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H. R. 1835

To require the reinstatement of recently terminated probationary Federal employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2025

Mrs. McIVER (for herself, Mrs. CHERFILUS-McCORMICK, Mrs. WATSON COLEMAN, Ms. TITUS, Mr. VARGAS, Ms. NORTON, Ms. BARRAGÁN, Mrs. FOUSHEE, Mr. THANEDAR, Mr. KHANNA, Mr. MANNION, Mr. GRIJALVA, Mr. SMITH of Washington, Ms. TLAIB, Mr. GARCIA of California, Ms. TOKUDA, Ms. OCASIO-CORTEZ, Mr. TURNER of Texas, Mr. LANDSMAN, Ms. BONAMICI, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Ms. ANSARI, Mr. IVEY, Mr. JOHNSON of Georgia, Mr. CARTER of Louisiana, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. SIMON, Mr. PANNETTA, Ms. CROCKETT, Mr. BEYER, Mr. CARSON, Mr. EVANS of Pennsylvania, Ms. PRESSLEY, Mrs. RAMIREZ, Ms. MCCOLLUM, Mr. KENNEDY of New York, Ms. BROWN, Mr. POCAN, Ms. UNDERWOOD, Mr. COHEN, Mr. CLEAVER, Mr. BISHOP, Ms. MENG, Mr. MEEKS, Mr. TONKO, Mr. McGOVERN, Ms. LEE of Pennsylvania, Ms. WILLIAMS of Georgia, Mr. OLSZEWSKI, Ms. CLARKE of New York, Ms. ADAMS, Mr. GARCÍA of Illinois, Ms. SCANLON, Mr. CONNOLLY, Ms. DEAN of Pennsylvania, Mrs. TORRES of California, Mr. BELL, Mr. LATIMER, Mr. ESPAILLAT, Mrs. TRAHAN, Ms. McCLELLAN, Ms. WILSON of Florida, Mr. CONAWAY, Mr. HERNÁNDEZ, Ms. CHU, Ms. KELLY of Illinois, Ms. JAYAPAL, Ms. WATERS, Ms. PETTERSEN, and Mr. FIELDS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the reinstatement of recently terminated probationary Federal employees, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Model Employee Rein-
5 statement for Ill-advised Termination Act” or the
6 “MERIT Act”.

7 **SEC. 2. REINSTATEMENT OF AFFECTED PROBATIONARY**
8 **EMPLOYEES.**

9 (a) IN GENERAL.—Each affected probationary em-
10 ployee, other than an affected probationary employee enti-
11 tled to a payment under subsection (b), is entitled, in ac-
12 cordance with this Act, to an appointment to a position
13 in the former employing agency of such affected proba-
14 tionary employee that is the same or similar to the pre-
15 vious Federal position of such affected probationary em-
16 ployee and, if such employee elects to accept an appoint-
17 ment under this subsection, a payment in an amount equal
18 to the amount that such affected probationary employee
19 would have been paid by such former employing agency
20 during the period beginning on the termination date of
21 such affected probationary employee and ending on the
22 date on which such affected probationary employee is so

1 appointed if such affected probationary employee had not
2 become an affected probationary employee.

3 (b) SUBSEQUENT FEDERAL EMPLOYMENT.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (4)—

6 (A) an affected probationary employee that
7 was appointed to a new Federal position and
8 holds such a position as of the date of the en-
9 actment of this Act is entitled to the payment
10 described in paragraph (2); and

11 (B) an affected probationary employee that
12 was appointed to a new Federal position and
13 does not hold such a position as of the date of
14 the enactment of this Act is entitled to—

15 (i) an appointment to a position in the
16 former employing agency of such affected
17 probationary employee that is the same or
18 similar to the previous Federal position of
19 such affected probationary employee; and

20 (ii) if such affected probationary em-
21 ployee elects to accept an appointment
22 under clause (i), the payment described in
23 paragraph (3).

24 (2) CURRENT FEDERAL EMPLOYEE PAYMENT
25 DESCRIBED.—The payment described in this para-

graph is a payment in an amount equal to the difference between—

(A) the amount that the affected probationary employee would have been paid by the former employing agency of such affected probationary employee during the period beginning on the termination date of such affected probationary employee and ending on the date on the date of the enactment of this Act; and

(B) the amount equal to the sum of pay earned by such affected probationary employee in any new Federal position to which such affected probationary employee was appointed during such period.

