aisle; so, happy to yield. I just want to thank them.

Mr. Speaker, everybody has examples of brownfields in their district throughout the State. They are all pretty good stories about returning them to productive use.

I have one produced by the EPA from Danville, Illinois. There are eight sites. We can go through them.

The point is, here is a successful program that we have authorized. Our appropriators helped appropriate money that really leverages a little bit of Federal dollars with private or local community dollars to bring these locations back to productive use. It is a good effort.

Mr. Speaker, we have got other things on the horizon to work together on. I enjoyed the opportunity to do that.

Mr. Speaker, I thank my colleagues, I ask them to vote yes on the bill, and I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of H.R. 3017, the Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act.

This legislation will strengthen the Brownfields Program, an important program created by Congress and the U.S. Environmental Protection Agency in 2002 that assists communities with the cleanup of brownfields sites and encourages economic redevelopment.

The EPA has estimated that there are 450,000 brownfield sites nationwide. Through the lifetime of the program, nearly 64,000 acres have been revitalized. Every federal dollar spent on rehabilitating brownfields leverages over $16 on average. To date, the Brownfields Program has leveraged nearly $24 billion and created over 124,000 jobs across the United States.

Houston is home to one of the country's best known brownfields success stories, Minute Maid Park, home of the World Series Champion Houston Astros. Minute Maid Park was built on a former 38-acre brownfield site in Downtown Houston.

Our district, which is home to dozens of abandoned and former industrial sites in need of environmental cleanup and redevelopment, needs to see the expansion of the Brownfields Program so we can have more success stories like Minute Maid Park.

I hope that appropriators will fully fund the Brownfields Program at the authorized levels set in this bill, including $200 million annually for grants to assess and clean up brownfields properties and $50 million annually for grants to assist states and Indian tribes establish and enhance their own cleanup programs. We have seen funding for Brownfields drop steadily in recent years, which has impacted local communities' ability to assess and clean up sites in Texas and around the country.

This legislation received strong bipartisan support in the Energy and Commerce Committee and passed by voice vote.

I ask all of my colleagues to join me and vote in support of the Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 631, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Lasky, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 228. An act to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 245. An act to amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes.

S. 254. An act to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages.

S. 302. An act to enhance tribal road safety, and for other purposes.

S. 343. An act to repeal obsolete laws relating to Indians.

S. 669. An act to authorize the Secretary of the Interior to assess sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide affected Columbia River Treaty tribes access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions, and for other purposes.

S. 772. An act to amend the PROJECT Act to make Indian tribes eligible for AMBER Alert grants.

S. 825. An act to provide for the conveyance of certain property to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, and for other purposes.

S. 1285. An act to allow the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians of Oregon, the Confederated Tribes of Warm Springs, the Cow Creek Band of Umpqua Tribe of Indians, the Klamath Tribes, and the Burns Paiute Tribes to lease or transfer certain lands.

The message also announced that pursuant to provisions of Public Law 115–77, the Chair, on behalf of the Majority Leader, appoints the following individuals to the Frederick Douglass Bicentennial Commission:

Kay Cole James of Virginia.
Star Parker of California.

ENSURING A QUALIFIED CIVIL SERVICE ACT OF 2017

GENERAL LEAVE

Mr. COMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4182.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 635 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4182.

The Chair appoints the gentleman from Idaho (Mr. SIMPSON) to preside over the Committee of the Whole.

□ 1518

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4182) 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, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform.

The gentleman from Kentucky (Mr. COMER) and the gentleman from Virginia (Mr. CONNOLLY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. COMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, highly skilled Federal employees are essential to a government that serves its citizens. Skilled Federal workers ensure that functions of government, from delivering mail to protecting the homeland, are carried out successfully.

Federal jobs and the skills required to perform them vary significantly across government. Some employees review patents, some work in human resources, and others work in law enforcement.

While the jobs, skills, and training required may be different from job to job, the expectation that the Federal Government hires qualified candidates is universal.

One tool agencies and managers have to ensure a qualified workforce is the probationary period—a period of time used to evaluate whether a new hire

can effectively perform the duties of the position.

Under current law, most new hires are required to complete a probationary period of 1 year before receiving full employment status. Most new employees complete the probationary period and are hired as permanent employees.

New employees who fail to demonstrate that they are a good fit for the position, however, are transitioned out of government during the probationary period, but the current 1-year trial period is not sufficient for complex Federal occupations. Potential employees deserve ample time to learn about the job and demonstrate they are able to perform all critical aspects of a Federal position, and supervisors deserve ample time to evaluate new hires.

What is a manager supposed to do in this case? Does the supervisor take a gamble and offer permanent status to an untested employee or risk missing out on a potentially skilled employee? This is a real dilemma. Supervisors throughout the Federal workforce have described this exact scenario in their advocacy for this bill.

According to the Government Managers Coalition, managers tend to err on the side of releasing borderline employees in cases like this, and it can be a very frustrating decision for them to make. They have already devoted a significant amount of time and resources into training the new hire.

However, managers would rather not risk hiring an employee who is on the fence at the end of a probationary period. This is because a manager is pretty much stuck with an employee after the probationary period. It is difficult to remove a permanent employee for poor performance or misconduct.

According to the Government Accountability Office, the procedural hurdles to removing a permanent employee can take from 6 months to 1 year. The evidence is clear, the probationary period needs to be extended.

In 2015, the GAO reported that chief human capital officers throughout the Federal Government would benefit from an extension of the probationary period, especially in occupations which are complex or difficult to assess. Federal manager groups have been asking for a longer probationary period for years.

In congressional testimony earlier this year, the national president of the Federal Managers Association, Renee Johnson said: ''FMA advocates extending the probationary period. This would benefit both the government and employees by allowing supervisors to make decisions based on the employees' performance as fully trained employees—not just guessing at how they will perform after the training is completed.''

The Government Managers Coalition, a group of five organizations that represent the interests of over 200,000 supervisors, managers, and executives serving throughout the Federal Government, supports an extension of the probationary period.

I include in the RECORD a letter of support from the Government Managers Coalition signed by the heads of the FAA Managers Association, Federal Managers Association, Professional Managers Association, National Council of Social Security Management Associations, and Senior Executives Association; and a letter from the Professional Managers Association.

GOVERNMENT MANAGERS COALITION,
November 29, 2017.

UNITED STATES CONGRESS,
Washington, DC.

DEAR REPRESENTATIVE: We write on behalf of the Government Managers Coalition (GMC), which is comprised of five major federal sector professional associations collectively representing the interests of over 200,000 supervisors, managers, and executives serving throughout the federal government.

Our coalition is supportive of H.R. 4182, the Ensuring a Qualified Civil Service Act of 2017 (the EQUALS Act), introduced by Representative James Comer. We appreciate Rep. Comer's efforts to take the lead on this important legislation and the consideration earlier this month by the House Oversight and Government Reform Committee. The GMC has advocated for an extended probationary period for over a decade. We encourage you to support the measure when it comes to the floor later this week.

The EQUALS Act would grant agencies the authority to extend the probationary period for competitive service appointments and supervisors. In addition, this legislation would align appointments under competitive and senior executive service with the two-year trial period served under excepted service appointments, bringing consistency to hiring throughout government.

