

107TH CONGRESS
2D SESSION

H. R. 5298

To provide for reform relating to Federal employee career development and benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

Mrs. MORELLA introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To provide for reform relating to Federal employee career development and benefits, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Good People, Good Government Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHIEF HUMAN CAPITAL OFFICERS

Sec. 101. Chief human capital officers.

Sec. 102. Chief human capital officers council.

Sec. 103. Report on human capital metrics for the Federal Government.

Sec. 104. Effective date.

TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER
DEVELOPMENT AND BENEFITS

Sec. 201. Agency training.

Sec. 202. Agency recruiting.

Sec. 203. Increase in Government contribution for Federal employee health insurance.

TITLE III—ALTERNATIVE RANKING AND SELECTION
PROCEDURES FOR COMPETITIVE SERVICE

Sec. 301. Alternative ranking and selection procedures for applicants for positions in competitive service.

1 **TITLE I—CHIEF HUMAN CAPITAL**
2 **OFFICERS**

3 **SEC. 101. CHIEF HUMAN CAPITAL OFFICERS.**

4 (a) IN GENERAL.—Part II of title 5, United States
5 Code, is amended by inserting after chapter 13 the fol-
6 lowing:

7 **“CHAPTER 14—CHIEF HUMAN CAPITAL**
8 **OFFICERS**

“Sec.

“1401. Establishment of Chief Human Capital Officers.

“1402. Authority and functions of Chief Human Capital Officers.

9 **“§ 1401. Establishment of Chief Human Capital Offi-**
10 **cers**

11 “The head of each Executive agency shall appoint or
12 designate a Chief Human Capital Officer, who shall advise
13 and assist the head of the agency and other agency offi-
14 cials in carrying out the agency’s responsibilities with re-
15 spect to—

1 “(1) selecting, developing, and managing a
2 high-quality, productive workforce in accordance
3 with merit system principles; and

4 “(2) implementing the rules and regulations of
5 the President and the Office of Personnel Manage-
6 ment and the laws governing the civil service within
7 the agency.

8 **“§ 1402. Authority and functions of Chief Human Cap-
9 ital Officers**

10 “(a) The functions of each Chief Human Capital Of-
11 ficer shall include—

12 “(1) setting the workforce development strategy
13 of the agency;

14 “(2) assessing workforce characteristics and fu-
15 ture needs based on the agency’s mission;

16 “(3) reviewing agency training and other
17 human resources policies and programs to assess
18 their effectiveness in promoting the achievement of
19 the agency’s mission and goals;

20 “(4) developing and advocating a culture of
21 continuous learning to attract and retain employees
22 with superior abilities;

23 “(5) identifying best practices and
24 benchmarking studies; and

1 “(6) applying methods for measuring intellec-
2 tual capital and identifying links of that capital to
3 organizational performance and growth.

4 “(b)(1) In order to carry out this chapter, each Chief
5 Human Capital Officer—

6 “(A) shall have access to all records, reports,
7 audits, reviews, documents, papers, recommenda-
8 tions, or other material that—

9 “(i) are in the possession or under the con-
10 trol of the agency;

11 “(ii) relate to programs or operations with
12 respect to which that Chief Human Capital Of-
13 ficer has any duties or responsibilities under
14 this chapter;

15 “(B) may request such information or assist-
16 ance, from any Federal, State, or local governmental
17 entity, as the Chief Human Capital Officer considers
18 necessary; and

19 “(C) may, to the extent and in such amounts
20 as may be provided in advance by appropriations
21 Acts, enter into contracts and other arrangements
22 for studies, analyses, and other services with public
23 agencies and with private persons, and make such
24 payments as may be necessary.

1 “(2)(A) Upon request of a Chief Human Capital Offi-
 2 cer for information or assistance under paragraph (1)(B),
 3 the head of any Federal entity involved shall, insofar as
 4 is practicable and not in contravention of any existing
 5 statutory restriction or regulation of the Federal entity
 6 from which the information is requested, furnish to such
 7 Chief Human Capital Officer, or to an authorized des-
 8 ignee, such information or assistance.

