

ENSURING A QUALIFIED CIVIL SERVICE ACT OF 2025

APRIL 9, 2026.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COMER, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5750]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 5750) to amend title 5, United States Code, to modify probationary periods with respect to positions in the competitive service, to establish trial periods for positions in the excepted service, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring a Qualified Civil Service Act of 2025” or the “EQUALS Act of 2025”.

SEC. 2. EXTENSION OF PROBATIONARY PERIOD FOR POSITIONS WITHIN THE COMPETITIVE SERVICE.

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

(1) in subsection (a), by striking “The President” and inserting “Subject to subsections (c), (d), and (e), the President”;

(2) by redesignating subsection (c) as subsection (f); and

(3) by inserting after subsection (b) the following:

“(c)(1)(A) Except as provided in subparagraph (B) or otherwise specified in law, an individual’s initial appointment to a position in the competitive service shall become final only after the individual has served a 2-year probationary period.

“(B) A preference eligible’s initial appointment to a position in the competitive service shall become final only after the individual has served a 1-year probationary period.

“(2) During an employee’s probationary period under paragraph (1), the employing agency shall evaluate the fitness of the employee and whether the employee’s continued employment advances the public interest. An employee shall be terminated from the civil service on the last day of the employee’s probationary period unless the employing agency certifies, to the Director of the Office of Personnel Management within the 30 days before such date, that finalizing the employee’s appointment advances the public interest. Before an agency terminates an employee serving under a probationary period pursuant to this subsection, the agency shall provide notice (in writing) to the employee of the effective date of such termination.

“(3) The appointment of an employee serving under a probationary period may not become final until the employee has demonstrated to the employee’s supervisor, through official performance and other metrics as determined by the agency head in conformance with guidance issued by the Office of Personnel Management, that the employee’s continued employment in the civil service is in the public interest.

“(4) With respect to any certification under paragraph (2), the agency head may consider, in the head’s sole and exclusive discretion—

“(A) the employee’s performance and conduct;

“(B) the needs and interests of the agency;

“(C) whether the employee’s continued employment would advance organizational goals of the agency or the Federal Government; and

“(D) whether the employee’s continued employment would advance the efficiency of the civil service.

“(5) If the head of an agency fails to make a certification under paragraph (2) due to an administrative error, the head may petition the Director of the Office of Personnel Management, within 30 days after the date an employee was terminated from the civil service, to reinstate the employee. Any employee reinstated within such 30-day period shall be entitled to backpay in accordance with section 5596 of this title.

“(6) This subsection—

“(A) shall apply to an employee appointed under chapter 73 or 74 of title 38, notwithstanding section 7401 of such title; and

“(B) shall not apply to—

“(i) an employee serving a probationary period due to being initially promoted, transferred, or otherwise assigned to a position as a supervisor (as that term is defined in section 7103 of this title) or any other managerial position, unless such employee is required to concurrently serve both a probationary period in such position and a probationary period following initial appointment or reinstatement;

“(ii) an employee of the United States Postal Service or the Postal Regulatory Commission; or

“(iii) the Congress or any congressional agency.

“(d)(1) Except as provided in paragraph (2), the length of a probationary period established under subsection (a) shall—

“(A) with respect to any position that requires formal training, begin on the date of appointment to the position and end on the date that is 2 years after the date on which such formal training is completed;

“(B) with respect to any position that requires a license, begin on the date of appointment to the position and end on the date that is 2 years after the date on which such license is granted; and
 “(C) with respect to any position not covered by subparagraph (A) or (B), be a period of 2 years beginning on the date of the appointment to the position.
 “(2) With respect to any preference eligible, paragraph (1) shall be applied by substituting ‘1 year’ for ‘2 years’.

“(3) In paragraph (1)—

“(A) the term ‘formal training’ means, with respect to any position, a training program required by law, rule, or regulation, or otherwise required by the employing agency, to be completed by the employee before the employee is able to successfully execute the duties of the applicable position; and

“(B) the term ‘license’ means a license, certification, or other grant of permission to engage in a particular activity.

“(e) The head of each agency shall, in the administration of this section, take appropriate measures to ensure that—

“(1) any announcement of a vacant position within the agency and any offer of appointment made to any individual with respect to any such position clearly states the terms and conditions of any applicable probationary period, including any formal training period and any license requirement;

“(2) any individual who is required to complete a probationary period under this section receives timely notice of any requirements, including performance requirements, that must be met in order to satisfactorily complete such period;

“(3) any supervisor or manager of an individual who is required to complete a probationary period under this section receives periodic notifications of the end date of such period not later than 1 year, 6 months, 3 months, and 30 days before such end date; and

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

(b) TECHNICAL AMENDMENT.—Section 3321(f) of title 5, United States Code (as redesignated by subsection (a)(2) of this section), is amended by striking “Subsections (a) and (b)” and inserting “Subsections (a) through (e)”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect 1 year after the date of the enactment of this Act; and

(2) shall apply to any individual appointed to a position in the competitive service, or any individual who is initially promoted, transferred, or otherwise assigned to be a supervisor and who is required to serve a probationary period under section 3321(c)(6)(B)(i) of title 5, United States Code (as added by subsection (a) of this section), on or after the effective date in paragraph (1) of this subsection.

SEC. 3. TRIAL PERIOD IN EXCEPTED SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after section 3321 the following (and conforming the table of contents of such subchapter accordingly):

“§ 3321a. Excepted service; trial period

“(a)(1) Except as otherwise specified in law or provided in paragraph (2), an employee appointed to a position in the excepted service shall serve a 2-year trial period.

“(2) A preference eligible appointed to a position in the excepted service shall serve a 1-year trial period.