Extension of the probationary period is supported by a 2015 Government Accountability Office (GAO) report, GAO–15–191. Chief Human Capital Officers (CHCO) commented to GAO that often supervisors within federal departments and agencies are not given sufficient time to accurately review performance before the probationary period is complete. The CHCO recommended an extension of the probationary period to the GAO in order to accurately assess an employee's abilities in the federal workforce. In addition, Congress has already approved a two-year probationary period for employees at the Department of Defense, as part of the Fiscal Year 2016 National Defense Authorization Act (NDAA), P.L. 114–92.

The GMC's mission is to promote good government initiatives that foster effectiveness and efficiency throughout the federal government. We believe that this legislation will allow employees sufficient time on the job to demonstrate their abilities as well as allow for proper assessment. The measure will also ensure that supervisors have the opportunity and authority to fulfill their performance management responsibilities that may not be feasible under the current one-year probationary period.

The current one-year probationary period is often insufficient to assess an employee's performance in more technical and complex jobs, of which there are many in the federal government, and may in fact place an employee at risk of termination before having had the opportunity to effectively demonstrate their abilities. The reality is that many technical jobs require agency classroom training, mentoring and on-the-job training for employees to become proficient. Often, the supervisor does not see the employee during those times, and is unable to observe the employee's performance. In front-line public service roles, such as with the Social Security Administration (SSA) or the Internal Revenue Service (IRS), employees must not only learn material, but also need to be able to effectively interact with citizens. The EQUALS Act would ensure that employees are provided with the opportunity to not only receive training, but also to effectively demonstrate their abilities. Extending the probationary period will in no way penalize an employee who is performing well and progressing in their training and responsibilities.

The GMC would appreciate your support of this legislation. In light of ongoing agency reorganization efforts, it is now more important than ever to ensure federal managers making personnel decisions have a comprehensive toolset available that represents both flexibility for agencies and fairness for affected federal employees. We look forward to passage of this legislation, as well as other commonsense federal workforce reform bills resulting in an improved federal government that can better serve the American public. Should you require additional information or want to discuss this issue further, please contact Rachel A. Emmons with the National Council of Social Security Management Associations (NCSSMA).

Sincerely,

ANDY TAYLOR,
President, FAA Managers Association.
RENEE M. JOHNSON,
President, Federal Managers Association.
THOMAS R. BURGER,
Executive Director, Professional Managers Association.
CHRISTOPHER DETZLER,
President, National Council of Social Security, Management Association.
BILL VALDEZ,
President, Senior Executives Association.

PROFESSIONAL MANAGERS ASSOCIATION,
Washington, DC, November 29, 2017.

DEAR REPRESENTATIVE: The Professional Managers Association (PMA) represents the interests of professional managers, management officials, and non-bargaining unit employees in the Internal Revenue Service (IRS) and other federal agencies. On behalf of PMA's members, I write in support of H.R. 4182, the Ensuring a Qualified Civil Service Act of 2017 (the EQUALS Act), introduced by Representative James Comer, and to offer a specific example—Revenue Agents at the IRS—for an example of a federal job that would benefit from an extended probationary period. PMA also signed onto a letter with our colleagues with the Government Managers Coalition (GMC) expressing our collective support for the EQUALS Act.

Following their hiring, IRS Revenue Agents go through an extensive training process that includes classes in tax law and procedures. They begin by learning the basics and the laws that deal with individuals, starting with several weeks of classroom training before moving on to work on actual cases in taxpayer service. After that, they move onto Schedule Cs and Partnerships, following the same process, but with less time spent in the classroom. They then return to the field or office for on-the job training with those types of cases. Once they have completed this portion of training, they are assigned to an office where they receive an inventory of cases to work on. At this time, they are evaluated on each case they close.

All of this is just within the first year of training. In year two—if they are lucky—the agent will be sent to classes for small and then large corporations. Once the classroom training is completed, they are assigned more training cases. Again, each case closed is rated and evaluated based on all aspects: tax law interpretation, case write up, meet and deal qualities, etc.

There should also be managerial mentoring completed during this training process. The manager is meant to go on visits to observe how the agent deals with the taxpayer and how they are doing with regards to case write-ups. Yet, while managers are intended to be involved throughout the training process, many are spread extremely thin and may be forced to make a decision not in the best interest of the government or the agent. A longer probationary period would give managers more time to make an accurate decision on whether or not an individual is able to perform the necessary duties of an efficient, effective agent.

Two years of training is a very costly process, but it is costlier to make a hasty decision and keep an employee that would not be an asset to the organization or would be unable to best serve the public. I urge Members to support the EQUALS Act.

Sincerely,

THOMAS R. BURGER,
Executive Director.

Mr. COMER. In the letter, the coalition members write that they have ''advocated for an extended probationary period for over a decade,'' and that this legislation will allow employees sufficient time on the job to demonstrate their abilities as well as allow for proper assessment.

The individuals they represent see the difficulties associated with the current system in their day-to-day lives. They understand the problems associated with the arbitrary nature of the current 1-year probationary period.

The EQUALS Act addresses these problems and moves toward a system better suited for the modern workforce. The bill will extend the probationary period for new hires in the competitive service and initial appointments for managers to 2 years after the completion of formal training or licensure.

The concept of a 2-year probationary period is not new. Congress extended the probationary period for new hires at the Department of Defense to 2 years in 2015. This bill brings the rest of the government in line with the Department of Defense standards. The EQUALS Act also recognizes the variety of positions and training requirements throughout the Federal Government. The EQUALS Act requires the 2-year period to begin upon the conclusion of the formal training or licensure process.

This is important, because under current law, time spent in training counts against the probationary period. This means that a Federal job with long training, by the time a probationary employee completes the training, the supervisor often has little or no time to evaluate the employee's performance.

For example, training for new hires at the Internal Revenue Service takes 1 year. By the time a new IRS employee completes training, the manager has to make a decision whether to keep the employee without having seen the employee do the job.

As Ms. Johnson testified before Congress: ''New employees must often master broad and complex policies and procedures to meet their agencies' missions, necessitating several months of formal training followed by long periods of on-the-job instruction. In occupations where training takes substantial time, supervisors may only have a few months of work to judge employees' performance.''

According to data from the Office of Personnel Management, most formal training programs last less than 1 month. For those positions, the inclusion of formal training in the probationary period does not do any harm.

However, for those positions that have long training periods, the EQUALS Act will make a big difference. The EQUALS Act also helps ensure managers are doing their jobs. Under the bill, agencies must notify supervisors prior to the completion of a probationary period so that the supervisor is reminded to make a decision about a probationary employee.

The bill also requires agencies to certify that an employee has successfully completed a probationary period and to provide justification for that decision.

Mr. Chairman, in closing, I want to make sure we are clear about what the EQUALS Act does and does not do. The EQUALS Act does not remove or change any due process rights for probationary period employees. Probationary employees will still have due process protections. Probationary employees have access to the Equal Employment Opportunity Commission, the Merit Systems Protection Board, and the Office of Special Counsel. Each of those offices are empowered to hear appeals from probationary employees, and that will not change when H.R. 4182 becomes law.

This bill is a much-needed fix to the Federal hiring process. It will allow the Federal Government to select the best and brightest civil servants to serve the American people.

Mr. Chairman, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 4182, the Ensuring a Qualified Civil Service Act. This bill potentially weakens the Federal civil service by increasing the probationary period for career civil servants and those in the Senior Executive Service from 1 year to 2 years.

I might add, almost no private sector company I know of would have a 2-year probationary period because they know it would make it hard to recruit talented employees.

