

AMENDMENT TO RULES COMMITTEE PRINT 115–

70

OFFERED BY MR. COMER OF KENTUCKY

At the end of title XI, add the following:

1 **SEC. 11____. MODIFICATION OF PROBATIONARY PERIODS**
2 **FOR POSITIONS WITHIN THE COMPETITIVE**
3 **SERVICE AND SENIOR EXECUTIVE SERVICE.**

4 (a) EXTENSION OF PROBATIONARY PERIOD FOR PO-
5 SITIONS WITHIN THE COMPETITIVE SERVICE.—

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

8 (A) in subsection (a), by striking “The
9 President” and inserting “Subject to sub-
10 sections (c) and (d), the President”;

11 (B) by redesignating subsection (c) as sub-
12 section (e); and

13 (C) by inserting after subsection (b) the
14 following:

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

17 “(A) with respect to any position that requires
18 formal training, begin on the date of appointment to
19 the position and end on the date that is 2 years

1 after the date on which such formal training is com-
2 pleted;

3 “(B) with respect to any position that requires
4 a license, begin on the date of appointment to the
5 position and end on the date that is 2 years after
6 the date on which such license is granted; and

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

11 “(2) In paragraph (1)—

12 “(A) the term ‘formal training’ means, with re-
13 spect to any position, a training program required
14 by law, rule, or regulation, or otherwise required by
15 the employing agency, to be completed by the em-
16 ployee before the employee is able to successfully
17 execute the duties of the applicable position; and

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

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

24 “(1) any announcement of a vacant position
25 within the agency and any offer of appointment

1 made to any individual with respect to any such po-
2 sition clearly states the terms and conditions of any
3 applicable probationary period, including any formal
4 training period and any license requirement;

5 “(2) any individual who is required to complete
6 a probationary period under this section receives
7 timely notice of any requirements, including per-
8 formance requirements, that must be met in order to
9 satisfactorily complete such period;

10 “(3) any supervisor or manager of an individual
11 who is required to complete a probationary period
12 under this section receives periodic notifications of
13 the end date of such period not later than 1 year,
14 6 months, 3 months, and 30 days before such end
15 date; and

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

22 (2) TECHNICAL AMENDMENT.—Section 3321(e)
23 of title 5, United States Code (as redesignated by
24 paragraph (1)(B)), is amended by striking “Sub-

1 sections (a) and (b)” and inserting “Subsections (a)
2 through (d)”.

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

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

7 (B) shall apply in the case of any appoint-
8 ment (as referred to in section 3321(a)(1) of
9 title 5, United States Code) and any initial ap-
10 pointment (as referred to in section 3321(a)(2)
11 of such title) taking effect on or after the date
12 on which this subsection takes effect.

13 (b) EXTENSION OF PROBATIONARY PERIOD FOR PO-
14 SITIONS WITHIN THE SENIOR EXECUTIVE SERVICE.—

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

18 (2) CONFORMING AMENDMENT.—Section
19 3592(a)(1) of such title is amended by striking “1-
20 year” and inserting “2-year”.

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

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

1 (B) shall apply in the case of any indi-
2 vidual initially appointed as a career appointee
3 under section 3393 of title 5, United States
4 Code, on or after the date on which this sub-
5 section takes effect.

6 (c) ADVERSE ACTIONS.—

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

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

12 (B) by striking “1 year of current” and in-
13 serting “2 years of current”.

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

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

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

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

24 (D) in subparagraph (C)(i), by striking “;
25 or” and inserting “; and”.

1 (3) ACTIONS BASED ON UNACCEPTABLE PER-
2 FORMANCE.—Section 4303(f) of title 5, United
3 States Code, is amended—

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

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

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

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

13 (B) shall apply in the case of any indi-
14 vidual whose period of continuous service (as
15 referred to in the provision of law amended by
16 subparagraph (A) or (B) of paragraph (2), as
17 the case may be) commences on or after the
18 date on which this subsection takes effect.

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

