

117TH CONGRESS
1ST SESSION

S. 1330

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

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

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

A BILL

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

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 “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 sec-
10 tion 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, with re-
21 spect to an employee, a program established by the
22 head of the agency employing the employee (or the
23 Director) to provide the employee with the technical
24 skill or expertise that would qualify the employee to
25 serve in a different position in the competitive serv-

1 ice or the excepted service that requires such tech-
2 nical skill or expertise.

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

8 (1) is implemented in a manner that is con-
9 sistent with the merit system principles under sec-
10 tion 2301 of title 5, United States Code, including
11 by using merit-based selection procedures for—

12 (A) participation by employees in the pro-
13 gram; and

14 (B) determining the placement of employ-
15 ees upon completion of the program;

16 (2) includes appropriate limitations or restric-
17 tions associated with implementing the program,
18 which shall be consistent with any regulations pre-
19 scribed by the Director under subsection (e);

20 (3) provides that any new position to which an
21 employee who participates in the program is trans-
22 ferred will utilize the technical skill or expertise that
23 the employee acquired by participating in the pro-
24 gram;

1 (4) includes the option for an employee partici-
2 pating in the program to return to the original posi-
3 tion of the employee, or a similar position, particu-
4 larly if the employee is unsuccessful in the position
5 to which the employee transfers after completing the
6 program;

7 (5) provides that, notwithstanding any provision
8 of chapter 51 of title 5, United States Code, or any
9 rule issued under that chapter, an employee who
10 successfully completes the program and transfers to
11 a different position in the competitive service or the
12 excepted service that requires the technical skill or
13 expertise provided through the program shall serve
14 in the position to which the employee transfers at a
15 class or grade that is not lower than the class or
16 grade of the position from which the employee trans-
17 ferred; and

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

22 (c) REPORTING.—Not later than 1 year after the date
23 of enactment of this Act, and annually thereafter for 5
24 years, the Director, in coordination with the head of each
25 agency that has established a Federal reskilling program,

1 shall submit to the appropriate committees of Congress
2 a report regarding the outcomes under the Federal
3 reskilling programs for the year covered by the report,
4 which shall include—

5 (1) a summary of each Federal reskilling pro-
6 gram;

7 (2) the number of, and demographics with re-
8 spect to, employees who have participated in each
9 Federal reskilling program;

10 (3) the number of, and demographics with re-
11 spect to, employees who have completed each Fed-
12 eral reskilling program;

13 (4) the number of, and demographics with re-
14 spect to, employees who have successfully trans-
15 ferred to a different position in the competitive serv-
16 ice or the excepted service that requires the technical
17 skill or expertise provided to the employees through
18 a Federal reskilling program;

19 (5) an analysis of the effectiveness, costs, and
20 benefits of each Federal reskilling program; and

21 (6) any other measure or outcome that the Di-
22 rector determines to be relevant.

23 (d) SUBSEQUENT PERIODIC EVALUATION.—After
24 the submission of the final report required under sub-
25 section (c), the head of each agency that has established,

1 or that establishes, a Federal reskilling program shall, on
2 a periodic basis—

3 (1) perform an evaluation of the effectiveness,
4 costs, and benefits of the program; and

5 (2) make any necessary modifications to the
6 program in order to accomplish the goals of the pro-
7 gram.

8 (e) REGULATIONS.—The Director may prescribe reg-
9 ulations, as the Director determines necessary, to provide
10 for requirements with respect to, and the implementation
11 of, Federal reskilling programs.

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