Unlike what has just been said in terms of protections that remain in place, during the probationary period, Federal employees have very little due process or appeal rights if disciplinary action is taken against them, and the action we would take today would be to extend those diluted rights instead of providing them with robust rights of every civil servant beyond the probationary period. They can be fired without notice. They have limited rights to an attorney or representative, and they generally may not appeal their removal.

Due process protections are critical to ensuring the integrity of the Federal civil service. In fact, that is the very heart of having a professional civil service.

These protections help prevent the politicalization of the workforce and protect whistleblowers from retaliation, which our committee, the Oversight and Government Reform Committee, has passionately documented as a very real danger in the past.

The Ensuring a Qualified Civil Service Act is a solution in search of a problem. The Oversight and Government Reform Committee has not held one single hearing to determine whether extending the probationary period an additional year for every single Federal job in the competitive and Senior Executive Service is something that agencies need or want to help them better manage their workforce. Not a single hearing, and this would have a profound impact on every Federal agency.

□ 1530

In February of 2016, the Government Accountability Office issued a report which my friend from Kentucky cited at the request of the chairman of the Senate Committee on Homeland Security and Governmental Affairs. The request asked GAO to examine the rules and trends relating to the review and dismissal of employees for poor performance. Now supporters of this bill are using this report as a basis for extending the probationary periods of Federal civil service employees; however, nothing in this report calls for doing that. In fact, the title of the report is ''Improved Supervision and Better Use of Probationary Periods Are Needed to Address Substandard Employee Performance.'' The focus ought to be, the GAO says, on improving the supervision of the probationary period we have in place.

In conducting its study, GAO found that supervisors do not always have the skills necessary to do that and help address employee performance issues during the probationary period. GAO also found that supervisors sometimes do not even use the probationary period to make performance-related decisions about an employee's ability to do their job and may not always know when the probationary period even ends.

The report's recommendations were mainly focused on ensuring qualified supervisors have the training and skills they need to deal with poor performers

and making better use of the existing probation period for all new employees.

Instead of focusing on addressing the gaps identified by GAO and encouraging agencies to implement the recommendations made in that report, Congress is now attacking Federal employees and the merit-based system.

I am especially concerned about the bill's impact on recruiting the workforce of the future. Currently, 40 percent of the current Federal workforce is either eligible for retirement or soon will be—40 percent. Federal agencies need to be able to recruit their replacements and get the requisite skill sets we need for these challenging jobs, just like the private sector is challenged with that.

Extending the probationary period to 2 years, governmentwide, creates a climate of more uncertainty, less protection, and diminishes, clearly, the attraction of Federal service for many people, especially those whom we want to be attracted to the civil service, especially millennials.

Some of my colleagues have referenced the 2-year probationary period for Department of Defense civilian employees enacted in the NDAA, the National Defense Authorization Act of last fiscal year. They argue that it should serve as precedent for the rest of the Federal Government.

There are a few things I need to point out about that. First, the Department of Defense did not request an extension of the probationary period or even indicate a need for it. Second, now that the 2-year probationary period for civilian defense employees has been enacted, the Department isn't even making use of this new authority.

According to the former Acting Under Secretary of Defense for Personnel and Readiness, Peter Levine, who testified before the Senate Armed Services Committee in March of this year on civilian personnel reform, ''the Department has done little to take advantage of that legislation.''

Mr. Levine also warned that changing the law to address a small number of problem employees could hurt recruitment and retention and worker productivity. He stated: ''If legislation that is intended to address a problem with 1 percent of the workforce is perceived as threatening and hostile by the other 99 percent, it may undermine morale and reduce the Department's ability to attract and retain the capable employees that it needs. The civilian workforce will not become more productive if problems with a small number of poor performers is addressed with measures that are perceived as a declaration of war on all employees.''

In closing, 2 weeks ago, Congress passed legislation that would pave the way toward evidence-based policymaking, and we all supported that. For the sake of consistency, if nothing else, ought we not see the evidence of whether lengthening the probationary period is materially different and what impacts, both positive and negative, it would have for Federal agencies and employees?

Absent such evidence and careful study, I certainly am not willing to take the risk that this bill will not do more harm to both agencies' ability to recruit and retain qualified employees and that it would not be used to arbitrarily punish hardworking Federal employees.

However, if the GAO studies the impact of this policy at DOD and finds that this new policy has been wonderful for morale and has indeed improved employee performance and helps employee recruitment, then sign me up. But I do think we ought to rely on data and hearings before the requisite committee when making such a major change to how we manage our Federal workforce.

I plan on offering an amendment, Mr. Chairman, that would arm us with the information we need to make an evidence-based decision regarding an extension of the probationary period of the Federal workforce, which is what we ought to be doing before consideration of this bill.

Mr. Chairman, I include in the RECORD statements in opposition or expressing deep concern about this legislation from the American Federation of Government Employees; the International Federation of Professional & Technical Engineers; the National Treasury Employees Union; and a group of organizations, including the Government Accountability Project, the Liberty Coalition, the Project on Government Oversight, Public Citizen, and Taxpayers Protection Alliance.

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, November 28, 2017.

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees, AFL–CIO (AFGE), which represents approximately 700,000 federal and District of Columbia employees, in more than 70 agencies across the nation, I strongly urge you to oppose H.R. 4182, the ''Ensuring a Qualified Civil Service Act of 2017,'' introduced by Representative James Comer (R–KY) when it comes to the floor this week. If enacted, this legislation would arbitrarily extend the probation period for a minimum of two years for newly hired federal employees. AFGE opposes this legislation as it does not address any issues surrounding employee performance evaluation or management's ability to properly evaluate employees during the probation period. Instead, all it will do is penalize federal workers and weaken their due process rights.

The extension of probation periods for competitive service federal employees from one year to two years is unnecessary and damaging to due process and the merit system. Candidates for federal jobs are put through an extensive selection process prior to being hired and one year is sufficient time for a competent manager to determine if a new employee has the ability to accomplish the duties for which he or she was hired.

Specifically, H.R. 4182 would extend the probation period to a minimum of two years after completion of a ''formal training'' program or after the date on which a required license is granted. Such a change could leave employees in probation limbo for many years. For example, government agencies require initial training for prolonged periods of time that could result in employees serving three to five year probation periods, or longer. Employees should not be subject to an almost perpetual state of probation because of comprehensive agency training, certification or licensing programs.

Additionally, extending the probation period reduces the due process rights of employees. While on probation, employees have few civil service protections and almost no appeal rights in the event of an adverse action. Civil service protections and the merit system exist to protect the government from politicization. Without these rights, employees on probation will have little to no protection against discrimination and employer retaliation and more exposure to termination not based on cause, but rather arbitrary and unjust reasons.

Extending the probation period does not solve any problems regarding poor performance. Supervisors should be responsible and held accountable for identifying and addressing issues of poor performance of new employees quickly and efficiently. Supervisors need better training to manage new employees. Extending the probation period does nothing to better train supervisors nor does it provide any accountability for supervisors to effectively manage new employees.

Please Vote NO on H.R. 4182, ''Ensuring a Qualified Civil Service Act of 2017.''

Sincerely,

THOMAS S. KAHN,
Director, Legislative Affairs.

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL–CIO & CLC,
Washington, DC, November 27, 2017.

DEAR REPRESENTATIVE: As behalf of the International Federation of Professional and Technical Engineers (IFPTE), representing upwards of 90,000 workers, including tens of thousands of federal employees, I am writing regarding H.R. 4182, the so-called Ensuring a Qualified Civil Service Act of 2017. This bill has been scheduled for full house consideration this week and IFPTE urges you to oppose it.

