

**AMENDMENT TO FULL-YEAR CONTINUING
APPROPRIATIONS AND EXTENSIONS ACT, 2025
OFFERED BY MRS. MCIVER OF NEW JERSEY**

Add at the end of title I of division A the following:

1 SEC. 1117. (a)(1) Each affected probationary em-
2 ployee, other than an affected probationary employee enti-
3 tled to a payment under paragraph (2), is entitled, in ac-
4 cordance with this section, to an appointment to a position
5 in the former employing agency of such affected proba-
6 tionary employee that is the same or similar to the pre-
7 vious Federal position of such affected probationary em-
8 ployee and, if such employee elects to accept an appoint-
9 ment under this paragraph, a payment in an amount equal
10 to the amount that such affected probationary employee
11 would have been paid by such former employing agency
12 during the period beginning on the termination date of
13 such affected probationary employee and ending on the
14 date on which such affected probationary employee is so
15 appointed if such affected probationary employee had not
16 become an affected probationary employee.

17 (2)(A) Except as provided in subparagraph (D)—

18 (i) an affected probationary employee that
19 was appointed to a new Federal position and

1 holds such a position as of the date of the en-
2 actment of this Act is entitled to the payment
3 described in subparagraph (B); and

4 (ii) an affected probationary employee that
5 was appointed to a new Federal position and
6 does not hold such a position as of the date of
7 the enactment of this Act is entitled to—

8 (I) an appointment to a position in
9 the former employing agency of such af-
10 fected probationary employee that is the
11 same or similar to the previous Federal po-
12 sition of such affected probationary em-
13 ployee; and

14 (II) if such affected probationary em-
15 ployee elects to accept an appointment
16 under subclause (I), the payment described
17 in subparagraph (C).

18 (B) The payment described in this subpara-
19 graph is a payment in an amount equal to the dif-
20 ference between—

21 (i) the amount that the affected proba-
22 tionary employee would have been paid by the
23 former employing agency of such affected pro-
24 bationary employee during the period beginning
25 on the termination date of such affected proba-

1 tionary employee and ending on the date on the
2 date of the enactment of this Act; and

3 (ii) the amount equal to the sum of pay
4 earned by such affected probationary employee
5 in any new Federal position to which such af-
6 fected probationary employee was appointed
7 during such period.

8 (C) The payment described in this subpara-
9 graph is a payment in an amount equal to the sum
10 of—

11 (i) the payment described under subpara-
12 graph (B); and

13 (ii) a payment in an amount equal to the
14 amount that the affected probationary employee
15 would have been paid by the former employing
16 agency of such affected probationary employee
17 during the period beginning on the date of the
18 enactment of this Act and ending on the date
19 on which such affected probationary employee is
20 appointed under subparagraph (A)(ii) if such
21 affected probationary employee had not become
22 an affected probationary employee.

23 (D) An affected probationary employee is not
24 entitled to a payment under subparagraph (A) if the
25 amount of such payment is less than zero.

1 (E) In this paragraph, the term “new Federal
2 position” means a position in the Federal Govern-
3 ment to which the affected probationary employee
4 was appointed after becoming an affected proba-
5 tionary employee.

6 (3)(A) The former employing agency of an affected
7 probationary employee shall begin making any payment to
8 which such affected probationary employee is entitled
9 under this subsection not later than 90 days after the pay
10 for each relevant position is determined in accordance with
11 subsection (d).

12 (B) A payment described in paragraph (1) or
13 (2) shall be paid in one lump sum.

14 (C) For purposes of the Internal Revenue Code
15 of 1986, any payment to an individual under para-
16 graph (1) or (2) shall be treated as wages paid with
17 respect to the employment of such individual.

18 (D) A payment to an affected probationary em-
19 ployee under this subsection shall be disregarded
20 with respect to any limit on the pay of employees
21 that is applicable to the affected probationary em-
22 ployee.

23 (E) An appointment under paragraph (1)(A) or
24 (2)(A)(ii) to a position in the competitive service (as
25 defined in section 2102 of title 5, United States

1 Code) shall be made without regard to the provisions
2 of subchapter I of chapter 33 of title 5, United
3 States Code.

4 (4) For the purposes of this subsection, a position
5 is the same or similar to a previous Federal position with
6 respect to an affected probationary employee only if the
7 employment benefits, including retirement benefits, health
8 insurance, and leave, available to such affected proba-
9 tionary employee in such position match or exceed the em-
10 ployment benefits available to such affected probationary
11 employee in such previous Federal position.

12 (b)(1) Not later than 30 days after the date of the
13 enactment of this Act, the head of each Executive agency
14 shall notify each affected probationary employee for which
15 such Executive agency is the former employing agency of
16 the rights of affected probationary employees under this
17 section and the method by which such affected proba-
18 tionary employee may inform such Executive agency of the
19 acceptance or rejection an appointment in accordance with
20 paragraph (2)(A).

21 (2)(A) An affected probationary employee entitled to
22 an appointment under subsection (a) must inform the
23 former employing agency of such affected probationary
24 employee of the acceptance or rejection of such appoint-
25 ment by such affected probationary employee not later

1 than 30 days after receiving the notice required by para-
2 graph (1).

