

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5750
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Ensuring a Qualified
3 Civil Service Act of 2025” or the “EQUALS Act of
4 2025”.

**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), (d),
11 and (e), the President”;

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

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

16 “(c)(1)(A) Except as provided in subparagraph (B)
17 or otherwise specified in law, an individual’s initial ap-
18 pointment to a position in the competitive service shall be-

1 come final only after the individual has served a 2-year
2 probationary period.

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

7 “(2) During an employee’s probationary period
8 under paragraph (1), the employing agency shall
9 evaluate the fitness of the employee and whether the
10 employee’s continued employment advances the pub-
11 lic interest. An employee shall be terminated from
12 the civil service on the last day of the employee’s
13 probationary period unless the employing agency
14 certifies, to the Director of the Office of Personnel
15 Management within the 30 days before such date,
16 that finalizing the employee’s appointment advances
17 the public interest. Before an agency terminates an
18 employee serving under a probationary period pursu-
19 ant to this subsection, the agency shall provide no-
20 tice (in writing) to the employee of the effective date
21 of such termination.

22 “(3) The appointment of an employee serving
23 under a probationary period may not become final
24 until the employee has demonstrated to the employ-
25 ee’s supervisor, through official performance and

1 other metrics as determined by the agency head in
2 conformance with guidance issued by the Office of
3 Personnel Management, that the employee's contin-
4 ued employment in the civil service is in the public
5 interest.

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

9 “(A) the employee's performance and con-
10 duct;

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

12 “(C) whether the employee's continued em-
13 ployment would advance organizational goals of
14 the agency or the Federal Government; and

15 “(D) whether the employee's continued
16 employment would advance the efficiency of the
17 civil service.

18 “(5) If the head of an agency fails to make a
19 certification under paragraph (2) due to an adminis-
20 trative error, the head may petition the Director of
21 the Office of Personnel Management, within 30 days
22 after the date an employee was terminated from the
23 civil service, to reinstate the employee. Any employee
24 reinstated within such 30-day period shall be enti-

1 tled to backpay in accordance with section 5596 of
2 this title.

3 “(6) This subsection—

4 “(A) shall apply to an employee appointed
5 under chapter 73 or 74 of title 38, notwith-
6 standing section 7401 of such title; and

7 “(B) shall not apply to—

8 “(i) an employee serving a proba-
9 tionary period due to being initially pro-
10 moted, transferred, or otherwise assigned
11 to a position as a supervisor (as that term
12 is defined in section 7103 of this title) or
13 any other managerial position, unless such
14 employee is required to concurrently serve
15 both a probationary period in such position
16 and a probationary period following initial
17 appointment or reinstatement;

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

21 “(iii) the Congress or any congres-
22 sional agency.

23 “(d)(1) Except as provided in paragraph (2), the
24 length of a probationary period established under sub-
25 section (a) shall—

1 “(A) with respect to any position that re-
2 quires formal training, begin on the date of ap-
3 pointment to the position and end on the date
4 that is 2 years after the date on which such for-
5 mal training is completed;

6 “(B) with respect to any position that re-
7 quires a license, begin on the date of appoint-
8 ment to the position and end on the date that
9 is 2 years after the date on which such license
10 is granted; and

11 “(C) with respect to any position not cov-
12 ered by subparagraph (A) or (B), be a period
13 of 2 years beginning on the date of the appoint-
14 ment to the position.

15 “(2) With respect to any preference eligible,
16 paragraph (1) shall be applied by substituting ‘1
17 year’ for ‘2 years’.

18 “(3) In paragraph (1)—

19 “(A) the term ‘formal training’ means,
20 with respect to any position, a training program
21 required by law, rule, or regulation, or other-
22 wise required by the employing agency, to be
23 completed by the employee before the employee
24 is able to successfully execute the duties of the
25 applicable position; and

1 “(B) the term ‘license’ means a license,
2 certification, or other grant of permission to en-
3 gage in a particular activity.