H.R. 4182 aims to extend the probationary period for federal civilian workers from one year to a minimum of two years. Under this bill, the probation period would not necessarily begin at the time a federal worker arrives for their first day of work. Rather, the period would, ''end on the date that is 2 years after the date on which such formal training is completed.'' This is also true for federal jobs that require a license, in which the probationary clock would not start ticking until the license is achieved. In other words, probations for many federal workers under this legislation will be longer than two years, and dramatically more than the current 1 year period.

IFPTE is opposed to this bill for several reasons. First, this legislation is punitive in nature and serves no logical policy objective. For example, it does nothing to address performance issues, as supporters of this bill will erroneously argue, and is silent on addressing the ongoing challenges that management faces in properly evaluating new employees, regardless of whether the probationary period is for one year, or two years. For example, this past March former Acting Undersecretary of Defense for Personnel and Readiness, Peter Levine, testified in the Senate regarding the DOD's use of their new two-year probationary period for federal workers. Mr. Levine testified that even though managers at the DOD were granted two years to determine if a newly hired DOD civilian employee should stay or go, that authority is rarely, if ever used.

Unfortunately, this is yet another in a long list of bills from this Congress that attempts

to legislate good management, while creating more useless and unnecessary requirements that end up costing taxpayers more money. It is illogical to think that a manager who will not act on a problem employee within one year of being hired would act within two years. Mr. Levine's testimony confirms as much. Federal managers already have the authority to discipline and ultimately fire employees, BUT they actually need to use the many authorities they already have to do so.

IFPTE believes that one year is more than enough time for managers to determine whether a newly hired employee can perform their job. Instead of creating more bureaucracy, as this bill will do, Congress should simply require managers to use the flexibilities they currently have, including the one year probationary period, to retain or release federal workers who have yet to fulfill their probationary periods. Please vote against H.R. 4182.

Thank you for your consideration.

Sincerely,

GREGORY J. JUNEMANN,
President.

THE NATIONAL TREASURY
EMPLOYEES UNION,
November 28, 2017.

DEAR REPRESENTATIVE: As National President of the National Treasury Employees Union, representing over 150,000 federal employees in 31 different agencies, I am writing to express NTEU's opposition to H.R. 4182, the Ensuring a Qualified Civil Service Act of 2017 or the EQUALS Act of 2017, which would drastically extend the probationary period for individuals hired into the competitive service from one year to two years, reflecting changes in policy based on a handful of individual instances of concern that would—and can be—much better handled by improved management than by changing the law. With respect to any position that requires formal training, the two-year time period would begin after the required formal training. Given how limited an employee's due process rights and a labor organization's representational abilities are during the probationary period, NTEU believes that the current one year is the proper time period for agency management to assess and determine whether the individual is suitable for the position and capable of performing its duties. It is also important to recognize that the end of a probationary period does not mean that an employee cannot be disciplined or removed. It merely allows the employee to challenge such actions that are done without merit. Well trained managers can and do impose disciplinary and adverse actions that stand up to such challenges. In fact, in 2015, the Government Accountability Office found that the probationary period of one year was not working, for the most part, because those in supervisory positions are only there for a higher grade, that no one had trained the supervisor in how to supervise people, or that agencies are not properly using the probationary periods for supervisors who are not up to the task. Therefore, we question why this bill is necessary when, instead, increased and improved supervisor training is what is needed. NTEU has long supported and advocated Congress enacting federal supervisor training.

NTEU strongly opposes subjecting frontline federal employees—who are not tasked with managing agencies and long-term strategic responsibilities—to longer durations of assessment that preclude due process and collective bargaining rights. By extending the probationary period, the federal workforce essentially becomes an at will workforce, with limited rights and protections. In fact, the lack of these due process rights has a chilling effect on employee use of the few protections they do have, namely protection against discrimination, sexual harassment, and whistleblower retaliation. Congress has long recognized and valued the importance of these protections for federal employees, which would be undermined by this bill.

We also have significant outstanding questions about what constitutes ''formal training'' under the bill as training programs differ greatly by agency. NTEU represents a variety of employees who undergo long periods of significant training that occurs at multiple points in time (non-consecutive in nature) and where the employee is already executing the actual job in between training sessions.

We are greatly concerned that the language in this bill could translate into 3 or 4 year—or even indefinite—probationary periods for some of the employees we represent, even though that may not be the intent. At this time, it is unclear how agencies would categorize various types of training that some of our members undergo under this new definition. It is also important to note that for positions that require extensive training, these individuals are subject to ongoing evaluations by management during any period of training.

For all of these reasons, we strongly oppose H.R. 4182 and urge you to vote against it.

Sincerely,

ANTHONY M. REARDON,
National President.

Hon. PAUL RYAN,
Speaker,
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: We are writing to express our concerns that H.R. 4182, the EQUALS Act of 2017, could undermine protection for government employees who blow the whistle. The legislation extends the probationary period for civil service employees from one to two years.

We recognize that the Whistleblower Protection Act (WPA) covers probationary employees, and that there are provisions in H.R. 4182 that directly address those rights. But probationary employees already are at a handicap, because an agency has almost unlimited discretion to defeat a retaliation lawsuit through independent justification reasons entirely within its discretion. Second, probationary employees only have rights against partisan discrimination and under §2302(b)(8). This means an extra year that they will not be protected under the recently-enacted Follow the Rules Act or under 5 USC 2302(b)(9)(D) when they refuse to violate the law. The taxpayers could suffer the consequences.

We request that the House of Representatives consider these concerns before there is action on this legislation. The bill states its goal is to strengthen government accountability. Reducing whistleblower protection will undermine it.

Respectfully submitted,

TOM DEVINE,
Government Accountability Project.
MICHAEL D. OSTROLENK,
Liberty Coalition.
ELIZABETH HEMPOWICZ,
Project on Government Oversight.
SHANNA DEVINE,
Public Citizen.
DAVID WILLIAMS,
Taxpayers Protection Alliance.

Mr. CONNOLLY. Mr. Chairman, I reserve the balance of my time.

Mr. COMER. Mr. Chairman, I reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. Mr. Chairman, I rise in opposition to the EQUALS Act.

As a former Federal employee, I served in many capacities, from a letter carrier to a manager, and I know the dedication of those who serve in our civil service jobs. This bill is an insult to Federal employees and is completely unnecessary.

Mr. Chairman, I say this is a bill in search of a problem. What are we fixing?

This is not good-government legislation. It just makes it easier to fire Federal employees without due process. By arbitrarily extending probationary periods, this bill takes away civil servants' employment rights and due process protections for at least 2 years.

Mr. Chairman, do you realize that benefits that career employees are entitled to are held in abeyance while they are on probation? They are given a different classification as being probationary than they are as being a career employee.

What are we trying to achieve?

They also give up the right to receive 30 days' notice before they are fired or furloughed, and they do not receive their rights as whistleblowers as probationary employees. This bill simply takes away workers' rights.

How many Members of Congress' parents worked as Federal employees to put them through college and to make a difference in America?

Here we are assaulting the legacy of Federal employees who work every day to make this country an amazing place to live.

This is not the way to address performance issues in the Federal workplace. As a Federal employee who had the responsibility to perform probationary evaluations, you need to talk to the supervisor if they are not doing their job conducting the proper evaluations.

We must continue to support accountability measures and tools. In addition, we must keep the spotlight on gross mismanagement.

Mr. CONNOLLY. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who is my dear friend.

