AMENDMENT TO RULES COMMITTEE PRINT 115–70

OFFERED BY MR. COMER OF KENTUCKY

At the end of title XI, add the following:

SEC. 11. MODIFICATION OF PROBATIONARY PERIODS FOR POSITIONS WITHIN THE COMPETITIVE SERVICE AND SENIOR EXECUTIVE SERVICE.

(a) Extension of Probationary Period for Positions Within the Competitive Service.—

(1) In general.—Section 3321 of title 5, United States Code, is amended—

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

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

(C) 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 po-
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 per-
formance requirements, that must be met in order to
satisfactorily complete such period;

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

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

(2) TECHNICAL AMENDMENT.—Section 3321(e)
of title 5, United States Code (as redesignated by
paragraph (1)(B)), is amended by striking “Sub-
sections (a) and (b)” and inserting “Subsections (a) through (d)”.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection—

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

(B) 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 subsection takes effect.

(b) EXTENSION OF PROBATIONARY PERIOD FOR POSITIONS WITHIN THE SENIOR EXECUTIVE SERVICE.—

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

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

(3) EFFECTIVE DATE.—The amendments made by this subsection—

(A) shall take effect 1 year after the date of enactment of this subsection; and
(B) 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 subsection takes effect.

(c) ADVERSE ACTIONS.—

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

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

(B) by striking “1 year of current” and inserting “2 years of current”.

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

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

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

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

(D) in subparagraph (C)(i), by striking “; or” and inserting “; and”.
(3) ACTIONS BASED ON UNACCEPTABLE PERFORMANCE.—Section 4303(f) of title 5, United States Code, is amended—

(A) in paragraph (2) by striking “1 year of current” and inserting “2 years of current”; and

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

(4) EFFECTIVE DATE.—The amendments made by paragraphs (1), (2), and (3)—

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

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

(d) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out this section and the amendments made by this section.