“(b) An employee serving under a trial period pursuant to subsection (a) and who is transferred, promoted, demoted, or reassigned to any other excepted service position before the end of such trial period shall complete the remainder of such trial period in the new position.

“(c) An individual who separates from the civil service for a period of more than 30 days after completing a trial period under this section and who is reappointed to an excepted service position shall complete a new trial period unless such individual is appointed to the same or a substantially similar position in the same agency the employee held immediately before separation.

“(d) This section shall not apply to any agency or employee described in section 3321(c)(6)(B).”.

(b) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect 1 year after the date of the enactment of this Act; and

(2) shall apply to any individual appointed to a position in the excepted service on or after the effective date in paragraph (1) of this subsection.

SEC. 4. FAA AND TSA.

Section 40122(g)(2) of title 49, United States Code, is amended—

- (1) by striking “and” at the end of subparagraph (I);
- (2) by striking the period at the end of subparagraph (J) and inserting “; and”; and
- (3) by adding at the end the following:

“(K) sections 3321 and 3321a relating to probationary and trial periods, respectively.”.

SEC. 5. ADVERSE ACTIONS.

(a) ACTIONS BASED ON UNACCEPTABLE PERFORMANCE.—Section 4303(f) of title 5, United States Code, is amended—

- (1) in paragraph (2), by striking “1 year of current continuous employment” and inserting “, with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment,”; and

- (2) in paragraph (3), by striking “1 year of current continuous employment” and inserting “, with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment,”.

(b) SUBCHAPTER I OF CHAPTER 75 OF TITLE 5.—Section 7501(1) of title 5, United States Code, is amended—

- (1) by striking “or who has” and inserting “and who has”; and
- (2) by striking “1 year of current continuous employment” and inserting “, with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment,”.

(c) SUBCHAPTER II OF CHAPTER 75 OF TITLE 5.—Section 7511(a)(1) of title 5, United States Code, is amended—

- (1) in subparagraph (A)—
 - (A) in clause (i), by striking “; or” and inserting “; and”; and
 - (B) in clause (ii), by striking “1 year of current continuous service” and inserting “, with respect to a preference eligible 1 year of current continuous service, and with respect to any other employee 2 years of current continuous service,”; and
- (2) in subparagraph (C)(i), by striking “; or” and inserting “; and”.

(d) EFFECTIVE DATE; APPLICATION.—The amendments made by subsections (a), (b), and (c)—

- (1) shall take effect 1 year after the date of the enactment of this Act; and
- (2) shall apply in the case of any individual appointed to a position in the competitive service or excepted service on or after the effective date in paragraph (1).

SEC. 6. REGULATIONS REQUIRED.

Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

SUMMARY AND PURPOSE OF LEGISLATION

This bill amends federal law to provide for two-year probationary periods for most competitive and excepted service employees following initial appointment, training and/or licensing completion, except “preference eligibles” (e.g. veterans, widows, etc.) who receive one-year probationary periods. Employment is terminated at the end of respective probationary periods except for those who are certified by agency heads to be retained.

BACKGROUND AND NEED FOR LEGISLATION

On April 24, 2025, the President issued Executive Order 14284 titled “Strengthening Probationary Periods in the Federal Service” which reinforces how “[p]robationary periods (for employees in the competitive service) and trial periods (for employees in the excepted service) have provided a longstanding critical tool to assess the fitness of newly hired Federal employees before finalizing their

appointments to Federal service.”¹ The Order goes on to note however that “agencies have not been using probationary and trial periods as effectively as they could to remove appointees whose continued employment is not in the public interest . . . often retain[ing] and giv[ing] tenure to underperforming employees who should have been screened out during their probationary period.”²

Therefore, to ensure that agencies make better use of probationary and trial periods, EO 14284 directs agencies to affirmatively determine that the continued employment of individuals serving probationary or trial periods would benefit the Federal service before such appointments are finalized.

This order follows a February 2015 report by the Government Accountability Office (GAO) titled “Improved Supervision and Better Use of Probationary Periods Are Needed to Address Substandard Employee Performance” where GAO asserts that agencies “may not be using the supervisory probationary period as intended.”³

Specifically, GAO noted how “the supervisory probationary period may not be long enough for the supervisor to conduct many performance management responsibilities”⁴ and that agency “supervisors are often not making performance-related decisions about an individual’s future likelihood of success with the agency during the probationary period.”⁵

Therefore, the GAO concludes that “agencies risk continuing poorly performing individuals in a position in the civil service, with all the rights that such an appointment entails”⁶ and that “an extension of the probationary period would provide supervisors with time to make a performance assessment for those occupations that are particularly complex or difficult to assess.”⁷

Furthermore, an August 2005 Merit Systems Protection Board (MSPB) report reveals “[t]he purpose of the probationary period is to provide the Government with an opportunity to evaluate an individual’s conduct and performance on the job to determine if an appointment to the civil service should become final.”⁸ That is, “[u]ntil the probationary period has been completed, a probationer is still an applicant for an appointment, with the burden to demonstrate why it is in the public interest for the Government to finalize an appointment to the civil service for this particular individual.”⁹

Further, the MSPB notes how “[o]nce an appointment is finalized, the probationer becomes an employee who is given a considerable level of protection under the Federal Government’s merit system” and that “a probationer has only limited job protections . . .

¹ Exec. Order No. 14284, 90 Fed. Reg. 17729 (Apr. 29, 2025).

² *Id.*

³ U.S. GOVERNMENT ACCOUNTABILITY OFFICE, GAO-15-191, *Federal Workforce: Improved Supervision and Better Use of Probationary Periods Are Needed to Address Substandard Employee Performance* (Feb. 2015), at 9.