3 (B) An affected probationary employee entitled
4 to an appointment under subsection (a) that does
5 not inform the former employing agency of such af-
6 fected probationary employee in accordance with
7 subparagraph (A) shall cease to be entitled to such
8 an appointment.

9 (3) If an affected probationary employee accepts an
10 appointment under subsection (a) and informs the former
11 employing agency of such affected probationary employee
12 of such acceptance in accordance with paragraph (2), the
13 head of such former employing agency shall make such
14 appointment not later than 30 days after such affected
15 probationary employee so informs such former employing
16 agency.

17 (c) Each affected probationary employee is deemed
18 to have been involuntarily separated without cause from
19 the previous Federal position of such affected proba-
20 tionary employee.

21 (d)(1) For the purposes of this Act, the Director of
22 the Office of Personnel Management shall determine the
23 pay for a position held by an affected probationary em-
24 ployee based on such evidence of the pay of such position
25 as the affected probationary employee may provide, or if

1 the Director determines sufficient evidence has not been
2 so provided to adequately determine the pay for such posi-
3 tion, the pay shall be determined by the Director based
4 on such other information as the Director determines ap-
5 propriate.

6 (2) An affected probationary employee may provide
7 evidence of the pay of a position to the Director of the
8 Office of Personnel Management under paragraph (1)
9 until the earlier of—

10 (A) the date that is 60 days after the date on
11 which such affected probationary employee received
12 the notice described in subsection (b)(1); or

13 (B) the date on which the Director determines
14 the pay for such positions for the purposes of this
15 Act.

16 (3) The head of each Executive agency shall provide
17 to the Director of the Office of Personnel Management
18 such information as the Director may require to carry out
19 this Act.

20 (e)(1) Not later than 60 days after the date of the
21 enactment of this Act, the Comptroller General of the
22 United States shall submit to the Committee on Oversight
23 and Government Reform of the House of Representatives
24 and the Committee on Homeland Security and Govern-
25 mental Affairs of the Senate a report on the mass termi-

1 nations during the period beginning on January 20, 2025,
2 and ending on the date of the enactment of this Act, in-
3 cluding—

4 (A) the number of employees (as defined in sec-
5 tion 2105 of title 5, United States Code) voluntarily
6 or involuntarily separated from Government service
7 as part of such mass terminations, in total and
8 disaggregated by Executive agency;

9 (B) for employees described in subparagraph
10 (A) that were involuntarily separated from Govern-
11 ment service as part of such mass terminations, the
12 reasons provided for such involuntary separation;

13 (C) the number of affected probationary em-
14 ployees;

15 (D) recommendations for employees described
16 in subparagraph (A), other than affected proba-
17 tionary employees, to which the provisions of this
18 Act should apply; and

19 (E) such other information as the Comptroller
20 General determines appropriate.

21 (2) Not later than 90 days after the date of the enact-
22 ment of this Act, the Director of the Office of Personnel
23 Management shall submit to Congress a report on the re-
24 instatement of affected probationary employees under this
25 Act, including the number of affected probationary em-

1 ployees notified under section 3(a) and the number of af-
2 fected probationary employees that accepted an appoint-
3 ment under this Act.

4 (f) In this section:

5 (1) The term “affected probationary employee”
6 means an individual who—

7 (A) was voluntarily or involuntarily sepa-
8 rated from service in an Executive agency as
9 part of a mass termination by an Executive
10 agency during the period beginning on January
11 20, 2025, and ending on the date of the enact-
12 ment of this Act; and

13 (B) immediately prior to such separation—

14 (i) held a position in the competitive
15 service, excepted service, or Senior Execu-
16 tive Service, other than under a temporary
17 appointment; and

18 (ii) was either—

19 (I) serving a probationary or trial
20 period under an initial appointment;
21 or

22 (II) otherwise not an employee
23 (as defined in section 7511 of title 5,
24 United States Code) because such in-
25 dividual had not completed the re-

1 quired years of current continuous
2 service.

3 (2) The term “competitive service” has the
4 meaning given such term in section 2102 of title 5,
5 United States Code.

6 (3) The term “covered separation” means a
7 separation from Government service that is—

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

12 (B) a voluntary separation from Govern-
13 ment service for compensation or other incen-
14 tives offered by the Federal Government.

15 (4) The term “excepted service” has the mean-
16 ing given such term in section 2103 of title 5,
17 United States Code.

18 (5) The term “Executive agency” has the
19 meaning given such term in section 105 of title 5,
20 United States Code.

21 (6) With respect to an affected probationary
22 employee, the term “former employing agency”
23 means the Executive agency from which the separa-
24 tion of such individual made such individual an af-
25 fected probationary employee.

1 (7) The term “mass termination” means not
2 less than 15 covered separations from service in an
3 Executive agency during a 30-day period pursuant
4 to the same or related actions, directives, orders, or
5 activities by the Federal Government.

6 (8) The term “previous Federal position”
7 means the position in the Federal Government held
8 by the affected probationary employee in the former
9 employing agency immediately before becoming an
10 affected probationary employee.

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