Ms. NORTON. Mr. Chairman, I thank my good friend from Virginia. He is doing a public service with his response to the bill that is coming forward today.

Mr. Chairman, you can call this bill whatever you want, but it is not a reform bill. It creates a problem in order to get rid of it.

Mr. Chairman, 0.18 percent is all of the employees who get dismissed. The sponsor must want more. Instead of taking that as an indication of the competency and of the excellence of Federal employees—under 1 percent, only 0.18—there must be more to be

fired than that. The data shows the opposite.

The Federal workforce has consistently been understood to be the best qualified public employees in the country however you look at them, particularly with their education and with their efforts.

The first reason the sponsor gives for this bill is that managers ''simply lose track of time and are unaware of the 1-year deadline approaching.''

Whose competency should we be checking? Not the employees, surely. Management should be doing its job. They are paid big Federal bucks precisely for that.

But they are paid to do something else. They are paid to observe. They are not observing if they are not even looking for the 1-year deadline wherein they could fire an employee.

They are supposed to assist employees during that first year. They are supposed to help correct employees during that first year.

What are they doing during that first year losing track of it? Who bears the burden is the employee who may be perfectly competent but wasn't receiving the assistance or the oversight to which she was entitled.

We are moving without information that would help us understand if there is a problem. What is the reason for not calling witnesses to find out if there is a problem? Because if there is, then we ought to do something about it.

We do know this: 36 percent of all the employees dismissed are dismissed in that first year. That would seem to indicate that maybe management is doing its job.

Today's young workforce is always looking for better opportunities. Pass this bill, and you chase away the best and the brightest from even applying to work for the American people.

Mr. CONNOLLY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DESAULNIER), who is a perspicacious member of the Oversight and Government Reform Committee, someone who grasps these issues fundamentally, and is my good friend.

Mr. DESAULNIER. Mr. Chairman, I thank my friend from Virginia for those loquacious comments.

Mr. Chairman, I rise today in opposition to H.R. 4182, the Ensuring a Qualified Civil Service Act.

H.R. 4182 unnecessarily doubles the probationary period for Federal employees from 1 to 2 years. During this period, employees have essentially no due process rights and can be removed for any reason or no reason at all with no right to appeal.

This is an arbitrary change to existing policy, and there is no evidence to suggest that extending the probationary period will address any issues surrounding employee performance or the department performance.

Not only are candidates for Federal jobs already put through extensive selection processes, but a year is sufficient for any competent manager to determine the ability of any employee to accomplish the job that they have been hired to do.

This bill will not improve agency outcomes but would penalize Federal workers by weakening their due process rights. Without due process, Federal employees will have little protection against employer discrimination and termination without cause.

These due process rights are also critical to promoting equity, fairness, and ensuring that whistleblowers continue to speak up without fear of retaliation.

It is also a clear attempt to undermine Federal employees' right to unionize since they would not be eligible to participate until their probationary period is over.

We need evidence-based changes that value Federal employees, make their workplaces safe, protect them against sexual harassment and discrimination, and ensure that their voices are heard. I ask my colleagues to reject this shortsighted legislation.

Mr. COMER. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, could I inquire of the Chair the schedule on the amendments.

The CHAIR. After general debate is completed, the Committee will proceed to the amendments.

Mr. CONNOLLY. I thank the Chair for that clarification.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. RASKIN), who is a professor and a very able member of the Committee on Oversight and Government Reform.

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Mr. RASKIN. Mr. Chair, I thank Mr. CONNOLLY for his invitation, and I am delighted to be here to speak out against H.R. 4182, the so-called Ensuring a Qualified Civil Service Act.

The first complaint I have got to lodge about it is the process by which it is taking place. This is a radical change in the civil service hiring policy and in the workplace without a hearing. I know we have grown accustomed to that, but let's just focus on the fact that here we are in the Nation's Capital and we have got all of the employees, managers, and supervisors, and everybody here, and we didn't even have a hearing to discuss why this might be necessary.

Then it is passed on a completely party-line vote in the Oversight Committee, which leads to the suspicion that this has nothing to do with the integrity of the civil service or the excellence of the civil service, the things that we should be thinking about, but it has to do, in fact, with a partisan mission.

Mr. CONNOLLY. Will the gentleman yield?

Mr. RASKIN. I yield to the gentleman from Virginia.

Mr. CONNOLLY. Did my colleague just say there was not a single hearing on a bill that affects the entire Federal Government?

Mr. RASKIN. Reclaiming my time, I tremble to say here in front of the whole body, but I don't believe that it was. I stand to be corrected by my colleagues if there was a hearing.

Mr. CONNOLLY. Will the gentleman yield?

Mr. RASKIN. I yield to the gentleman from Virginia.

Mr. CONNOLLY. Did we act on evidence-based policymaking? Were there studies and data that showed how successful extending the probationary would be for all of these Federal agencies?

Mr. RASKIN. Reclaiming my time, not to my knowledge. I am used to that coming out of the State legislature, where we have endless hearings that go on into 2 a.m. in the morning or they go on for several days. But there were no hearings, there was no evidence, there was no expert testimony.

I couldn't figure out what was behind it. Then I realized that there is this effort to demoralize the Federal workforce and there was this effort to create a kind of political control over what is going on in the Federal workplace.

The CHAIR. The time of the gentleman has expired.

Mr. CONNOLLY. Mr. Chair, I yield an additional 1 minute to the gentleman.

Mr. RASKIN. Mr. Chair, I am baffled and puzzled by the way in which this measure came about. And I am really scared about what it means for all of our constituents who make the sacrifice of going to work for the Federal Government to serve the American people, because they are going into the workplace and I think most people are used to a probationary period of 3 months or 6 months. We had a year. Now we are doubling it to 2 years, which means that people are living in fear at a time when there is an administration that is intimidating people for doing their jobs; for example, for doing research about climate change and trying to deal with environmental problems. They are facing reprisals in the workplace.

This is a bill that deserves to go down in defeat. Anybody who represents Federal workers, I think, should stand up strongly against it. It should be returned to sender and let's have some real hearings and some real analysis.

Mr. COMER. Mr. Chairman, I reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, I have no further speakers at this time, and I yield back the balance of my time.

Mr. COMER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I think it is important to define what the probationary period is and what it is not.

According to the MSPB, the probationary period is the final step in the employee screening process when an individual must demonstrate ''why it is

in the public interest for the government to finalize an appointment to the civil service.''

This is not a punitive measure. It is an opportunity for a prospective employee to prove they are qualified to serve the American people through a position in the civil service. These are critically important jobs and we need the best and brightest to fill them. A longer probationary period gives all new hires time to complete their training, learn on the job, and demonstrate that they can perform the role they were hired to do. This is good for our government, good for Federal employees, and good for the American people.

Mr. Chairman, I urge adoption of the bill, and I yield back the balance of my time.

Mr. CUMMINGS. Mr. Chair, I rise in opposition to H.R. 4182, the EQUALS Act.

My Republican colleagues have offered a legislative solution to a problem that does not exist.

The Oversight Committee has not held a single hearing to examine the existing one-year probationary period.

Yet, this legislation would double the probationary period. In the process, it would degrade the due process rights of these employees.

These due process protections are critical to protecting whistleblowers who report waste, fraud, and abuse.

For example, the Oversight Committee has examined retaliation against whistleblowers at the Transportation Security Administration.