⁴ *Id.*

⁵ *Id.* at 11.

⁶ *Id.* at 11–12.

⁷ *Id.* at 13.

⁸ U.S. MERIT SYS. PROTECTION BD., OFF. OF POLICY & EVALUATION, *THE PROBATIONARY PERIOD: A CRITICAL ASSESSMENT OPPORTUNITY* (Aug. 2005), available at https://www.mspb.gov/studies/studies/The_Probationary_Period_A_Critical_Assessment_Opportunity_224555.pdf, at i.

⁹ *Id.*

including the right to appeal an adverse action.”¹⁰ Such limited job protections during the probationary period allow agencies to “promptly and effectively act upon their assessments of probationers.”¹¹

In conclusion, the MSPB observes that “if used fully, [the probationary period] is one of the most valid assessment tools available for supervisors to determine an individual’s potential to fulfill the needs of the specific position, the agency, and the civil service.”¹² However, extending probationary time periods requires legislative action, which the Administration cannot accomplish through executive action.

H.R. 5750 follows through by implementing two-year probationary periods for non-preference eligible competitive and excepted service positions.¹³ Additionally, the bill requires an employee to demonstrate to their supervisor, through official performance and other metrics during their probationary period, that their continued employment in the civil service is in the public interest and that agencies evaluate—and affirmatively certify—such before appointments are finalized. To help with this process, the bill provides supervisors and employees with timely and appropriate notices, including in vacancy announcements and leading into the end of probationary periods.

The concepts contained in the EQUALS Act are not new, as an earlier version of this bill passed the Oversight and Government Reform Committee, and ultimately the full House, as H.R. 4182 in the 115th Congress.¹⁴

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 2. Extension of probationary period for positions within the competitive service

- Subsection (a) amends 5 U.S.C 3321 (Competitive service; probationary period.) to establish one-year probationary periods for preference eligible competitive service appointments and two-year probationary periods for other competitive service appointments.

- Directs employing agencies to evaluate employee fitness through official performance metrics and determine whether an employee’s continued federal employment advances the public interest before certifying final appointment within 30 days of the end of their respective probationary period for respective employees.

- Requires such certification to consider employee performance and conduct, needs and interests of the agency or Federal government, and whether their continued employment would advance civil service efficiency.

- Specifies that those who do not receive such certification shall be removed from the civil service on the last day of the probationary period.

¹⁰*Id.* at i–ii.

¹¹*Id.* at ii.

¹²*Id.*

¹³Consistent with Exec. Order No. 14284, preference eligible positions would be subject to one-year probationary periods.

¹⁴EQUALS Act of 2017, H.R. 4182, 115th Cong. 1 (passed the House Nov. 17, 2017).

- Specifies that agency heads who fail to make a certification due to administrative error may petition the Office of Personnel Management (OPM) to reinstate the employee with backpay within 30 days following employee removal.
- Applies these provisions to Veterans Health Administration employees, but not certain recently promoted supervisors/managers, United States Postal Service or Postal Regulatory Commission, nor Congress or congressional agency employees.
- Specifies that respective probationary periods commence immediately following initial appointment or, if applicable, formal training completion or license/certification granting.
- Requires agencies to ensure that:
 - Vacant position announcements make clear terms and conditions of probationary periods;
 - Employees subject to probationary periods receive timely notice of (satisfactory performance) requirements;
 - Supervisors/managers receive notice 1 year, 6 months, 3 months and 30 days before the end of respective employees' probationary periods; and
 - That upon successful completion of probationary periods, final appointment certifications include brief statement of their basis.
- Subsection (b) contains technical amendments.
- Subsection (c) provides that provisions in this section apply to those initially appointed to respective competitive service positions one year following the date of enactment of this Act.

Section 3. Trial period in excepted service

- Subsection (a) adds a new section 3321a (Excepted service, trial period.) to Title 5, U.S. Code, which establishes one-year trial periods for preference eligible excepted service appointments and two-year trial periods for other competitive service appointments unless otherwise specified in law.
 - Provides that employees transferred, promoted, demoted or reassigned to another excepted service position shall complete remainder of any respective probationary periods in the new position.
 - Specifies that those who are separated for more than 30 days but are subsequently reappointed to an excepted service position shall complete a new trial period, unless the new position is "substantially similar" to that most immediately held.
 - Specifies that such provisions do not apply to certain recently promoted supervisors/managers, United States Postal Service or Postal Regulatory Commission, nor Congress or congressional agency employees.
- Subsection (b) provides that provisions in this section apply to those initially appointed to respective competitive service positions one year following the date of enactment of the Act.

Section 4. FAA and TSA

- Applies provisions to Federal Aviation Administration personnel management system (including Transportation Security Administration employees) by amending 49 U.S.C. 40122 (Federal Aviation Administration personnel management system.).

Section 5. Adverse actions

- Subsection (a) amends 5 U.S.C. 4303 (Actions based on unacceptable performance) to ensure that the special procedures for handling actions based on unacceptable performance do not apply to competitive or exempted service employees who have “not completed, with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment.”

- Subsection (b) amends 5 U.S.C. 7501 (Suspension for 14 Days or Less; Definitions) to ensure that the special procedures for handling adverse actions involving potential suspension for 14 days or less apply to competitive service employees who are “not serving a probationary or trial period under an initial appointment and who has completed, with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment.”

- Subsection (c) amends 5 U.S.C. 7511 (Adverse Actions; Removal, Suspension for more than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less; Definitions; Application) to ensure the special procedures for handling adverse actions involving potential “removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less” apply to:

- Competitive service employees who are “not serving a probationary or trial period under an initial appointment and who has completed, with respect to a preference eligible 1 year of current continuous service, and with respect to any other employee 2 years of current continuous service”.