9 “(B) Whenever information or assistance requested
 10 under paragraph (1)(A) or (1)(B) is, in the judgment of
 11 a Chief Human Capital Officer, unreasonably refused or
 12 not provided, the Chief Human Capital Officer shall report
 13 the circumstances to the head of the establishment in-
 14 volved without delay.”.

15 (b) CLERICAL AMENDMENT.—The table of chapters
 16 for part II of title 5, United States Code, is amended by
 17 inserting after the item relating to chapter 13 the fol-
 18 lowing:

“14. Chief Human Capital Officers 1401”.

19 **SEC. 102. CHIEF HUMAN CAPITAL OFFICERS COUNCIL.**

20 (a) ESTABLISHMENT.—There is established a Chief
 21 Human Capital Officers Council, consisting of—

22 (1) the Director of the Office of Personnel
 23 Management, who shall serve as chairperson of the
 24 Council;

1 (2) provides for the basic quantitative analysis
2 and measurement for human capital that are nec-
3 essary for reform efforts;

4 (3) provides for standardized measurements
5 of—

6 (A) the efficiency of the human capital
7 process of a Federal agency; and

8 (B) the success of a Federal agency in
9 achieving human capital objectives;

10 (4) provides for an accurate comparison among
11 agencies to encourage management focus on human
12 capital issues; and

13 (5) may be used as the basis for regular reports
14 prepared by Chief Human Capital Officers.

15 (c) SUBMISSION OF REPORT.—Not later than 1 year
16 after the date of enactment of this Act, the General Ac-
17 counting Office shall submit the report prepared under
18 this section to—

19 (1) the Committee on Governmental Affairs of
20 the Senate; and

21 (2) the Committee on Government Reform of
22 the House of Representatives.

1 **SEC. 104. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided under sub-
3 section (b), this title shall take effect 180 days after the
4 date of enactment of this Act.

5 (b) REPORT.—Section 103 shall take effect on the
6 date of enactment of this Act.

7 **TITLE II—REFORMS RELATING**
8 **TO FEDERAL EMPLOYEE CA-**
9 **REER DEVELOPMENT AND**
10 **BENEFITS**

11 **SEC. 201. AGENCY TRAINING.**

12 (a) TRAINING TO ACCOMPLISH PERFORMANCE
13 PLANS AND STRATEGIC GOALS.—Section 4103 of title 5,
14 United States Code, is amended by adding at the end the
15 following:

16 “(c) The head of each agency shall—

17 “(1) evaluate each program and plan estab-
18 lished, operated, or maintained under subsection (a)
19 with respect to accomplishing specific agency goals
20 and objectives; and

21 “(2) modify such program or plan to accom-
22 plish such goals and objectives.”.

23 (b) AGENCY TRAINING OFFICERS.—Section 4103 of
24 title 5, United States Code, is further amended by adding
25 after subsection (c) (as added by subsection (a)) the fol-
26 lowing:

1 “(d) The head of each agency shall appoint or des-
 2 ignate a training officer, who shall advise and assist the
 3 head of the agency in carrying out the duties and respon-
 4 sibilities of that agency head under this chapter.”.

5 (c) RECORDS MAINTENANCE; SPECIFIC TRAINING
 6 PROGRAMS.—

7 (1) IN GENERAL.—Chapter 41 of title 5, United
 8 States Code, is amended by inserting after section
 9 4112 the following:

10 **“§ 4113. Specific training programs**

11 “In consultation with the Office of Personnel Man-
 12 agement, the head of each agency shall establish—

13 “(1) a comprehensive program to provide train-
 14 ing to employees to develop managers for the agen-
 15 cy; and

16 “(2) a program to provide training to managers
 17 on actions, options, and strategies a manager may
 18 use relating to employees with unacceptable perform-
 19 ance.

20 **“§ 4114. Records maintenance**

21 “Each agency shall maintain detailed records of all
 22 activities relating to training of employees of such agen-
 23 cy.”.

24 (2) TECHNICAL AND CONFORMING AMEND-
 25 MENT.—The table of sections for chapter 41 of title

1 5, United States Code, is amended by inserting after
2 the item relating to section 4112 the following:

“4113. Specific training programs.