In one case, a career official and disabled veteran testified before the Oversight Committee that he was removed from consideration for a Senior Executive Service position during his probationary period because he reported misconduct by top leaders at TSA including sexual harassment.

During his interview with Committee staff, this senior career official explained that extending the probationary period would make it easier for agencies to retaliate against other whistleblowers in the future.

The House of Representatives should not approve legislation that would allow more retaliation against whistleblowers at federal agencies.

Apart from the negative effects, we have seen no reason to adopt this bill. We have seen no problem that needs to be addressed.

As I said, the Oversight Committee never held a hearing on this bill.

We have not determined whether doubling the probationary period would help agencies deal with poor performers or further their missions.

We have not seen any evidence that federal agencies need a blanket one-year extension of the probationary period for every single federal job.

Instead, a recent GAO report recommended that the Office of Personnel Management actually study whether expanding the probationary period makes sense. GAO found that OPM should, and I quote:

Determine whether there are occupations in which . . . the probationary period should extend beyond 1-year to provide supervisors with sufficient time to assess an individual's performance.

I agree with GAO that a study needs to be conducted first.

But our Republican colleagues want to skip this step. They want to skip any real examination of the issue and just add another year of probation during which employees have limited rights.

Some of my colleagues cite the fact that Congress passed a two-year probationary period for Department of Defense civilian employees in the National Defense Authorization Act of Fiscal Year 2016.

However, I would like to note two important facts.

First, the Defense Department did not request this change in the probationary period or indicate any need for it.

Second, the Department is not even using this new authority.

The Acting Undersecretary of Defense for Personnel and Readiness, Peter Levine, testified before the Senate Armed Services Committee in March. He stated, and I quote, ''the Department has done little to take advantage of that legislation.''

Mr. Levin warned that changing the law to address a small number of problem employees could hurt recruitment and retention and worker productivity. He stated, and I quote:

''If legislation that is intended to address a problem with one percent of the workforce is perceived as threatening and hostile by the other 99 percent, it may undermine morale and reduce the Department's ability to attract and retain the capable employees that it needs.''

Before damaging protections for whistleblowers, we should first determine whether an extension of the probationary period is needed at all.

We should also determine whether it is appropriate for all federal service occupations or only certain occupations.

The Acting CHAIR (Mr. BYRNE). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and shall be considered as read.

The text of the bill is as follows:

H.R. 4182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ensuring a Qualified Civil Service Act of 2017'' or the ''EQUALS Act of 2017''.

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) and (d), the President'';

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

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

''(c)(1) The length of a probationary period established under paragraph (1) or (2) of 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) 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.

''(d) 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 notification of the end date of such period not less than 30 days before such 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(e) of title 5, United States Code (as so redesignated by subsection (a)(2)), is amended by striking ''Subsections (a) and (b)'' and inserting ''Subsections (a) through (d)''.

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

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

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

SEC. 3. EXTENSION OF PROBATIONARY PERIOD FOR POSITIONS WITHIN THE SENIOR EXECUTIVE SERVICE.

(a) IN GENERAL.—Section 3393(d) of title 5, United States Code, is amended by striking ''1-year'' and inserting ''2-year''.

(b) CONFORMING AMENDMENT.—Section 3592(a)(1) of such title is amended by striking ''1-year'' and inserting ''2-year''.

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

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

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

SEC. 4. ADVERSE ACTIONS.

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

(1) by striking ''or, except'' and inserting ''and, except''; and

(2) by striking ''1 year of current'' and inserting ''2 years of current''.

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

(1) in subparagraph (A)(i) by striking ''; or'' and inserting ''; and'';

(2) in subparagraph (A)(ii), by striking ''1 year'' the first place it appears and inserting ''2 years'';

(3) in subparagraph (B) by striking ''1 year'' and inserting ''2 years''; and

(4) in subparagraph (C)(i), by striking ''; or'' and inserting ''; and''.

(c) 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'' and inserting ''2 years of current''; and

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

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

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

(2) shall apply in the case of any individual whose period of continuous service (as referred to in the provision of law amended by paragraph (1) or (2) of subsection (b), as the case may be) commences on or after the date on which this section takes effect.

SEC. 5. REGULATIONS REQUIRED.

Not later than 180 days after the date of 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.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in House Report 115–430. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115–430.

Mr. HASTINGS. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike ''The length'' and insert ''Except as provided for in paragraph (2), the length''.

Page 4, after line 8, insert the following (and redesignate accordingly):

''(2) Notwithstanding paragraph (1), in the case of an individual who has successfully completed a term of service in a national service program under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) or the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), or as a volunteer or a volunteer leader under the Peace Corps Act (22 U.S.C. 2501 et seq.), the length of a probationary period established under paragraph (1) or (2) of subsection (a) shall—

''(A) with respect to any position occupied by such an individual that requires formal training, begin on the date of appointment to the position and end on the date that is 1 year after the date on which such formal training is completed;

''(B) with respect to any position occupied by such an individual that requires a license, begin on the date of appointment to the position and end on the date that is 1 year after the date on which such license is granted; and

''(C) with respect to any position occupied by such an individual that is not covered by subparagraph (A) or (B), be a period of 1 year beginning on the date of the appointment to the position.

Page 4, line 9, strike ''paragraph (1)'' and insert ''this subsection''.

The Acting CHAIR. Pursuant to House Resolution 635, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS. Mr. Chairman, for far too long, the Republican majority in Congress has treated Federal workers as if they are the problem.

We have spent years beating up Federal employees, implementing pay freezes, implementing hiring freezes, and cutting benefits in order to drive employees away from government service. The legislation we are debating today continues this offensive unfair trend.

This bill doubles the probationary period for employees of the civil service, in an effort to make it easier to fire the employees without giving them any chance to challenge that decision. In doing so, my Republican friends are sending a clear message, and that message is that they see Federal employees as untrustworthy and unworthy of being secure in their employment.

The amendment I am offering would exempt those who have served this country through programs such as the Peace Corps and AmeriCorps from the 2-year probationary period under this legislation, instead keeping them at the 1-year level of probation already in effect.

Last night, I offered an amendment at the Rules Committee to extend this same exemption for veterans, but it was blocked from consideration.

Let me say that again because I want every one watching to hear me loudly and clearly. Last night, the Republican majority on the Rules Committee voted to block an amendment that would have protected veterans employed in the government from being fired without cause.

I was told by my colleague who introduced this measure that being able to fire veterans within a 2-year probationary period—footnote right there: veterans would have already served 2 or more years before becoming civil servants at that level—but I was told that, without giving them any legal protections, recourse, or even an ability to improve ''helps the veterans, just like it helps everyone.''

Well, Mr. Chairman, I am here to tell you that is hogwash. Veterans should not need to prove themselves worthy of a government job for a full 2 years before they are afforded the rights that should be inherent their position.

We ought to be spending time working to strengthen our Federal workforce through better training and more plentiful diversity programs. Instead, this bill needlessly undermines our civil service and the fine people who work within it, while simultaneously making it a less attractive place of employment for our best and brightest at a time when we are in desperate need of such people.

This amendment would protect those who have already served our country in the national service from this bill's intentions. In my opinion, we should be expanding protections for everyone—for veterans, women, minorities, LGBTQ Americans, and especially for disabled Americans.

Let me say one more thing that I said last night, and this is with due respect to my colleague, Mr. CONNOLLY, who is managing for the minority in this case, and the extraordinary number of constituents that he and the Members, both Republican and Democrat, in the near curtilage of this area here in metropolitan Washington, they do an incredible job. Their constituents virtually all are saying to them that this is an unnecessary measure.

