

Union Calendar No. 524

119TH CONGRESS
2^D SESSION

H. R. 5750

[Report No. 119-604]

To amend title 5, United States Code, to modify probationary periods with respect to positions in the competitive service, to establish trial periods for positions in the excepted service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2025

Mr. GILL of Texas introduced the following bill; which was referred to the Committee on Oversight and Government Reform

APRIL 9, 2026

Additional sponsors: Mr. COMER, Mr. CLOUD, Mr. MOORE of Alabama, and Mr. HARRIGAN

APRIL 9, 2026

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 14, 2025]

A BILL

To amend title 5, United States Code, to modify probationary periods with respect to positions in the competitive service, to establish trial periods for positions in the excepted service, 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 “Ensuring a Qualified*
5 *Civil Service Act of 2025” or the “EQUALS Act of 2025”.*

6 **SEC. 2. EXTENSION OF PROBATIONARY PERIOD FOR POSI-**
7 **TIONS WITHIN THE COMPETITIVE SERVICE.**

8 (a) *IN GENERAL.*—Section 3321 of title 5, United
9 *States Code, is amended—*

10 (1) *in subsection (a), by striking “The Presi-*
11 *dent” and inserting “Subject to subsections (c), (d),*
12 *and (e), the President”;*

13 (2) *by redesignating subsection (c) as subsection*
14 *(f); and*

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

17 *“(c)(1)(A) Except as provided in subparagraph (B) or*
18 *otherwise specified in law, an individual’s initial appoint-*
19 *ment to a position in the competitive service shall become*
20 *final only after the individual has served a 2-year proba-*
21 *tionary period.*

22 *“(B) A preference eligible’s initial appointment to a*
23 *position in the competitive service shall become final only*
24 *after the individual has served a 1-year probationary pe-*
25 *riod.*

1 “(2) During an employee’s probationary period under
2 paragraph (1), the employing agency shall evaluate the fit-
3 ness of the employee and whether the employee’s continued
4 employment advances the public interest. An employee shall
5 be terminated from the civil service on the last day of the
6 employee’s probationary period unless the employing agen-
7 cy certifies, to the Director of the Office of Personnel Man-
8 agement within the 30 days before such date, that finalizing
9 the employee’s appointment advances the public interest.
10 Before an agency terminates an employee serving under a
11 probationary period pursuant to this subsection, the agency
12 shall provide notice (in writing) to the employee of the effec-
13 tive date of such termination.

14 “(3) The appointment of an employee serving under
15 a probationary period may not become final until the em-
16 ployee has demonstrated to the employee’s supervisor,
17 through official performance and other metrics as deter-
18 mined by the agency head in conformance with guidance
19 issued by the Office of Personnel Management, that the em-
20 ployee’s continued employment in the civil service is in the
21 public interest.

22 “(4) With respect to any certification under paragraph
23 (2), the agency head may consider, in the head’s sole and
24 exclusive discretion—

25 “(A) the employee’s performance and conduct;

1 “(B) *the needs and interests of the agency;*

2 “(C) *whether the employee’s continued employ-*
3 *ment would advance organizational goals of the agen-*
4 *cy or the Federal Government; and*

5 “(D) *whether the employee’s continued employ-*
6 *ment would advance the efficiency of the civil service.*

7 “(5) *If the head of an agency fails to make a certifi-*
8 *cation under paragraph (2) due to an administrative error,*
9 *the head may petition the Director of the Office of Personnel*
10 *Management, within 30 days after the date an employee*
11 *was terminated from the civil service, to reinstate the em-*
12 *ployee. Any employee reinstated within such 30-day period*
13 *shall be entitled to backpay in accordance with section 5596*
14 *of this title.*

15 “(6) *This subsection—*

16 “(A) *shall apply to an employee appointed under*
17 *chapter 73 or 74 of title 38, notwithstanding section*
18 *7401 of such title; and*

19 “(B) *shall not apply to—*

20 “(i) *an employee serving a probationary pe-*
21 *riod due to being initially promoted, transferred,*
22 *or otherwise assigned to a position as a super-*
23 *visor (as that term is defined in section 7103 of*
24 *this title) or any other managerial position, un-*
25 *less such employee is required to concurrently*

1 *serve both a probationary period in such posi-*
2 *tion and a probationary period following initial*
3 *appointment or reinstatement;*

4 *“(ii) an employee of the United States Post-*
5 *al Service or the Postal Regulatory Commission;*
6 *or*

7 *“(iii) the Congress or any congressional*
8 *agency.*

9 *“(d)(1) Except as provided in paragraph (2), the*
10 *length of a probationary period established under subsection*
11 *(a) shall—*