- “A preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar position” as already included in existing law; and

- Excepted service employees (other than a preference eligible) who are “not serving a probationary or trial period under an initial appointment pending conversion to the competitive service; and who has completed 2 years of current continuous service in the same or similar positions in an Executive agency.”

- Subsection (d) provides that the provisions in this section apply to those initially appointed to respective competitive or excepted service positions one year following the date of enactment of the Act.

Section 6. Regulations Required

- Provides that OPM shall issue regulations as necessary to carry out this bill within 180 days of the date of enactment of the Act.

LEGISLATIVE HISTORY

On October 14, 2025, Representative Brandon Gill (R-TX) introduced H.R. 5750, the Ensuring a Qualified Civil Service Act of 2025. The following Representatives are cosponsors of the bill: James Comer (R-KY), Michael Cloud (R-TX), Barry Moore (R-AL), and Pat Harrigan (R-NC). H.R. 5750 was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 5750 at a business meeting on December 2, 2025 and

ordered the bill, as amended, favorably reported by a recorded vote of 24–19.

On October 31, 2017 in the 115th Congress Representative James Comer (R–KY) introduced H.R. 4182, the Ensuring a Qualified Civil Service Act of 2017, with Representative Mark Meadows (R–NC) and Representative Jody Hice (R–GA). H.R. 4182 represented similar policy to H.R. 5750 and was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 4182 at a business meeting on November 2, 2017, and ordered the bill favorably reported by a recorded vote of 19 to 17. The bill ultimately passed the House by a recorded vote of 213–204 on November 30, 2017.

Previously, in the 114th Congress, Representative Ken Buck (R–CO) introduced a similar bill, H.R. 3023. On January 12, 2016, the Committee ordered H.R. 3023 favorably reported by a recorded vote of 20 to 16. The text of H.R. 3023 was subsequently added as Title III of H.R. 4361, the Government Reform and Improvement Act of 2016, which passed the House by a recorded vote of 241 to 181 on July 7, 2016.

COMMITTEE CONSIDERATION

On December 2, 2025, the Committee met in open session and ordered the bill, H.R. 5750, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 24–19, a quorum being present.

ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following roll call vote occurred during the Committee’s consideration of H.R. 5750:

A roll call vote on approving an amendment to the ANS offered by Representative Stephen Lynch (D–MA) failed by a recorded vote of 19–23.

A voice vote on approving the ANS to H.R. 5750 was agreed to on voice vote.

A roll call vote on favorably reporting H.R. 5750, agreed to in a recorded vote of 24–19.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

119TH CONGRESS

RATIO 26-21

ROLL CALL

Vote on: Lynch Amendment to the ANS to H.R. 5750

Date: 12/2/2025

VOTE #: 2

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>		X		MR. GARCIA (CA) <i>(Ranking Member)</i>	X		
MR. JORDAN (OH)		X		MS. NORTON (DC)	X		
MR. TURNER (OH)		X		MR. LYNCH (MA)	X		
MR. GOSAR (AZ)		X		MR. KRISHNAMOORTHY (IL)	X		
MS. FOXX (NC)		X		MR. KHANNA (CA)	X		
MR. GROTHMAN (WI)		X		MR. MFUME (MD)	X		
MR. CLOUD (TX)		X		MS. BROWN (OH)	X		
MR. PALMER (AL)		X		MS. STANSBURY (NM)	X		
MR. HIGGINS (LA)		X		MR. FROST (FL)	X		
MR. SESSIONS (TX)		X		MS. LEE of PENNSYLVANIA (PA)	X		
MR. BIGGS (AZ)		X		MR. CASAR (TX)			
MS. MACE (SC)		X		MS. CROCKETT (TX)	X		
MR. FALLON (TX)				MS. RANDALL (WA)	X		
MR. DONALDS (FL)		X		MR. SUBRAMANYAM (VA)	X		
MR. PERRY (PA)				MS. ANSARI (AZ)	X		
MR. TIMMONS (SC)		X		MR. BELL (MO)			
MR. BURCHETT (TN)		X		MS. SIMON (CA)	X		
MS. GREENE OF GEORGIA (GA)				MR. MIN (CA)	X		
MS. BOEBERT (CO)		X		MR. WALKINSHAW (VA)	X		
MRS. LUNA (FL)		X		MS. PRESSLEY (MA)	X		
MR. LANGWORTHY (NY)		X		MS. TLAIB (MI)	X		
MR. BURLISON (MO)		X					
MR. CRANE (AZ)		X					
MR. JACK (GA)		X					
MR. MCGUIRE (VA)		X					
MR. GILL (TX)		X					

Roll Call Totals:

Ayes: 19

Nays: 23

Present:

Passed: _____

Failed: X

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

119TH CONGRESS

RATIO 26-21

ROLL CALL

Vote on: Final Passage - H.R. 5750, the Ensuring a Qualified Civil Service Act of 2025