I am sure that Mr. CONNOLLY has made that very clear. I heard him introduce measures that I introduced in the Rules Committee last night from a variety of organizations. I will not burden you more but to say that we should be about the business of trying to build a Federal workforce and not put obstacles in their way.

Mr. Chair, I urge a ''yes'' vote, and I yield back the balance of my time.

Mr. COMER. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. COMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment does not create an exception for alumni of the Peace Corps, AmeriCorps, and other national service programs. It puts them at a disadvantage.

They would have less time than other new hires to prove themselves before managers make a decision whether to keep them or let them go. This could mean fewer Peace Corps, AmeriCorps, and other national service alumni are retained at the end of the probationary period.

Under the current 1-year system, supervisors often do not have enough time to determine whether a potential employee is a good fit for the job. Managers tend to err on the side of releasing an employee who is on the fence at the end of a probationary period.

New hires to the Federal Government deserve ample time to demonstrate they are able to perform all critical aspects of the job. H.R. 4182 gives them more time.

This amendment would actually put certain groups at a disadvantage in comparison to the rest of the Federal workforce. Alumni of the Peace Corps, AmeriCorps, and other programs would have 1 year to demonstrate the skills and core competencies required for the

Federal job they are seeking. Their colleagues would have 2 years.

The spirit of this amendment is admirable, but the unintended consequence of adopting it will be that the very people the amendment is meant to benefit would be at a disadvantage.

The probationary period is not a punishment. It is an extension of the hiring process and a tool to help ensure a qualified civil service. This amendment would create additional classes of Federal employees and unnecessarily add complexity to an already complex system.

Mr. Chairman, I urge Members to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. COMER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Acting CHAIR. The Chair understands that amendment No. 2 will not be offered.

AMENDMENT NO. 3 OFFERED BY GIANFORTE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 115–430.

Mr. GIANFORTE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, strike lines 1 through 5 and insert the following:

''(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

The Acting CHAIR. Pursuant to House Resolution 635, the gentleman from Montana (Mr. GIANFORTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Montana.

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. GIANFORTE

Mr. GIANFORTE. Mr. Chairman, I ask unanimous consent to modify the amendment in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Page 5, strike lines 8 through 12 and insert the following:

''(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

Mr. GIANFORTE (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. GIANFORTE. Mr. Chairman, I yield myself such time as I may consume.

A longer probationary period for new Federal hires is important to give supervisors the time they need to evaluate whether a new hire should gain career employee status. But a longer probationary period will not accomplish anything if supervisors don't use the extended time properly.

Managers often don't know the end dates for probationary employees under their supervision. Because probationary periods end automatically, without action by a supervisor, an employee can be hired without a complete assessment of whether the employee is qualified for full Federal service.

A 2015 Government Accountability Office report recommended automated systems to notify supervisors when the end of an individual's probationary period is imminent.

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Agencies have these systems. They just need to use them. My amendment requires supervisors to be notified at a series of regular intervals in advance of the expiration of a probationary period. The notifications occur at 1 year, 6 months, 3 months, and 30 days before the scheduled completion of a probationary period.

This notification will remind supervisors of their responsibilities to observe employees and provide feedback throughout the probationary period. It will also remind supervisors to decide whether the employee is fit for Federal service.

Mr. Chairman, I urge Members to support this amendment, and I reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. CONNOLLY. Mr. Chairman, as indicated, I appreciate the intent of my friend from Montana, but this is a bad bill. We ought to be studying the effect of the existing pilot program at the Department of Defense to see how it works, and we ought to be adopting the GAO recommendation of better training for supervisors whom the GAO found, frankly, were ill-equipped to evaluate employees during a 1- or 2-year probationary period.

We ought to have a hearing, and my friend from Montana might even agree with this, since he is the newest Member, one of the newest Members of our committee. Our committee is the locus for government-wide initiatives such as this.

We have not had a single hearing on this bill, or, frankly, on this subject, and I think that is a huge mistake. We are putting the cart before the horse; so I think we ought to return to a more empirical-based policymaking, especially when it is a policy that will affect every future Federal employee, and those numbers are huge, given the baby boom bulge ready to retire. That is 40 percent of the workforce, and it has to be replaced.

So while I very much appreciate the intent of my friend from Montana, it is in that context I rise in opposition.

Mr. Chairman, I yield back the balance of my time.

Mr. GIANFORTE. Mr. Chairman, I thank my friend from Virginia. I urge adoption of this amendment and the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Montana (Mr. GIANFORTE).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 115–430.

Mr. CONNOLLY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STUDY ON LENGTH OF PROBATIONARY PERIOD.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on Federal 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.

(b) CONTENTS.—The study required under subsection (a) shall analyze—

(1) any impact of an existing 2-year probationary period (compared to a 1-year probationary period) on the employing agency's ability to deal with underperforming employees, improve productivity, improve recruitment and retention, and accomplish the mission of the agency and shall include the Department of Defense as a case study; and

(2) 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, including—

(A) whether such a probationary period extension would provide supervisors sufficient time to adequately assess employee performance and whether the extension would lead to measureable improvements in the performance of employees in those occupations; and

(B) an identification of the occupations, and the characteristics of those occupations, that would benefit from longer probationary periods, including requirements to exercise supervisory authority and possess professional licenses and training.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the study required under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 635, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under H.R. 4182, the probationary period for all Federal employees is extended for an additional year, regardless of the job they are hired to do. All new employees are punished equally, and supervisors are given no new tools to improve their use of the existing probationary period.

In February 2016, as I have mentioned before, the GAO reports studying the rules and trends relating to review and dismissal of employees for poor performance, suggests that the Office of Personnel Management look into whether there are certain occupations, due to the nature or complexity of the position, in which the probationary period should be extended beyond 1 year or not.

We heard testimony before the Rules Committee from a number of colleagues who represent areas with big Federal concentration, Federal employee concentrations with specialized agencies, such as the weather service in Oklahoma and CDC in Atlanta where a 2-year probationary period may very well impede the ability to hire the skilled workers we need.

The report goes on to say that it is something that should be looked into. It does not call for a government-wide extension of the probationary period. That is why I filed this amendment to require the GAO to conduct a study on the Department of Defense and other Federal agencies that have used this tool, a 2-year probationary period.

A 2-year probationary period for civilian employees at DOD was enacted in 2016, and as the largest Federal agency, this extension would provide a good case study on the potential impacts: good, bad, and indifferent on the legislation before us. It is a study we ought to do before we adopt a bill.

Some of my colleagues believe that since extending the probationary period has been working out so well, it ought to be extended across the entire Federal Government. There are a few things I need to point out for us. This policy only affected those who were hired after November 25, 2015, the day the law went into effect.

Secondly, the former Under Secretary of Defense, as I mentioned in earlier statements, Peter Levine, testified before the Armed Services Committee that the Department has done little to take advantage of that legislation. That is his testimony. Therefore, there are only a small number of employees who have completed the 2-year probationary period, and it is too soon to declare it a success or failure.

That is why my amendment would have the GAO give us guidance. How has it worked? Has it helped? Has it hurt? Are there some things we haven't anticipated that we need to address?

The study would also look into whether extending the probationary period has any effect on the ability of an agency to recruit and retain. And, again, I pointed out 40 percent of the existing workforce is eligible for retirement now or in the next few years. That is a huge number of people. And we have got to worry about recruitment.