(3) OTHER AFFECTED EMPLOYEE PAYMENT.—

The payment described in this paragraph is a payment in an amount equal to the sum of—

(A) the payment described under subparagraph (2); and

(B) a payment in an amount equal to the amount that the affected probationary employee would have been paid by the former employing agency of such affected probationary employee during the period beginning on the date of the enactment of this Act and ending on the date

1 on which such affected probationary employee is
2 appointed under paragraph (1)(B) if such af-
3 fected probationary employee had not become
4 an affected probationary employee.

5 (4) EXCEPTION.—An affected probationary em-
6 ployee is not entitled to a payment under paragraph
7 (1) if the amount of such payment is less than zero.

8 (5) NEW FEDERAL POSITION DEFINED.—In
9 this subsection, the term “new Federal position”
10 means a position in the Federal Government to
11 which the affected probationary employee was ap-
12 pointed after becoming an affected probationary em-
13 ployee.

14 (c) PAYMENT.—

15 (1) IN GENERAL.—The former employing agen-
16 cy of an affected probationary employee shall begin
17 making any payment to which such affected proba-
18 tionary employee is entitled under this section not
19 later than 90 days after the pay for each relevant
20 position is determined in accordance with section 5.

21 (2) METHOD.—A payment described in sub-
22 section (a) or (b) shall be paid in one lump sum.

23 (3) TAXATION.—For purposes of the Internal
24 Revenue Code of 1986, any payment to an individual
25 under subsection (a) or (b) shall be treated as wages

1 paid with respect to the employment of such indi-
2 vidual.

3 (4) PAY LIMITS.—A payment to an affected
4 probationary employee under this section shall be
5 disregarded with respect to any limit on the pay of
6 employees that is applicable to the affected proba-
7 tionary employee.

8 (5) REINSTATEMENT.—An appointment under
9 subsection (a)(1) or (b)(1)(B) to a position in the
10 competitive service (as defined in section 2102 of
11 title 5, United States Code) shall be made without
12 regard to the provisions of subchapter I of chapter
13 33 of title 5, United States Code.

14 (d) EMPLOYMENT BENEFITS.—For the purposes of
15 this section, a position is the same or similar to a previous
16 Federal position with respect to an affected probationary
17 employee only if the employment benefits, including retire-
18 ment benefits, health insurance, and leave, available to
19 such affected probationary employee in such position
20 match or exceed the employment benefits available to such
21 affected probationary employee in such previous Federal
22 position.

23 **SEC. 3. NOTICE AND SELECTION.**

24 (a) NOTICE.—Not later than 30 days after the date
25 of the enactment of this Act, the head of each Executive

1 agency shall notify each affected probationary employee
2 for which such Executive agency is the former employing
3 agency of the rights of affected probationary employees
4 under this Act and the method by which such affected pro-
5 bationary employee may inform such Executive agency of
6 the acceptance or rejection an appointment in accordance
7 with subsection (b)(1).

8 (b) SELECTION.—

9 (1) IN GENERAL.—An affected probationary
10 employee entitled to an appointment under section 2
11 must inform the former employing agency of such
12 affected probationary employee of the acceptance or
13 rejection of such appointment by such affected pro-
14 bationary employee not later than 30 days after re-
15 ceiving the notice required by subsection (a).

16 (2) FORFEITURE.—An affected probationary
17 employee entitled to an appointment under section 2
18 that does not inform the former employing agency of
19 such affected probationary employee in accordance
20 with paragraph (1) shall cease to be entitled to such
21 an appointment.

22 (c) AGENCY COMPLIANCE.—If an affected proba-
23 tionary employee accepts an appointment under section 2
24 and informs the former employing agency of such affected
25 probationary employee of such acceptance in accordance

1 with subsection (b), the head of such former employing
2 agency shall make such appointment not later than 30
3 days after such affected probationary employee so informs
4 such former employing agency.

5 **SEC. 4. SEPARATION TREATMENT.**

6 Each affected probationary employee is deemed to
7 have been involuntarily separated without cause from the
8 previous Federal position of such affected probationary
9 employee.

10 **SEC. 5. PAYMENT DETERMINATION.**

11 (a) IN GENERAL.—For the purposes of this Act, the
12 Director of the Office of Personnel Management shall de-
13 termine the pay for a position held by an affected proba-
14 tionary employee based on such evidence of the pay of
15 such position as the affected probationary employee may
16 provide, or if the Director determines sufficient evidence
17 has not been so provided to adequately determine the pay
18 for such position, the pay shall be determined by the Di-
19 rector based on such other information as the Director de-
20 termines appropriate.