Date: 12/2/2025

VOTE #: 3

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>	X			MR. GARCIA (CA) <i>(Ranking Member)</i>		X	
MR. JORDAN (OH)	X			MS. NORTON (DC)		X	
MR. TURNER (OH)	X			MR. LYNCH (MA)		X	
MR. GOSAR (AZ)	X			MR. KRISHNAMOORTHY (IL)		X	
MS. FOXX (NC)	X			MR. KHANNA (CA)		X	
MR. GROTHMAN (WI)	X			MR. MFUME (MD)		X	
MR. CLOUD (TX)	X			MS. BROWN (OH)		X	
MR. PALMER (AL)	X			MS. STANSBURY (NM)		X	
MR. HIGGINS (LA)	X			MR. FROST (FL)		X	
MR. SESSIONS (TX)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MR. BIGGS (AZ)	X			MR. CASAR (TX)			
MS. MACE (SC)	X			MS. CROCKETT (TX)		X	
MR. FALLON (TX)	X			MS. RANDALL (WA)		X	
MR. DONALDS (FL)	X			MR. SUBRAMANYAM (VA)		X	
MR. PERRY (PA)				MS. ANSARI (AZ)		X	
MR. TIMMONS (SC)	X			MR. BELL (MO)			
MR. BURCHETT (TN)	X			MS. SIMON (CA)		X	
MS. GREENE OF GEORGIA (GA)				MR. MIN (CA)		X	
MS. BOEBERT (CO)	X			MR. WALKINSHAW (VA)		X	
MRS. LUNA (FL)	X			MS. PRESSLEY (MA)		X	
MR. LANGWORTHY (NY)	X			MS. TLAIB (MI)		X	
MR. BURLISON (MO)	X						
MR. CRANE (AZ)	X						
MR. JACK (GA)	X						
MR. MCGUIRE (VA)	X						
MR. GILL (TX)	X						

Roll Call Totals:

Ayes: 24

Nays: 19

Present:

Passed: X Failed:

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative James Comer (R-KY), Chairman of the Committee, offered an amendment in the nature of a substitute that made a certain technical change to the bill. The amendment in the nature of a substitute passed by voice vote.

Also during Committee consideration of the bill, Representative Stephen Lynch (D-MA) offered an amendment to the amendment in the nature of a substitute seeking to strike the entirety of the ANS and replace it with legislation requiring the Government Accountability Office to conduct a study, and issue a report within two years of enactment, analyzing the impact of agencies that have lengthened the employee probationary period from 1 to 2 years (and other potential extensions of probationary periods for certain occupations in the Federal Government) as well as whether certain occupations in the Federal Government should have probationary periods in excess of 1 year because of the complexity, sensitivity, or unique occupational challenges of such occupations.

LIST OF RELATED COMMITTEE HEARINGS

In accordance with House rule XIII, clause 3(c)(6), (1) the following hearing was used to develop or consider H.R. 5750:

On February 25, 2025, the Committee on Oversight and Government Reform Held a legislative hearing titled “The Government Accountability Office’s 2025 High Risk List” with Gene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office.

(2) The following related hearing was held:

On February 25, 2025, the Committee on Oversight and Government Reform Held a legislative hearing titled “The Government Accountability Office’s 2025 High Risk List” with Gene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the Background and Need for Legislation section above.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee’s performance goals or objectives of this bill are to provide for two-year probationary periods for most competitive and excepted service employees following initial appointment, training and/or licensing completion, except “preference eligibles” (e.g. veterans, widows, etc.) who receive one-year probationary periods, terminating employment at the end of respective probationary periods except for those who are certified by agency heads to be retained.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill does not relate to employment or access to public services and accommodations in the legislative branch.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

Pursuant to section 5(b) of Public Law 92–463 (5 U.S.C. 1004(b)), the Federal Advisory Committee Act, the Committee finds that this Committee Print does not direct the establishment of an advisory committee.

UNFUNDED MANDATES REFORM ACT STATEMENT

Pursuant to section 423 of the Congressional Budget Act of 1974 the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974*, and pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the *Congressional Budget Act of 1974* is as follows:

H.R. 5750, EQUALS Act of 2025			
As ordered reported by the House Committee on Oversight and Government Reform on December 2, 2025			
By Fiscal Year, Millions of Dollars	2026	2026-2031	2026-2036
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2037?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2037?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

H.R. 5750 would extend the probationary period for most new federal employees from one to two years and would require agencies to affirmatively convert new hires to permanent appointments at the end of that period. Because most of the bill's requirements would codify existing guidance from the Office of Personnel Management (OPM) issued under Executive Order 14284, CBO estimates that implementing H.R. 5750 would cost less than \$500,000 over the 2026–2031 period; any related spending would be subject to the availability of appropriated funds.

Enacting the bill could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * *

PART III—EMPLOYEES

* * * * *

SUBPART B—EMPLOYMENT AND RETENTION

* * * * *

CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

Sec.
3301. Civil service; generally.

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3321a. *Excepted service; trial period.*

* * * * *

SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

* * * * *

§ 3321. Competitive service; probationary period

(a) **[The President]** *Subject to subsections (c), (d), and (e), the President may take such action, including the issuance of rules, regulations, and directives, as shall provide as nearly as conditions of good administration warrant for a period of probation—*

(1) before an appointment in the competitive service becomes final; and

(2) before initial appointment as a supervisor or manager becomes final.

(b) An individual—

(1) who has been transferred, assigned, or promoted from a position to a supervisory or managerial position, and

(2) who does not satisfactorily complete the probationary period under subsection (a)(2) of this section,

shall be returned to a position of no lower grade and pay than the position from which the individual was transferred, assigned, or promoted. Nothing in this section prohibits an agency from taking an action against an individual serving a probationary period under subsection (a)(2) of this section for cause unrelated to supervisory or managerial performance.

(c)(1)(A) *Except as provided in subparagraph (B) or otherwise specified in law, an individual's initial appointment to a position in the competitive service shall become final only after the individual has served a 2-year probationary period.*

(B) A preference eligible's initial appointment to a position in the competitive service shall become final only after the individual has served a 1-year probationary period.

