling program.—The term “Federal reskilling program” means a program established by the head of an agency or the Director to provide employees with the technical skill or expertise that would qualify the employees to serve in a different position in the competitive service or the
excepted service that requires such technical skill or expertise.

(b) REQUIREMENTS.—With respect to a Federal reskilling program established by the head of an agency or by the Director before, on, or after the date of enactment of this Act, the agency head or the Director, as applicable, shall ensure that the Federal reskilling program—

(1) is implemented in a manner that is in accordance with the bar on prohibited personnel practices under section 2302 of title 5, United States Code, and consistent with the merit system principles under section 2301 of title 5, United States Code, including by using merit-based selection procedures for participation by employees in the Federal reskilling program;

(2) includes appropriate limitations or restrictions associated with implementing the Federal reskilling program, which shall be consistent with any regulations prescribed by the Director under subsection (e);

(3) provides that any new position to which an employee who participates in the Federal reskilling program is transferred will utilize the technical skill
or expertise that the employee acquired by participating in the Federal reskilling program;

(4) includes the option for an employee participating in the Federal reskilling program to return to the original position of the employee, or a similar position, particularly if the employee is unsuccessful in the position to which the employee transfers after completing the Federal reskilling program;

(5) provides that an employee who successfully completes the Federal reskilling program and transfers to a position that requires the technical skill or expertise provided through the Federal reskilling program shall be entitled to have the grade of the position held immediately before the transfer in a manner in accordance with section 5362 of title 5, United States Code;

(6) provides that an employee serving in a position in the excepted service may not transfer to a position in the competitive service solely by reason of the completion of the Federal reskilling program by the employee; and

(7) includes a mechanism to track outcomes of the Federal reskilling program in accordance with the metrics established under subsection (c).
(c) REPORTING AND METRICS.—Not later than 1 year after the date of enactment of this Act, the Director shall establish reporting requirements for, and standardized metrics and procedures for agencies to track outcomes of, Federal reskilling programs, which shall include, with respect to each Federal reskilling program—

(1) providing a summary of the Federal reskilling program;

(2) collecting and reporting demographic and employment data with respect to employees who have applied for, participated in, or completed the Federal reskilling program;

(3) attrition of employees who have completed the Federal reskilling program; and

(4) any other measures or outcomes that the Director determines to be relevant.

(d) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive study of, and submit to Congress a report on, Federal reskilling programs that includes—

(1) a summary of each Federal reskilling program and methods by which each Federal reskilling program recruits, selects, and retrains employees;
(2) an analysis of the accessibility of each Federal reskilling program for a diverse set of candidates;

(3) an evaluation of the effectiveness, costs, and benefits of the Federal reskilling programs; and

(4) recommendations to improve Federal reskilling programs to accomplish the goal of reskilling the Federal workforce.

(e) REGULATIONS.—The Director—

(1) not later than 1 year after the date of enactment of this Act, shall prescribe regulations for the reporting requirements and metrics and procedures under subsection (c);

(2) may prescribe additional regulations, as the Director determines necessary, to provide for requirements with respect to, and the implementation of, Federal reskilling programs; and

(3) with respect to any regulation prescribed under this subsection, shall brief the appropriate committees of Congress with respect to the regulation not later than 30 days before the date on which the final version of the regulation is published.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the head of an agency or the Director to establish a Federal reskilling program.
(g) USE OF FUNDS.—Any Federal reskilling program established by the head of an agency or the Director shall be carried out using amounts otherwise made available to that agency head or the Director, as applicable.