12 *“(A) with respect to any position that requires*
13 *formal training, begin on the date of appointment to*
14 *the position and end on the date that is 2 years after*
15 *the date on which such formal training is completed;*

16 *“(B) with respect to any position that requires*
17 *a license, begin on the date of appointment to the po-*
18 *sition and end on the date that is 2 years after the*
19 *date on which such license is granted; and*

20 *“(C) with respect to any position not covered by*
21 *subparagraph (A) or (B), be a period of 2 years be-*
22 *ginning on the date of the appointment to the posi-*
23 *tion.*

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

1 “(3) In paragraph (1)—

2 “(A) the term ‘formal training’ means, with re-
3 spect to any position, a training program required by
4 law, rule, or regulation, or otherwise required by the
5 employing agency, to be completed by the employee
6 before the employee is able to successfully execute the
7 duties of the applicable position; and

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

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

14 “(1) any announcement of a vacant position
15 within the agency and any offer of appointment made
16 to any individual with respect to any such position
17 clearly states the terms and conditions of any appli-
18 cable probationary period, including any formal
19 training period and any license requirement;

20 “(2) any individual who is required to complete
21 a probationary period under this section receives
22 timely notice of any requirements, including perform-
23 ance requirements, that must be met in order to satis-
24 factorily complete such period;

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

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

13 (b) *TECHNICAL AMENDMENT.*—Section 3321(f) of title
14 5, United States Code (as redesignated by subsection (a)(2)
15 of this section), is amended by striking “Subsections (a)
16 and (b)” and inserting “Subsections (a) through (e)”.

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

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

21 (2) shall apply to any individual appointed to
22 a position in the competitive service, or any indi-
23 vidual who is initially promoted, transferred, or oth-
24 erwise assigned to be a supervisor and who is re-
25 quired to serve a probationary period under section

1 3321(c)(6)(B)(i) of title 5, United States Code (as
2 added by subsection (a) of this section), on or after
3 the effective date in paragraph (1) of this subsection.

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

5 (a) *IN GENERAL.*—Subchapter I of chapter 33 of title
6 5, United States Code, is amended by inserting after section
7 3321 the following (and conforming the table of contents
8 of such subchapter accordingly):

9 **“§ 3321a. Excepted service; trial period**

10 “(a)(1) *Except as otherwise specified in law or pro-*
11 *vided in paragraph (2), an employee appointed to a posi-*
12 *tion in the excepted service shall serve a 2-year trial period.*

13 “(2) *A preference eligible appointed to a position in*
14 *the excepted service shall serve a 1-year trial period.*

15 “(b) *An employee serving under a trial period pursu-*
16 *ant to subsection (a) and who is transferred, promoted, de-*
17 *moted, or reassigned to any other excepted service position*
18 *before the end of such trial period shall complete the re-*
19 *mainder of such trial period in the new position.*

20 “(c) *An individual who separates from the civil service*
21 *for a period of more than 30 days after completing a trial*
22 *period under this section and who is reappointed to an ex-*
23 *cepted service position shall complete a new trial period un-*
24 *less such individual is appointed to the same or a substan-*

1 tially similar position in the same agency the employee held
2 immediately before separation.

3 “(d) This section shall not apply to any agency or em-
4 ployee described in section 3321(c)(6)(B).”.

5 (b) *EFFECTIVE DATE.*—This section and the amend-
6 ments made by this section—

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

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

12 **SEC. 4. FAA AND TSA.**

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

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

17 (2) by striking the period at the end of subpara-
18 graph (J) and inserting “; and”; and

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

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

22 **SEC. 5. ADVERSE ACTIONS.**

23 (a) *ACTIONS BASED ON UNACCEPTABLE PERFORM-*
24 *ANCE.*—Section 4303(f) of title 5, United States Code, is
25 amended—

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

7 (2) *in paragraph (3), by striking “1 year of cur-*
8 *rent continuous employment” and inserting “, with*
9 *respect to a preference eligible 1 year of current con-*
10 *tinuous employment, and with respect to any other*
11 *employee 2 years of current continuous employment,”.*

12 (b) *SUBCHAPTER I OF CHAPTER 75 OF TITLE 5.—Sec-*
13 *tion 7501(1) of title 5, United States Code, is amended—*

14 (1) *by striking “or who has” and inserting “and*
15 *who has”;* *and*

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

21 (c) *SUBCHAPTER II OF CHAPTER 75 OF TITLE 5.—*
22 *Section 7511(a)(1) of title 5, United States Code, is amend-*
23 *ed—*

24 (1) *in subparagraph (A)—*

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

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

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

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

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

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

19 **SEC. 6. REGULATIONS REQUIRED.**

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

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