(2) During an employee's probationary period under paragraph (1), the employing agency shall evaluate the fitness of the employee and whether the employee's continued employment advances the public interest. An employee shall be terminated from the civil service on the last day of the employee's probationary period unless the employing agency certifies, to the Director of the Office of Personnel Management within the 30 days before such date, that finalizing the employee's appointment advances the public interest. Before an agency terminates an employee serving under a probationary period pursuant to this subsection, the agency shall provide notice (in writing) to the employee of the effective date of such termination.

(3) The appointment of an employee serving under a probationary period may not become final until the employee has demonstrated to the employee's supervisor, through official performance and other metrics as determined by the agency head in conformance with guidance issued by the Office of Personnel Management, that the employee's continued employment in the civil service is in the public interest.

(4) With respect to any certification under paragraph (2), the agency head may consider, in the head's sole and exclusive discretion—

- (A) the employee's performance and conduct;
- (B) the needs and interests of the agency;
- (C) whether the employee's continued employment would advance organizational goals of the agency or the Federal Government; and
- (D) whether the employee's continued employment would advance the efficiency of the civil service.

(5) If the head of an agency fails to make a certification under paragraph (2) due to an administrative error, the head may petition the Director of the Office of Personnel Management, within 30 days after the date an employee was terminated from the civil service, to reinstate the employee. Any employee reinstated within such 30-day period shall be entitled to backpay in accordance with section 5596 of this title.

(6) This subsection—

- (A) shall apply to an employee appointed under chapter 73 or 74 of title 38, notwithstanding section 7401 of such title; and
- (B) shall not apply to—

- (i) an employee serving a probationary period due to being initially promoted, transferred, or otherwise assigned to a position as a supervisor (as that term is defined in section 7103 of this title) or any other managerial position, unless such employee is required to concurrently serve both a probationary period in such position and a probationary period following initial appointment or reinstatement;

- (ii) an employee of the United States Postal Service or the Postal Regulatory Commission; or

- (iii) the Congress or any congressional agency.

(d)(1) Except as provided in paragraph (2), the length of a probationary period established under subsection (a) shall—

(A) with respect to any position that requires formal training, begin on the date of appointment to the position and end on the date that is 2 years after the date on which such formal training is completed;

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

(C) with respect to any position not covered by subparagraph (A) or (B), be a period of 2 years beginning on the date of the appointment to the position.

(2) With respect to any preference eligible, paragraph (1) shall be applied by substituting “1 year” for “2 years”.

(3) In paragraph (1)—

(A) the term “formal training” means, with respect to any position, a training program required by law, rule, or regulation, or otherwise required by the employing agency, to be completed by the employee before the employee is able to successfully execute the duties of the applicable position; and

(B) the term “license” means a license, certification, or other grant of permission to engage in a particular activity.

(e) The head of each agency shall, in the administration of this section, take appropriate measures to ensure that—

(1) any announcement of a vacant position within the agency and any offer of appointment made to any individual with respect to any such position clearly states the terms and conditions of any applicable probationary period, including any formal training period and any license requirement;

(2) any individual who is required to complete a probationary period under this section receives timely notice of any requirements, including performance requirements, that must be met in order to satisfactorily complete such period;

(3) any supervisor or manager of an individual who is required to complete a probationary period under this section receives periodic notifications of the end date of such period not later than 1 year, 6 months, 3 months, and 30 days before such end date; and

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

[(c) Subsections (a) and (b)] (f) Subsections (a) through (e) of this section shall not apply with respect to appointments in the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

§ 3321a. Excepted service; trial period

(a)(1) Except as otherwise specified in law or provided in paragraph (2), an employee appointed to a position in the excepted service shall serve a 2-year trial period.

(2) A preference eligible appointed to a position in the excepted service shall serve a 1-year trial period.

(b) An employee serving under a trial period pursuant to subsection (a) and who is transferred, promoted, demoted, or reassigned

to any other excepted service position before the end of such trial period shall complete the remainder of such trial period in the new position.

(c) An individual who separates from the civil service for a period of more than 30 days after completing a trial period under this section and who is reappointed to an excepted service position shall complete a new trial period unless such individual is appointed to the same or a substantially similar position in the same agency the employee held immediately before separation.

(d) This section shall not apply to any agency or employee described in section 3321(c)(6)(B).

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SUBPART C—EMPLOYEE PERFORMANCE

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CHAPTER 43—PERFORMANCE APPRAISAL

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SUBCHAPTER I—GENERAL PROVISIONS

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§ 4303. Actions based on unacceptable performance

(a) Subject to the provisions of this section, an agency may reduce in grade or remove an employee for unacceptable performance.

(b)(1) An employee whose reduction in grade or removal is proposed under this section is entitled to—

(A) 30 days' advance written notice of the proposed action which identifies—

- (i) specific instances of unacceptable performance by the employee on which the proposed action is based; and
- (ii) the critical elements of the employee's position involved in each instance of unacceptable performance;

(B) be represented by an attorney or other representative;

(C) a reasonable time to answer orally and in writing; and

(D) a written decision which—

(i) in the case of a reduction in grade or removal under this section, specifies the instances of unacceptable performance by the employee on which the reduction in grade or removal is based, and

(ii) unless proposed by the head of the agency, has been concurred in by an employee who is in a higher position than the employee who proposed the action.

(2) An agency may, under regulations prescribed by the head of such agency, extend the notice period under subsection (b)(1)(A) of this section for not more than 30 days. An agency may extend the notice period for more than 30 days only in accordance with regulations issued by the Office of Personnel Management.

(c) The decision to retain, reduce in grade, or remove an employee—

(1) shall be made within 30 days after the date of expiration of the notice period, and

(2) in the case of a reduction in grade or removal, may be based only on those instances of unacceptable performance by the employee—

(A) which occurred during the 1-year period ending on the date of the notice under subsection (b)(1)(A) of this section in connection with the decision; and

(B) for which the notice and other requirements of this section are complied with.