Gathering the data is a necessary first step, not a last step or an afterthought, before deciding to change a law with such profound impact on Federal agencies. This bill, as I said to my friend from Kentucky (Mr. COMER), may yet prove to be a good idea, but we don't know. There remain a lot of questions about the efficacy of this proposal. It is risky, and it can have terrible negative consequences that we haven't even foreseen and some of which we can predict today.

Two weeks ago, this body adopted a policy of evidence-based policymaking, so let's put it into implementation with this bill. Let's look for some evidence, empirical evidence, systematically done to justify the adoption of such a sweeping bill.

Mr. Chairman, I call for the adoption of my amendment, and I reserve the balance of my time.

Mr. COMER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. COMER. Mr. Chairman, extending the probationary period is not a new idea. Federal manager groups have advocated for an extended probationary period for more than a decade.

The Government Accountability Office completed a study on the probationary period in February of 2015. In that study, chief human capital officers told GAO a longer probationary period could help supervisors make a performance assessment for those occupations that are particularly complex or difficult to assess. GAO also recommended considering, ''extending the supervisory probationary period beyond 1 year to include at least 1 full employee appraisal cycle.''

As far back as 2005, the Merit Systems Protection Board completed a study and recommended longer probationary periods when an agency deems it necessary to fully evaluate a probationer. It is not necessary to wait for more studies on this issue.

This amendment strikes the entire bill, meaning the current probationary period would remain the same and the problems that GAO and others have identified would persist. This amendment undermines the entire purpose of the bill, which is to allow managers' employees more time to conduct a fair and complete assessment of probationary Federal employees.

Mr. Chairman, I urge Members to oppose this amendment, and I reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Chairman, I want to thank Mr. CONNOLLY, and I want to salute him as a really ardent champion for those of your constituents who work in the Federal Government. In Maryland, as in Virginia, we have lots of them, but it is not just there.

Eighty-five percent of the Federal workforce lives outside of the Washington/Maryland/Virginia area: Kentucky and California and South Carolina and Texas. This would apply to all new employees. Millions of new people coming into the workforce would be added, doubling the probationary period. Imagine if you were trying to hire for your small business and you had to tell people that they were going to be on probation for 2 years basically, with none of the rights that you would have vested as if you had really gotten hired and been part of the workforce.

I want to say, they are willing, apparently, in this bill, to give people a whole extra year on probation. They are not wanting to wait even 1 year or a half a year, maybe, for the GAO to do a proper study so we can use evidence-based policymaking, as the gentleman says. That is the very least that we can do.

The good gentleman from Kentucky (Mr. COMER) said that there was a study done 10 years ago.

Mr. CONNOLLY. Mr. Chairman, I yield back the balance of my time.

Mr. COMER. Mr. Chairman, I urge Members to vote ''no'' on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will resume on those amendments printed in House Report 115–430 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HASTINGS of Florida.

Amendment No. 4 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS

The Acting CHAIR. The unfinished business is a request for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 221, not voting 17, as follows:

[Roll No. 646]

AYES—195

Adams
Aguilar
Bacon
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
Dent
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—221

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—17

Barletta
Bridenstine
Collins (GA)
Conyers
Delaney
Gohmert
Harper
Jayapal
Kennedy
Norman
Pocan
Posey
Renacci
Scalise
Stivers
Taylor
Webster (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1637

Ms. STEFANIK, Messrs. OLSON, BISHOP of Utah, and Ms. GRANGER changed their vote from ''aye'' to ''no.''

Mrs. TORRES and Mr. DOGGETT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 223, not voting 17, as follows:

[Roll No. 647]

AYES—193

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Comstock
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—223

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)

Carter (TX)
Chabot
Cheney
Coffman
Collins (NY)
Comer
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—17

Bridenstine
Collins (GA)
Conyers
Delaney
Harper
Jayapal
Kennedy
Norman
Pocan
Posey
Renacci
Ruppersberger
Rutherford
Scalise
Stivers
Taylor
Webster (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1644

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. FERGUSON). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BYRNE) having assumed the chair, Mr. FERGUSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4182) 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, and, pursuant to House Resolution 635, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONNOLLY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on passage of H.R. 4182 will be followed by a 5-minute vote on passage of H.R. 3017.

The vote was taken by electronic device, and there were—ayes 213, noes 204, not voting 16, as follows:

[Roll No. 648]

AYES—213

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Collins (NY)
Comer
Conaway
Cooper
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Kelly (MS)
Kelly (PA)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stefanik
Stewart
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—204

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Comstock
Connolly
Cook
Correa
Costa
Costello (PA)
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
Denham
DeSaulnier
Deutch
Dingell
Doggett
Donovan
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Katko
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (NY)
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tiberi
Titus
Tonko
Torres
Tsongas
Upton
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—16

Bridenstine
Collins (GA)
Conyers
Delaney
Grijalva
Harper
Jayapal
Kennedy
Norman
Pocan

Posey Scalise Taylor
Renacci Stivers Webster (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1651

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BROWNFIELDS ENHANCEMENT, ECONOMIC REDEVELOPMENT, AND REAUTHORIZATION ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the passage of the bill (H.R. 3017) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize and improve the brownfields program, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 8, not voting 16, as follows:

[Roll No. 649]

YEAS—409

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
DeLauro
DelBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Espaillat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallagher
Gallego
Garamendi
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Suozzi
Swalwell (CA)
Takano
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—8

Amash
Biggs
Budd
Gaetz
Garrett
Labrador
Massie
Sanford

NOT VOTING—16

Bridenstine
Collins (GA)
Conyers
Delaney
Harper
Jayapal
Kennedy
Norman
Pearce
Pocan

Posey Scalise Taylor
Renacci Stivers Webster (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1700

Mr. BROWN of Maryland changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JAYAPAL. Mr. Speaker, I was absent in the House Chamber for rollcall votes 642 through 649 on Thursday, November 30, 2017, as a result of the flu. Had I been present, I would have voted ''aye'' on rollcall vote 642, ''nay'' on rollcall vote 643, ''nay'' on rollcall vote 644, ''nay'' on rollcall vote 645, ''aye'' on rollcall vote 646, ''aye'' on rollcall vote 647, ''nay'' on rollcall vote 648, and ''aye'' on rollcall vote 649.

PERSONAL EXPLANATION

Mr. TAYLOR. Mr. Speaker, due to my attendance of a close friend's funeral I missed the following votes. Had I been present, I would have voted: ''nay'' on rollcall No. 646, ''nay'' on rollcall No. 647, ''yea'' on rollcall No. 648, and ''yea'' on rollcall No. 649.

RELATING TO THE EXERCISE OF THE AUTHORITY OF THE RANKING MINORITY MEMBER OF THE COMMITTEE ON THE JUDICIARY

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 636

Resolved, That until otherwise provided by the House, the authority of the ranking minority member of the Committee on the Judiciary shall be exercised by the minority member of the Committee who, prior to the adoption of this resolution, ranked immediately below the ranking minority member.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING FORMER CONGRESSMAN MAURICE HINCHEY

(Mr. FASO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASO. Mr. Speaker, it is with great respect and sorrow that I rise today to announce the passing of our former colleague, Congressman Maurice Hinchey.

Mr. Hinchey passed away on November 22, just before Thanksgiving, at the age of 79 in Saugerties, New York, leaving behind an extraordinary legacy that was marked by fervent patriotism, political courage, and forward-thinking leadership.

During his 20 years of service in the House of Representatives, Maurice Hinchey represented a broad swath of New