21 (b) EMPLOYEE INFORMATION.—An affected proba-
22 tionary employee may provide evidence of the pay of a po-
23 sition to the Director of the Office of Personnel Manage-
24 ment under subsection (a) until the earlier of—

1 (1) the date that is 60 days after the date on
2 which such affected probationary employee received
3 the notice described in section 3(a); or

4 (2) the date on which the Director determines
5 the pay for such positions for the purposes of this
6 Act.

7 (c) INFORMATION SHARING.—The head of each Ex-
8 ecutive agency shall provide to the Director of the Office
9 of Personnel Management such information as the Direc-
10 tor may require to carry out this Act.

11 **SEC. 6. REPORTS.**

12 (a) MASS TERMINATION REPORT.—Not later than 60
13 days after the date of the enactment of this Act, the
14 Comptroller General of the United States shall submit to
15 the Committee on Oversight and Government Reform of
16 the House of Representatives and the Committee on
17 Homeland Security and Governmental Affairs of the Sen-
18 ate a report on the mass terminations during the period
19 beginning on January 20, 2025, and ending on the date
20 of the enactment of this Act, including—

21 (1) the number of employees (as defined in sec-
22 tion 2105 of title 5, United States Code) voluntarily
23 or involuntarily separated from Government service
24 as part of such mass terminations, in total and
25 disaggregated by Executive agency;

1 (2) for employees described in paragraph (1)
2 that were involuntarily separated from Government
3 service as part of such mass terminations, the rea-
4 sons provided for such involuntary separation;

5 (3) the number of affected probationary em-
6 ployees;

7 (4) recommendations for employees described in
8 paragraph (1), other than affected probationary em-
9 ployees, to which the provisions of this Act should
10 apply; and

11 (5) such other information as the Comptroller
12 General determines appropriate.

13 (b) REINSTATEMENT REPORT.—Not later than 90
14 days after the date of the enactment of this Act, the Direc-
15 tor of the Office of Personnel Management shall submit
16 to Congress a report on the reinstatement of affected pro-
17 bationary employees under this Act, including the number
18 of affected probationary employees notified under section
19 3(a) and the number of affected probationary employees
20 that accepted an appointment under this Act.

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) AFFECTED PROBATIONARY EMPLOYEE.—
24 The term “affected probationary employee” means
25 an individual who—

1 (A) was voluntarily or involuntarily sepa-
2 rated from service in an Executive agency as
3 part of a mass termination by an Executive
4 agency during the period beginning on January
5 20, 2025, and ending on the date of the enact-
6 ment of this Act; and

7 (B) immediately prior to such separation—

8 (i) held a position in the competitive
9 service, excepted service, or Senior Execu-
10 tive Service, other than under a temporary
11 appointment; and

12 (ii) was either—

13 (I) serving a probationary or trial
14 period under an initial appointment;
15 or

16 (II) otherwise not an employee
17 (as defined in section 7511 of title 5,
18 United States Code) because such in-
19 dividual had not completed the re-
20 quired years of current continuous
21 service.

22 (2) COMPETITIVE SERVICE.—The term “com-
23 petitive service” has the meaning given such term in
24 section 2102 of title 5, United States Code.

1 (3) COVERED SEPARATION.—The term “covered
2 separation” means a separation from Government
3 service that is—

4 (A) an involuntary separation from Gov-
5 ernment service, other than an involuntary sep-
6 aration for retirement under section 3382 of
7 title 5, United States Code; or

8 (B) a voluntary separation from Govern-
9 ment service for compensation or other incen-
10 tives offered by the Federal Government.

11 (4) EXCEPTED SERVICE.—The term “excepted
12 service” has the meaning given such term in section
13 2103 of title 5, United States Code.

14 (5) EXECUTIVE AGENCY.—The term “Executive
15 agency” has the meaning given such term in section
16 105 of title 5, United States Code.

17 (6) FORMER EMPLOYING AGENCY.—With re-
18 spect to an affected probationary employee, the term
19 “former employing agency” means the Executive
20 agency from which the separation of such individual
21 made such individual an affected probationary em-
22 ployee.

23 (7) MASS TERMINATION.—The term “mass ter-
24 mination” means not less than 15 covered separa-
25 tions from service in an Executive agency during a

1 30-day period pursuant to the same or related ac-
2 tions, directives, orders, or activities by the Federal
3 Government.

4 (8) PREVIOUS FEDERAL POSITION.—The term
5 “previous Federal position” means the position in
6 the Federal Government held by the affected proba-
7 tionary employee in the former employing agency
8 immediately before becoming an affected proba-
9 tionary employee.

10 (9) SENIOR EXECUTIVE SERVICE.—The term
11 “Senior Executive Service” has the meaning given
12 such term in section 2101a of title 5, United States
13 Code.

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