(d) If, because of performance improvement by the employee during the notice period, the employee is not reduced in grade or removed, and the employee's performance continues to be acceptable for 1 year from the date of the advance written notice provided under subsection (b)(1)(A) of this section, any entry or other notation of the unacceptable performance for which the action was proposed under this section shall be removed from any agency record relating to the employee.

(e) Any employee who is—

(1) a preference eligible;

(2) in the competitive service; or

(3) in the excepted service and covered by subchapter II of chapter 75,

and who has been reduced in grade or removed under this section is entitled to appeal the action to the Merit Systems Protection Board under section 7701.

(f) This section does not apply to—

(1) the reduction to the grade previously held of a supervisor or manager who has not completed the probationary period under section 3321(a)(2) of this title,

(2) the reduction in grade or removal of an employee in the competitive service who is serving a probationary or trial period under an initial appointment or who has not completed **[1 year of current continuous employment]**, *with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment*, under other than a temporary appointment limited to 1 year or less,

(3) the reduction in grade or removal of an employee in the excepted service who has not completed **[1 year of current continuous employment]**, *with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment*, in the same or similar positions, or

(4) any removal or demotion under section 714 of title 38.

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SUBPART F—LABOR-MANAGEMENT AND EMPLOYEE RELATIONS

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CHAPTER 75—ADVERSE ACTIONS

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SUBCHAPTER I—SUSPENSION FOR 14 DAYS OR LESS

§ 7501. Definitions

For the purpose of this subchapter—

(1) “employee” means an individual in the competitive service who is not serving a probationary or trial period under an initial appointment **[or who has]** *and who has completed [1 year of current continuous employment], with respect to a preference eligible 1 year of current continuous employment, and with respect to any other employee 2 years of current continuous employment*, in the same or similar positions under other than a temporary appointment limited to 1 year or less; and

(2) “suspension” means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay.

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SUBCHAPTER II—REMOVAL, SUSPENSION FOR MORE THAN 14 DAYS, REDUCTION IN GRADE OR PAY, OR FURLOUGH FOR 30 DAYS OR LESS

§ 7511. Definitions; application

(a) For the purpose of this subchapter—

(1) “employee” means—

(A) an individual in the competitive service—

(i) who is not serving a probationary or trial period under an initial appointment**[/ or/]; and**

(ii) who has completed **[1 year of current continuous service]**, *with respect to a preference eligible 1 year of current continuous service, and with respect to any other employee 2 years of current continuous service*, under other than a temporary appointment limited to 1 year or less;

(B) a preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar positions—

(i) in an Executive agency; or

(ii) in the United States Postal Service or Postal Regulatory Commission; and

(C) an individual in the excepted service (other than a preference eligible)—

(i) who is not serving a probationary or trial period under an initial appointment pending conversion to the competitive service**[/ or/]; and**

(ii) who has completed 2 years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to 2 years or less;

(2) “suspension” has the same meaning as set forth in section 7501(2) of this title;

(3) “grade” means a level of classification under a position classification system;

(4) “pay” means the rate of basic pay fixed by law or administrative action for the position held by an employee; and

- (5) “furlough” means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.
- (b) This subchapter does not apply to an employee—
- (1) whose appointment is made by and with the advice and consent of the Senate;
 - (2) whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by—
 - (A) the President for a position that the President has excepted from the competitive service;
 - (B) the Office of Personnel Management for a position that the Office has excepted from the competitive service;
 - or
 - (C) the President or the head of an agency for a position excepted from the competitive service by statute;
 - (3) whose appointment is made by the President;
 - (4) who is receiving an annuity from the Civil Service Retirement and Disability Fund, or the Foreign Service Retirement and Disability Fund, based on the service of such employee;
 - (6) who is a member of the Foreign Service, as described in section 103 of the Foreign Service Act of 1980;
 - (7) whose position is within the Central Intelligence Agency or the Government Accountability Office;
 - (8) whose position is within the United States Postal Service, the Postal Regulatory Commission, the Panama Canal Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, an intelligence component of the Department of Defense (as defined in section 1614 of title 10), or an intelligence activity of a military department covered under subchapter I of chapter 83 of title 10, unless subsection (a)(1)(B) of this section or section 1005(a) of title 39 is the basis for this subchapter’s applicability;
 - (9) who is described in section 5102(c)(11) of this title; or
 - (10) who holds a position within the Veterans Health Administration which has been excluded from the competitive service by or under a provision of title 38, unless such employee was appointed to such position under section 7401(3) of such title.
- (c) The Office may provide for the application of this subchapter to any position or group of positions excepted from the competitive service by regulation of the Office which is not otherwise covered by this subchapter.

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TITLE 49, UNITED STATES CODE

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SUBTITLE VII—AVIATION PROGRAMS

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PART A—AIR COMMERCE AND SAFETY

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SUBPART i—GENERAL

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CHAPTER 401—GENERAL PROVISIONS

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§ 40122. Federal Aviation Administration personnel management system

(a) IN GENERAL.—

(1) CONSULTATION AND NEGOTIATION.—In developing and making changes to the personnel management system initially implemented by the Administrator of the Federal Aviation Administration on April 1, 1996, the Administrator shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and consult with other employees of the Administration.

(2) DISPUTE RESOLUTION.—

(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Modernization and Reform Act of 2012); or

(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.

(C) BINDING ARBITRATION FOR TERM BARGAINING.—

(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the “parties”) shall submit their issues in controversy to the Federal Service Im-

passes Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—

(I) the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce;

(II) the effect of its arbitration decisions on the Federal Aviation Administration's budget; and

(III) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

(vii) COSTS.—The parties shall share costs of the arbitration equally.

