

115TH CONGRESS  
1ST SESSION

# H. R. 4182

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IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2017

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Ensuring a Qualified  
3 Civil Service Act of 2017” or the “EQUALS Act of  
4 2017”.

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

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

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

12           (2) by redesignating subsection (c) as sub-  
13 section (e); and

14           (3) by inserting after subsection (b) the fol-  
15 lowing:

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

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

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

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

5           “(2) In paragraph (1)—

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

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

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

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

24               “(2) any individual who is required to complete  
25               a probationary period under this section receives

1       timely notice of any requirements, including per-  
2       formance requirements, that must be met in order to  
3       satisfactorily complete such period;

4               “(3) any supervisor or manager of an individual  
5       who is required to complete a probationary period  
6       under this section receives periodic notifications of  
7       the end date of such period not later than 1 year,  
8       6 months, 3 months, and 30 days before such end  
9       date; and

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

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

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

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

24              (2) shall apply in the case of any appointment  
25       (as referred to in section 3321(a)(1) of title 5,

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

5 **SEC. 3. EXTENSION OF PROBATIONARY PERIOD FOR POSI-**  
6 **TIONS WITHIN THE SENIOR EXECUTIVE**  
7 **SERVICE.**

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

11 (b) CONFORMING AMENDMENT.—Section 3592(a)(1)  
12 of such title is amended by striking “1-year” and inserting  
13 “2-year”.

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

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

18 (2) shall apply in the case of any individual ini-  
19 tially appointed as a career appointee under section  
20 3393 of title 5, United States Code, on or after the  
21 date on which this section takes effect.

22 **SEC. 4. ADVERSE ACTIONS.**

23 (a) SUBCHAPTER I OF CHAPTER 75 OF TITLE 5.—  
24 Section 7501(1) of title 5, United States Code, is amend-  
25 ed—

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

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

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

8           (1) in subparagraph (A)(i) by striking “; or”  
9       and inserting “; and”;

10          (2) in subparagraph (A)(ii), by striking “1  
11       year” the first place it appears and inserting “2  
12       years”;

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

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

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

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

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

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

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

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

9   **SEC. 5. REGULATIONS REQUIRED.**

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

        Passed the House of Representatives November 30,  
2017.

Attest:

KAREN L. HAAS,  
*Clerk.*