“4114. Records maintenance.”.

3 (d) ACADEMIC DEGREE TRAINING.—

4 (1) IN GENERAL.—Subsection (b) of section
5 4107 of title 5, United States Code, is amended to
6 read as follows:

7 “(b)(1) The regulations prescribed under section
8 4118 shall include provisions under which the head of an
9 agency may provide training, or payment or reimburse-
10 ment for the costs of any training, not otherwise allowable
11 under subsection (a), if such training—

12 “(A) contributes significantly to—

13 “(i) meeting an identified agency training
14 need;

15 “(ii) resolving an identified agency staffing
16 problem; or

17 “(iii) accomplishing goals in the agency’s
18 strategic plan (developed under section 306);

19 “(B) is part of a planned, systematic, and co-
20 ordinated agency employee development program
21 linked to accomplishing the goals referred to in sub-
22 paragraph (A)(iii); and

23 “(C) is administered or conducted by a college
24 or university, or other comparable educational insti-

1 tution, recognized under standards implemented by
2 a national or regional accrediting body, except in a
3 case in which such standards do not exist or the use
4 of such standards would not be appropriate.

5 “(2) In exercising any authority under this sub-
6 section, an agency shall, consistent with the merit system
7 principles set forth in paragraphs (2) and (7) of section
8 2301(b), take into consideration the need to—

9 “(A) maintain a balanced workforce in which
10 women, members of racial and ethnic minority
11 groups, and persons with disabilities are appro-
12 priately represented in Government service; and

13 “(B) provide employees effective education and
14 training to improve organizational and individual
15 performance.

16 “(3) No authority under this subsection may be exer-
17 cised on behalf of any employee occupying or seeking to
18 qualify for appointment to—

19 “(A) a position in the Senior Executive Service
20 as a noncareer appointee (as defined by section
21 3132(a)(7)); or

22 “(B) a position which is excepted from the com-
23 petitive service because of its confidential policy-de-
24 termining, policy-making, or policy-advocating char-
25 acter.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—Section 4107 of such title 5, as amended
3 by paragraph (1), is further amended—

4 (A) in subsection (a), by striking “sub-
5 sections (b) and (c) of this section,” and insert-
6 ing “subsection (b),”; and

7 (B) by striking subsection (c).

8 (e) AGENCY TRAINING AS SEPARATE STATEMENT IN
9 ACCOUNTABILITY REPORTS.—Section 902(a)(6) of title
10 31, United States Code, is amended—

11 (1) in subparagraph (D), by striking “and”
12 after the semicolon;

13 (2) by redesignating subparagraph (E) as sub-
14 paragraph (F); and

15 (3) by inserting after subparagraph (D) the fol-
16 lowing:

17 “(E) expenditures on agency training;
18 and”.

19 **SEC. 202. AGENCY RECRUITING.**

20 (a) IN GENERAL.—Subpart B of part III of title 5,
21 United States Code, is amended by inserting before chap-
22 ter 31 the following:

23 **“CHAPTER 30—RECRUITMENT AUTHORITY**

“Sec.

“3001. Definition.

“3002. Appointment of recruitment officers.

“3003. Records maintenance.

1 **“§ 3001. Definition**

2 “For the purpose of this chapter, the term ‘agency’
3 means an Executive agency.

4 **“§ 3002. Appointment of recruitment officers**

5 “The head of each agency shall appoint or designate
6 a recruitment officer, who shall advise and assist the head
7 of the agency in carrying out such functions as the agency
8 head may specify relating to the recruitment of qualified
9 candidates for positions within that agency.

10 **“§ 3003. Records maintenance**

11 “Each agency shall maintain detailed records of all
12 recruitment activities of that agency.”.

13 (b) AGENCY RECRUITING AS SEPARATE STATEMENT
14 IN ACCOUNTABILITY REPORTS.—Section 902(a)(6) of
15 title 31, United States Code (as amended by section
16 201(e)), is further amended—

17 (1) in subparagraph (E), by striking “and”
18 after the semicolon;

19 (2) by redesignating subparagraph (F) as sub-
20 paragraph (G); and

21 (3) by inserting after subparagraph (E) the fol-
22 lowing:

23 “(F) expenditures on agency recruiting;
24 and”.