(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

(4) **COST SAVINGS AND PRODUCTIVITY GOALS.**—The Administration and the exclusive bargaining representatives of the employees shall use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units.

(5) **ANNUAL BUDGET DISCUSSIONS.**—The Administration and the exclusive bargaining representatives of the employees shall meet annually for the purpose of finding additional cost savings within the Administration's annual budget as it applies to each of the affected bargaining units and throughout the agency.

(b) **EXPERT EVALUATION.**—On the date that is 3 years after the personnel management system is implemented, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of the system within 3 months after such date. For this purpose, the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary.

(c) **PAY RESTRICTION.**—No officer or employee of the Administration may receive an annual rate of basic pay in excess of the annual rate of basic pay payable to the Administrator.

(d) **ETHICS.**—The Administration shall be subject to Executive Order No. 12674 and regulations and opinions promulgated by the Office of Government Ethics, including those set forth in section 2635 of title 5 of the Code of Federal Regulations.

(e) **EMPLOYEE PROTECTIONS.**—Until July 1, 1999, basic wages (including locality pay) and operational differential pay provided employees of the Administration shall not be involuntarily adversely affected by reason of the enactment of this section, except for unacceptable performance or by reason of a reduction in force or reorganization or by agreement between the Administration and the affected employees' exclusive bargaining representative.

(f) **LABOR-MANAGEMENT AGREEMENTS.**—Except as otherwise provided by this title, all labor-management agreements covering employees of the Administration that are in effect on the effective date of the Air Traffic Management System Performance Improvement Act of 1996 shall remain in effect until their normal expiration date, unless the Administrator and the exclusive bargaining representative agree to the contrary.

(g) **PERSONNEL MANAGEMENT SYSTEM.**—

(1) **IN GENERAL.**—In consultation with the employees of the Administration and such non-governmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5 and other Federal personnel laws, the Administrator shall develop and implement, not later than January 1, 1996, a personnel management system for the Administration that addresses the unique demands on the agency's workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

(2) **APPLICABILITY OF TITLE 5.**—The provisions of title 5 shall not apply to the new personnel management system developed

and implemented pursuant to paragraph (1), with the exception of—

(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

(B) sections 3304(f), to the extent consistent with the Federal Aviation Administration's status as an excepted service agency, 3308–3320, 3330a, 3330b, 3330c, and 3330d, relating to veterans' preference;

(C) chapter 71, relating to labor-management relations;

(D) section 7204, relating to antidiscrimination;

(E) chapter 73, relating to suitability, security, and conduct;

(F) chapter 81, relating to compensation for work injury;

(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage;

(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board;

(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

(i) for purposes of applying such provisions to the personnel management system—

(I) the term “agency” means the Department of Transportation;

(II) the term “senior executive” means a Federal Aviation Administration executive;

(III) the term “career appointee” means a Federal Aviation Administration career executive; and

(IV) the term “senior career employee” means a Federal Aviation Administration career senior professional;

(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; [and]

(J) subject to paragraph (4) of this subsection, section 6329, relating to disabled veteran leave[.]; and

(K) sections 3321 and 3321a relating to probationary and trial periods, respectively.

(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under paragraph (1), an employee of the Administra-

tion may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996. Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.

(4) CERTIFICATION OF DISABLED VETERAN LEAVE.—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.

(5) PAID PARENTAL LEAVE.—The Administrator shall implement a paid parental leave benefit for employees of the Administration that is, at a minimum, consistent with the paid parental leave benefits provided under section 6382 of title 5.

(6) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.

(7) REMOTE POSITIONS.—

(A) IN GENERAL.—If the Administrator determines that a covered position has not been filled after multiple vacancy announcements and that there are unique circumstances affecting the ability of the Administrator to fill such position, the Administrator may consider, in consultation with the appropriate labor union, applicants for the covered position who apply under a vacancy announcement recruiting from the State or territory in which the position is based.

(B) COVERED POSITION DEFINED.—In this paragraph, the term “covered position” means a safety-critical position, to include personnel located at contract towers, based in Alaska, Hawaii, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration’s internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration’s internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

(j) DEFINITION.—In this section, the term “major adverse personnel action” means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a non-disciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.

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MINORITY VIEWS

Democrats strongly oppose this bill, which weakens protections for our federal workers at an incredibly dangerous time. Early in the second Trump administration, tens of thousands of probationary federal employees were fired en masse. Many had years of federal service, but had recently moved to new roles, thus making them “probationary” in their new positions. They were fired—not because of poor performance—but just because Trump wanted to fire federal workers, and probationary workers have few protections.

This bill would at least *double* the time during which federal employees have limited due process and appeal rights as probationary employees. It would also apply the two-year probationary period only after training, which in some cases takes multiple years. During this time, they could be fired without 30 days’ notice. They have limited rights to an attorney or representative, and they generally cannot appeal their removal.

The Majority would take the drastic step of doubling the probationary period without evidence that there is a problem that needs to be solved. The Committee has held no hearings on whether federal agencies need a blanket one-year extension of the probationary period for every federal job in the competitive and senior executive service. This legislation appears to be a solution in search of a problem.

Due process protections are necessary to protect against arbitrary agency actions, including retaliation against whistleblowers. Undermining job security would harm our ability to recruit talented people at a time when the federal government needs dedicated public servants more than ever.

At a time when Donald Trump is attempting illegal mass firings, and purging experts from agencies across our government, this bill is a dangerous step in the wrong direction.

ROBERT GARCIA,
Ranking Member.

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