

Union Calendar No. 307

115TH CONGRESS
1ST SESSION

H. R. 4182

[Report No. 115–415]

To amend title 5, United States Code, to modify probationary periods with respect to positions within the competitive service and the Senior Executive Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2017

Mr. COMER (for himself, Mr. MEADOWS, and Mr. JODY B. HICE of Georgia) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

NOVEMBER 16, 2017

Additional sponsor: Mr. LOUDERMILK

NOVEMBER 16, 2017

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend title 5, United States Code, to modify probationary periods with respect to positions within the competitive service and the Senior Executive Service, 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 “Ensuring a Qualified
5 Civil Service Act of 2017” or the “EQUALS Act of
6 2017”.

7 **SEC. 2. EXTENSION OF PROBATIONARY PERIOD FOR POSI-**
8 **TIONS WITHIN THE COMPETITIVE SERVICE.**

9 (a) IN GENERAL.—Section 3321 of title 5, United
10 States Code, is amended—

11 (1) in subsection (a), by striking “The Presi-
12 dent” and inserting “Subject to subsections (c) and
13 (d), the President”;

14 (2) by redesignating subsection (c) as sub-
15 section (e); and

16 (3) by inserting after subsection (b) the fol-
17 lowing:

18 “(c)(1) The length of a probationary period estab-
19 lished under paragraph (1) or (2) of subsection (a) shall—

20 “(A) with respect to any position that requires
21 formal training, begin on the date of appointment to
22 the position and end on the date that is 2 years
23 after the date on which such formal training is com-
24 pleted;

1 “(B) with respect to any position that requires
2 a license, begin on the date of appointment to the
3 position and end on the date that is 2 years after
4 the date on which such license is granted; and

5 “(C) with respect to any position not covered by
6 subparagraph (A) or (B), be a period of 2 years be-
7 ginning on the date of the appointment to the posi-
8 tion.

9 “(2) In paragraph (1)—

10 “(A) the term ‘formal training’ means, with re-
11 spect to any position, a training program required
12 by law, rule, or regulation, or otherwise required by
13 the employing agency, to be completed by the em-
14 ployee before the employee is able to successfully
15 execute the duties of the applicable position; and

16 “(B) the term ‘license’ means a license, certifi-
17 cation, or other grant of permission to engage in a
18 particular activity.

19 “(d) The head of each agency shall, in the adminis-
20 tration of this section, take appropriate measures to en-
21 sure that—

22 “(1) any announcement of a vacant position
23 within the agency and any offer of appointment
24 made to any individual with respect to any such po-
25 sition clearly states the terms and conditions of any

1 applicable probationary period, including any formal
2 training period and any license requirement;

3 “(2) any individual who is required to complete
4 a probationary period under this section receives
5 timely notice of any requirements, including per-
6 formance requirements, that must be met in order to
7 satisfactorily complete such period;

8 “(3) any supervisor or manager of an individual
9 who is required to complete a probationary period
10 under this section receives notification of the end
11 date of such period not less than 30 days before
12 such date; and

13 “(4) if the head decides to retain an individual
14 after the completion of a probationary period under
15 this section, the head submits a certification to that
16 effect, supported by a brief statement of the basis
17 for the certification, in such form and manner as the
18 President may by regulation prescribe.”.

19 (b) TECHNICAL AMENDMENT.—Section 3321(e) of
20 title 5, United States Code (as so redesignated by sub-
21 section (a)(2)), is amended by striking “Subsections (a)
22 and (b)” and inserting “Subsections (a) through (d)”.

23 (c) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section—

1 (1) shall take effect 1 year after the date of en-
2 actment of this Act; and

3 (2) shall apply in the case of any appointment
4 (as referred to in section 3321(a)(1) of title 5,
5 United States Code) and any initial appointment (as
6 referred to in section 3321(a)(2) of such title) tak-
7 ing effect on or after the date on which this section
8 takes effect.

9 **SEC. 3. EXTENSION OF PROBATIONARY PERIOD FOR POSI-**
10 **TIONS WITHIN THE SENIOR EXECUTIVE**
11 **SERVICE.**

12 (a) **IN GENERAL.**—Section 3393(d) of title 5, United
13 States Code, is amended by striking “1-year” and insert-
14 ing “2-year”.

15 (b) **CONFORMING AMENDMENT.**—Section 3592(a)(1)
16 of such title is amended by striking “1-year” and inserting
17 “2-year”.

18 (c) **EFFECTIVE DATE.**—The amendments made by
19 this section—

20 (1) shall take effect 1 year after the date of en-
21 actment of this Act; and

22 (2) shall apply in the case of any individual ini-
23 tially appointed as a career appointee under section
24 3393 of title 5, United States Code, on or after the
25 date on which this section takes effect.

1 **SEC. 4. ADVERSE ACTIONS.**

2 (a) SUBCHAPTER I OF CHAPTER 75 OF TITLE 5.—

3 Section 7501(1) of title 5, United States Code, is amend-
4 ed—

5 (1) by striking “or, except” and inserting “and,
6 except”; and

7 (2) by striking “1 year of current” and insert-
8 ing “2 years of current”.

9 (b) SUBCHAPTER II OF CHAPTER 75 OF TITLE 5.—

10 Section 7511(a)(1) of title 5, United States Code, is
11 amended—

12 (1) in subparagraph (A)(i) by striking “; or”
13 and inserting “; and”;

14 (2) in subparagraph (A)(ii), by striking “1
15 year” the first place it appears and inserting “2
16 years”;

17 (3) in subparagraph (B) by striking “1 year”
18 and inserting “2 years”; and

19 (4) in subparagraph (C)(i), by striking “; or”
20 and inserting “; and”.

21 (c) ACTIONS BASED ON UNACCEPTABLE PERFORM-
22 ANCE.—Section 4303(f) of title 5, United States Code, is
23 amended—

24 (1) in paragraph (2) by striking “1 year of cur-
25 rent” and inserting “2 years of current”; and

1 (2) in paragraph (3) by striking “1 year” and
2 inserting “2 years”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 subsections (a), (b), and (c)—

5 (1) shall take effect 1 year after the date of en-
6 actment of this Act; and

7 (2) shall apply in the case of any individual
8 whose period of continuous service (as referred to in
9 the provision of law amended by paragraph (1) or
10 (2) of subsection (b), as the case may be) com-
11 mences on or after the date on which this section
12 takes effect.

13 **SEC. 5. REGULATIONS REQUIRED.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Director of the Office of Personnel Man-
16 agement shall issue such regulations as are necessary to
17 carry out this Act and the amendments made by this Act.

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