

119TH CONGRESS
1ST SESSION

H. R. 5750

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

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
6 2025”.

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

3 (a) IN GENERAL.—Section 3321 of title 5, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “The Presi-
6 dent” and inserting “Subject to subsections (c), (d),
7 and (e), the President”;

8 (2) by redesignating subsection (c) as sub-
9 section (f); and

10 (3) by inserting after subsection (b) the fol-
11 lowing:

12 “(c)(1)(A) Except as provided in subparagraph (B)
13 or otherwise specified in law, an individual’s initial ap-
14 pointment to a position in the competitive service shall be-
15 come final only after the individual has served a 2-year
16 probationary period.

17 “(B) A preference eligible’s initial appointment to a
18 position in the competitive service shall become final only
19 after the individual has served a 1-year probationary pe-
20 riod.

21 “(2) During an employee’s probationary period under
22 paragraph (1), the employing agency shall evaluate the fit-
23 ness of the employee and whether the employee’s contin-
24 ued employment advances the public interest. An employee
25 shall be terminated from the civil service on the last day
26 of the employee’s probationary period unless the employ-

1 ing agency certifies, to the Director of the Office of Per-
2 sonnel Management within the 30 days before such date,
3 that finalizing the employee's appointment advances the
4 public interest. Before an agency terminates an employee
5 serving under a probationary period pursuant to this sub-
6 section, the agency shall provide notice (in writing) to the
7 employee of the effective date of such termination.

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

16 “(4) With respect to any certification under para-
17 graph (2), the agency head may consider, in the head's
18 sole and exclusive discretion—

19 “(A) the employee's performance and conduct;

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

21 “(C) whether the employee's continued employ-
22 ment would advance organizational goals of the
23 agency or the Federal Government; and

1 “(D) whether the employee’s continued employ-
2 ment would advance the efficiency of the civil serv-
3 ice.

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

12 “(6) This subsection—

13 “(A) shall apply to an employee appointed
14 under chapter 73 or 74 of title 38, notwithstanding
15 section 7401 of such title; and

16 “(B) shall not apply to—

17 “(i) an employee serving a probationary
18 period due to being initially promoted, trans-
19 ferred, or otherwise assigned to a position as a
20 supervisor (as that term is defined in section
21 7103 of this title) or any other managerial posi-
22 tion, unless such employee is required to con-
23 currently serve both a probationary period in
24 such position and a probationary period fol-
25 lowing initial appointment or reinstatement;

1 “(ii) an employee of the United States
2 Postal Service or the Postal Regulatory Com-
3 mission; or

4 “(iii) the Congress or any congressional
5 agency.

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

9 “(A) with respect to any position that requires
10 formal training, begin on the date of appointment to
11 the position and end on the date that is 2 years
12 after the date on which such formal training is com-
13 pleted;

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

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

22 “(2) With respect to any preference eligible, para-
23 graph (1) shall be applied by substituting ‘1 year’ for ‘2
24 years’.

25 “(3) In paragraph (1)—

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

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

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

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

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

24 “(3) any supervisor or manager of an individual
25 who is required to complete a probationary period

1 under this section receives periodic notifications of
2 the end date of such period not later than 1 year,
3 6 months, 3 months, and 30 days before such end
4 date; and

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

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

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

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

20 (2) shall apply to any individual appointed to a
21 position in the competitive service, or any individual
22 who is initially promoted, transferred, or otherwise
23 assigned to be a supervisor and who is required to
24 serve a probationary period under section
25 3321(c)(6)(B)(i) of title 5, United States Code (as

1 added by subsection (a) of this section), on or after
 2 the effective date in paragraph (1) of this sub-
 3 section.

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 sec-
 7 tion 3321 the following (and conforming the table of con-
 8 tents of such subchapter accordingly):

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

10 “(a)(1) Except as provided in paragraph (2), an em-
 11 ployee appointed to a position in the excepted service shall
 12 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,
 17 demoted, or reassigned to any other excepted service posi-
 18 tion before the end of such trial period shall complete the
 19 remainder of such trial period in the new position.

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

1 a substantially similar position in the same agency the em-
 2 ployee held immediately before separation.

3 “(d) This section shall not apply to any agency or
 4 employee 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 a
 10 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,
 14 is amended—

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

17 (2) by striking the period at the end of sub-
 18 paragraph (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
2 current continuous employment” and inserting “,
3 with respect to a preference eligible 1 year of cur-
4 rent continuous employment, and with respect to
5 any other employee 2 years of current continuous
6 employment,”; and

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

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

16 (1) by striking “or who has” and inserting
17 “and who has”; and

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

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

1 (1) in subparagraph (A)—

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

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

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

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

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

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

20 **SEC. 6. REGULATIONS REQUIRED.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Director of the Office of Personnel
23 Management shall issue such regulations as are necessary

1 to carry out this Act and the amendments made by this
2 Act.

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