25 (c) CLERICAL AMENDMENTS.—

1 (1) The analysis for part III of title 5, United
 2 States Code, is amended by inserting before the item
 3 relating to chapter 31 the following:

“30. Recruitment Authority 3001”.

4 (2)(A) The heading for subpart B of part III
 5 of title 5, United States Code, is amended to read
 6 as follows:

7 **“Subpart B—Recruitment, Employment, and**
 8 **Retention”.**

9 (B) The analysis for part III of title 5, United
 10 States Code, is amended by striking the item relat-
 11 ing to subpart B and inserting the following:

“Subpart B—Recruitment, Employment, and Retention”.

12 **SEC. 203. INCREASE IN GOVERNMENT CONTRIBUTION FOR**
 13 **FEDERAL EMPLOYEE HEALTH INSURANCE.**

14 (a) INCREASE IN THE MAXIMUM CONTRIBUTION
 15 PAYABLE BY THE GOVERNMENT (EXPRESSED AS A PER-
 16 CENTAGE OF GOVERNMENTWIDE WEIGHTED AVER-
 17 AGES).—Section 8906(b)(1) of title 5, United States Code,
 18 is amended by striking “72” and inserting “76”.

19 (b) INCREASE IN THE MAXIMUM PERCENTAGE OF AN
 20 ENROLLEE’S ACTUAL SUBSCRIPTION CHARGES PAYABLE
 21 BY THE GOVERNMENT.—Section 8906(b)(2) of title 5,
 22 United States Code, is amended by striking “75” and in-
 23 serting “79”.

1 (c) EFFECTIVE DATE.—This section shall take effect
2 on the first day of the first contract year beginning after
3 the date of the enactment of this Act.

4 **TITLE III—ALTERNATIVE RANK-**
5 **ING AND SELECTION PROCE-**
6 **DURES FOR COMPETITIVE**
7 **SERVICE**

8 **SEC. 301. ALTERNATIVE RANKING AND SELECTION PROCE-**
9 **DURES FOR APPLICANTS FOR POSITIONS IN**
10 **COMPETITIVE SERVICE.**

11 (a) IN GENERAL.—Chapter 33 of title 5, United
12 States Code, is amended by inserting after section 3318
13 the following new section:

14 **“§ 3319. Alternative ranking and selection procedures**

15 “(a) Notwithstanding section 2302(b)(11) or any
16 other provision of this chapter—

17 “(1) the Office, in exercising its authority
18 under section 3304; or

19 “(2) an agency to which the Office has dele-
20 gated examining authority under section 1104(a)(2),
21 may establish category rating systems for evaluating ap-
22 plicants for positions in the competitive service, under
23 which qualified candidates are divided into 2 or more qual-
24 ity categories, consistent with regulations prescribed by

1 the Office of Personnel Management, rather than assigned
2 individual numerical ratings.

3 “(b) Within each quality category established under
4 subsection (a), preference-eligibles shall be listed ahead of
5 individuals who are not preference eligibles. For other
6 than scientific and professional positions at GS–9 of the
7 General Schedule (equivalent or higher), qualified pref-
8 erence-eligibles who have a compensable service-connected
9 disability of 10 percent or more shall be listed in the high-
10 est quality category.

11 “(c)(1) An appointing official must select any appli-
12 cant in the highest quality category or, if fewer than 3
13 candidates have been assigned to the highest quality cat-
14 egory, in a merged category consisting of the highest and
15 the second highest quality categories.

16 “(2) Notwithstanding paragraph (1), the appointing
17 official may not pass over a preference-eligible in the same
18 category from which selection is made, unless the require-
19 ments of section 3317(b) or 3318(b), as applicable, are
20 satisfied.

21 “(d) The Office of Personnel Management may pre-
22 scribe such regulations as it considers necessary to carry
23 out the provisions of this section.”

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—
25 The table of sections for chapter 33 of title 5, United

- 1 States Code, is amended by inserting after the item relat-
- 2 ing to section 3318 the following:

“3319. Alternative ranking and selection procedures.”.

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