4 “(e) The head of each agency shall, in the administra-
5 tion of this section, take appropriate measures to ensure
6 that—

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

13 “(2) any individual who is required to complete
14 a probationary period under this section receives
15 timely notice of any requirements, including per-
16 formance requirements, that must be met in order to
17 satisfactorily complete such period;

18 “(3) any supervisor or manager of an individual
19 who is required to complete a probationary period
20 under this section receives periodic notifications of
21 the end date of such period not later than 1 year,
22 6 months, 3 months, and 30 days before such end
23 date; and

24 “(4) if the head decides to retain an individual
25 after the completion of a probationary period under

1 this section, the head submits a certification to that
2 effect, supported by a brief statement of the basis
3 for the certification, in such form and manner as the
4 President may by regulation prescribe.”.

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

10 (c) **EFFECTIVE DATE.**—This section and the amend-
11 ments made by this section—

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

14 (2) shall apply to any individual appointed to a
15 position in the competitive service, or any individual
16 who is initially promoted, transferred, or otherwise
17 assigned to be a supervisor and who is required to
18 serve a probationary period under section
19 3321(e)(6)(B)(i) of title 5, United States Code (as
20 added by subsection (a) of this section), on or after
21 the effective date in paragraph (1) of this sub-
22 section.

23 **SEC. 3. TRIAL PERIOD IN EXCEPTED SERVICE.**

24 (a) **IN GENERAL.**—Subchapter I of chapter 33 of title
25 5, United States Code, is amended by inserting after sec-

1 tion 3321 the following (and conforming the table of con-
2 tents of such subchapter accordingly):

3 **“§ 3321a. Excepted service; trial period**

4 “(a)(1) Except as otherwise specified in law or pro-
5 vided in paragraph (2), an employee appointed to a posi-
6 tion in the excepted service shall serve a 2-year trial pe-
7 riod.

8 “(2) A preference eligible appointed to a posi-
9 tion in the excepted service shall serve a 1-year trial
10 period.

11 “(b) An employee serving under a trial period pursu-
12 ant to subsection (a) and who is transferred, promoted,
13 demoted, or reassigned to any other excepted service posi-
14 tion before the end of such trial period shall complete the
15 remainder of such trial period in the new position.

16 “(c) An individual who separates from the civil serv-
17 ice for a period of more than 30 days after completing
18 a trial period under this section and who is reappointed
19 to an excepted service position shall complete a new trial
20 period unless such individual is appointed to the same or
21 a substantially similar position in the same agency the em-
22 ployee held immediately before separation.

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

1 (b) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section—

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

5 (2) shall apply to any individual appointed to a
6 position in the excepted service on or after the effec-
7 tive date in paragraph (1) of this subsection.

8 **SEC. 4. FAA AND TSA.**

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

11 (1) by striking “and” at the end of subpara-
12 graph (I);

13 (2) by striking the period at the end of sub-
14 paragraph (J) and inserting “; and”; and

15 (3) by adding at the end the following:

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

18 **SEC. 5. ADVERSE ACTIONS.**

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

22 (1) in paragraph (2), by striking “1 year of
23 current continuous employment” and inserting “,
24 with respect to a preference eligible 1 year of cur-
25 rent continuous employment, and with respect to

1 any other employee 2 years of current continuous
2 employment,”; and

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

9 (b) SUBCHAPTER I OF CHAPTER 75 OF TITLE 5.—
10 Section 7501(1) of title 5, United States Code, is amend-
11 ed—

12 (1) by striking “or who has” and inserting
13 “and who has”; and

14 (2) by striking “1 year of current continuous
15 employment” and inserting “, with respect to a pref-
16 erence eligible 1 year of current continuous employ-
17 ment, and with respect to any other employee 2
18 years of current continuous employment,”.

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

22 (1) in subparagraph (A)—

23 (A) in clause (i), by striking “; or” and in-
24 serting “; and”; and

1 (B) in clause (ii), by striking “1 year of
2 current continuous service” and inserting “,
3 with respect to a preference eligible 1 year of
4 current continuous service, and with respect to
5 any other employee 2 years of current contin-
6 uous service,”; and

7 (2) in subparagraph (C)(i), by striking “; or”
8 and inserting “; and”.

9 (d) EFFECTIVE DATE; APPLICATION.—The amend-
10 ments made by subsections (a), (b), and (c)—

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

13 (2) shall apply in the case of any individual ap-
14 pointed to a position in the competitive service or ex-
15 cepted service on or after the effective date in para-
16 graph (1).

17 **SEC. 6. REGULATIONS REQUIRED.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Director of the Office of Personnel
20 Management shall issue such regulations as are necessary
21 to carry out this Act and the amendments made by this
22 Act.

