

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

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:
2

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. RESKILLING FEDERAL EMPLOYEES.**

7 (a) DEFINITIONS.—In this section:

8 (1) AGENCY.—The term “agency” has the
9 meaning given the term “Executive agency” in section
10 105 of title 5, United States Code.

1 (2) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

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

6 (B) the Committee on Oversight and Re-
7 form of the House of Representatives.

8 (3) COMPETITIVE SERVICE.—The term “com-
9 petitive service” has the meaning given the term in
10 section 2102 of title 5, United States Code.

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

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

16 (6) EXCEPTED SERVICE.—The term “excepted
17 service” has the meaning given the term in section
18 2103 of title 5, United States Code.

19 (7) FEDERAL RESKILLING PROGRAM.—The
20 term “Federal reskilling program” means a program
21 established by the head of an agency or the Director
22 to provide employees with the technical skill or ex-
23 pertise that would qualify the employees to serve in
24 a different position in the competitive service or the

1 excepted service that requires such technical skill or
2 expertise.

3 (b) REQUIREMENTS.—With respect to a Federal
4 reskilling program established by the head of an agency
5 or by the Director before, on, or after the date of enact-
6 ment of this Act, the agency head or the Director, as ap-
7 plicable, shall ensure that the Federal reskilling pro-
8 gram—

9 (1) is implemented in a manner that is in ac-
10 cordance with the bar on prohibited personnel prac-
11 tices under section 2302 of title 5, United States
12 Code, and consistent with the merit system prin-
13 ciples under section 2301 of title 5, United States
14 Code, including by using merit-based selection proce-
15 dures for participation by employees in the Federal
16 reskilling program;

17 (2) includes appropriate limitations or restric-
18 tions associated with implementing the Federal
19 reskilling program, which shall be consistent with
20 any regulations prescribed by the Director under
21 subsection (e);

22 (3) provides that any new position to which an
23 employee who participates in the Federal reskilling
24 program is transferred will utilize the technical skill

1 or expertise that the employee acquired by partici-
2 pating in the Federal reskilling program;

3 (4) includes the option for an employee partici-
4 pating in the Federal reskilling program to return to
5 the original position of the employee, or a similar
6 position, particularly if the employee is unsuccessful
7 in the position to which the employee transfers after
8 completing the Federal reskilling program;

9 (5) provides that an employee who successfully
10 completes the Federal reskilling program and trans-
11 fers to a position that requires the technical skill or
12 expertise provided through the Federal reskilling
13 program shall be entitled to have the grade of the
14 position held immediately before the transfer in a
15 manner in accordance with section 5362 of title 5,
16 United States Code;

17 (6) provides that an employee serving in a posi-
18 tion in the excepted service may not transfer to a
19 position in the competitive service solely by reason of
20 the completion of the Federal reskilling program by
21 the employee; and

22 (7) includes a mechanism to track outcomes of
23 the Federal reskilling program in accordance with
24 the metrics established under subsection (c).

1 (c) REPORTING AND METRICS.—Not later than 1
2 year after the date of enactment of this Act, the Director
3 shall establish reporting requirements for, and standard-
4 ized metrics and procedures for agencies to track out-
5 comes of, Federal reskilling programs, which shall include,
6 with respect to each Federal reskilling program—

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

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

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

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

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

22 (1) a summary of each Federal reskilling pro-
23 gram and methods by which each Federal reskilling
24 program recruits, selects, and retrains employees;

1 (2) an analysis of the accessibility of each Fed-
2 eral reskilling program for a diverse set of can-
3 didates;

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

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

9 (e) REGULATIONS.—The Director—

10 (1) not later than 1 year after the date of en-
11 actment of this Act, shall prescribe regulations for
12 the reporting requirements and metrics and proce-
13 dures under subsection (c);

14 (2) may prescribe additional regulations, as the
15 Director determines necessary, to provide for re-
16 quirements with respect to, and the implementation
17 of, Federal reskilling programs; and

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

23 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to require the head of an agency
25 or the Director to establish a Federal reskilling program.

1 (g) USE OF FUNDS.—Any Federal reskilling program
2 established by the head of an agency or the Director shall
3 be carried out using amounts otherwise made available to
4 that agency head or the Director, as applicable.