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PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4182) TO AMEND TITLE 5, UNITED STATES CODE, TO MODIFY PROBATIONARY PERIODS WITH RESPECT TO POSITIONS WITHIN THE COMPETITIVE SERVICE AND THE SENIOR EXECUTIVE SERVICE, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1699) TO AMEND THE TRUTH IN LENDING ACT TO MODIFY THE DEFINITIONS OF A MORTGAGE ORIGINATOR AND A HIGH-COST MORTGAGE, TO AMEND THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008 TO MODIFY THE DEFINITION OF A LOAN ORIGINATOR, AND FOR OTHER PURPOSES

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November 29, 2017.—Referred to the House Calendar and ordered to be printed.

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MR. WOODALL, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a record vote of 6 to 3, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4182, the Ensuring a Qualified Civil Service Act of 2017, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for

the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 1699, the Preserving Access to Manufactured Housing Act of 2017, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-42 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides for one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 4182, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 4182, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 4182 printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 1699, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 1699, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 154

Motion by Mr. Cole to report the rule. Adopted: 6-3

Majority Members	Vote	Minority Members	Vote
Mr. Cole.....	Yea	Ms. Slaughter.....	
Mr. Woodall.....	Yea	Mr. McGovern.....	Nay
Mr. Burgess.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Collins.....		Mr. Polis.....	Nay
Mr. Byrne.....	Yea		
Mr. Newhouse.....	Yea		
Mr. Buck.....			
Ms. Cheney.....			
Mr. Sessions, Chairman.....	Yea		

#### SUMMARY OF THE AMENDMENTS TO H.R. 4182 MADE IN ORDER

1. Hastings, Alcee (FL): Exempts alumni of the PeaceCorps, AmeriCorps, and other national service programs under the Corporation for National and Community Service from the two year probationary period. (10 minutes)
2. Johnson, Hank (GA): Requires that an individual in a probationary period receive written performance feedback every 180 days during such probationary period that includes notification of whether such individual is making satisfactory or unsatisfactory progress towards meeting any requirements for which notice is required under paragraph (2). (10 minutes)
3. Gianforte (MT): Provides additional notification to supervisor with 1 year, 6 months, 3 months and 30 days of remaining probationary period. (10 minutes)
4. Connolly (VA): **SUBSTITUTE** Strikes the provisions of the bill and replaces it with a study and report by the Comptroller General of the United States. The study and report will be on those agencies that have lengthened the employee probationary period from 1 to 2 years, and any impact of an existing 2 year probationary period at the agency. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 4182 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 4182, AS REPORTED  
OFFERED BY MR. HASTINGS OF FLORIDA**

Page 3, line 18, strike “The length” and insert “Except as provided for in paragraph (2), the length”.

Page 4, after line 8, insert the following (and redesignate accordingly):

1       “(2) Notwithstanding paragraph (1), in the case of  
2 an individual who has successfully completed a term of  
3 service in a national service program under the National  
4 and Community Service Act of 1990 (42 U.S.C. 12501  
5 et seq.) or the Domestic Volunteer Service Act of 1973  
6 (42 U.S.C. 4950 et seq.), or as a volunteer or a volunteer  
7 leader under the Peace Corps Act (22 U.S.C. 2501 et  
8 seq.), the length of a probationary period established  
9 under paragraph (1) or (2) of subsection (a) shall—

10       “(A) with respect to any position occupied by  
11 such an individual that requires formal training,  
12 begin on the date of appointment to the position and  
13 end on the date that is 1 year after the date on  
14 which such formal training is completed;

15       “(B) with respect to any position occupied by  
16 such an individual that requires a license, begin on

1 the date of appointment to the position and end on  
2 the date that is 1 year after the date on which such  
3 license is granted; and  
4 “(C) with respect to any position occupied by  
5 such an individual that is not covered by subpara-  
6 graph (A) or (B), be a period of 1 year beginning  
7 on the date of the appointment to the position.

Page 4, line 9, strike “paragraph (1)” and insert  
“this subsection”.





2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 4182, AS REPORTED  
OFFERED BY MR. JOHNSON OF GEORGIA**

Page 3, after line 24, insert the following (and re-designate accordingly):

1           “(3) any individual who is required to complete  
2           a probationary period under this section receive writ-  
3           ten performance feedback every 180 days during  
4           such probationary period that includes notification  
5           of whether the individual is making satisfactory or  
6           unsatisfactory progress towards meeting any re-  
7           quirements for which notice is required under para-  
8           graph (2);



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
GIANFORTE OF MONTANA OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

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**AMENDMENT TO H.R. 4182, AS REPORTED**  
**OFFERED BY M .**

Page 4, strike lines 1 through 5 and insert the following:

- 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
- 4 the end date of such period not later than 1 year,
- 5 6 months, 3 months, and 30 days before such end
- 6 date; and



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4182  
OFFERED BY MR. CONNOLLY OF VIRGINIA**

Strike all after the enacting clause and insert the  
following:

1 **SECTION 1. STUDY ON LENGTH OF PROBATIONARY PE-**  
2 **RIOD.**

3 (a) **IN GENERAL.**—The Comptroller General of the  
4 United States shall conduct a study on Federal agencies  
5 that have lengthened the employee probationary period  
6 from 1 to 2 years and other potential extensions of proba-  
7 tionary periods for certain occupations in the Federal Gov-  
8 ernment.

9 (b) **CONTENTS.**—The study required under sub-  
10 section (a) shall analyze—

11 (1) any impact of an existing 2-year proba-  
12 tionary period (compared to a 1-year probationary  
13 period) on the employing agency's ability to deal  
14 with underperforming employees, improve produc-  
15 tivity, improve recruitment and retention, and ac-  
16 complish the mission of the agency and shall include  
17 the Department of Defense as a case study; and

1           (2) whether certain occupations in the Federal  
2       Government should have probationary periods in ex-  
3       cess of 1 year because of the complexity, sensitivity,  
4       or unique occupational challenges of such occupa-  
5       tions, including—

6           (A) whether such a probationary period ex-  
7       tension would provide supervisors sufficient  
8       time to adequately assess employee performance  
9       and whether the extension would lead to  
10      measureable improvements in the performance  
11      of employees in those occupations; and

12          (B) an identification of the occupations,  
13      and the characteristics of those occupations,  
14      that would benefit from longer probationary pe-  
15      riods, including requirements to exercise super-  
16      visory authority and possess professional li-  
17      censes and training.

18      (c) REPORT.—Not later than 2 years after the date  
19      of enactment of this Act, the Comptroller General shall  
20      submit to the Committee on Oversight and Government  
21      Reform of the House of Representatives and the Com-  
22      mittee on Homeland Security and Governmental Affairs  
23      of the Senate a report containing the study required under  
24      subsection (a).

