

112TH CONGRESS
2D SESSION

H. R. 5852

To amend title 5, United States Code, to provide that spouses and widows or widowers of certain veterans and members of the armed forces receive preference with respect to employment in the competitive service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2012

Mr. TOWNS 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 provide that spouses and widows or widowers of certain veterans and members of the armed forces receive preference with respect to employment in the competitive 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. HIRING PREFERENCE IN THE COMPETITIVE**
4 **SERVICE.**

5 (a) IN GENERAL.—Section 3309 of title 5, United
6 States Code, is amended—

1 (1) by inserting “(a)” before “A preference eli-
 2 gible”; and

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

4 “(b)(1) The spouse or unmarried widow or widower
 5 of an individual listed under subparagraph (A) or (B) who
 6 receives a passing grade in an examination for entrance
 7 into the competitive service is entitled to an additional 5
 8 points above his or her earned rating:

9 “(A) A preference eligible under section
 10 2108(3)(A)–(B).

11 “(B) A member of the armed forces.

12 “(2) Notwithstanding section 7 of title 1, the term
 13 ‘spouse’ includes a spouse of the same sex as determined
 14 under applicable State law.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) SECTION HEADING.—The heading of section
 17 3309 of title 5, United States Code, is amended by
 18 inserting “, **spouses, and widows or wid-**
 19 **owers**” after “**eligibles**”.

20 (2) TABLE OF CONTENTS.—The table of sec-
 21 tions for chapter 33 of such title is amended by
 22 striking the item relating to section 3309 and insert-
 23 ing the following:

“3309. Preference eligibles, spouses, and widows or widowers; examinations; ad-
 ditional points for.”.

24 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 subsection (a) shall apply with respect to any exam-
3 ination for entrance into the competitive service
4 taken on or after the date of enactment of this sec-
5 tion.

6 (2) EXAMINATIONS PRIOR TO DATE OF ENACT-
7 MENT.—

8 (A) IN GENERAL.—With respect to any in-
9 dividual who received a passing grade on such
10 an examination in 2012 but before the date of
11 enactment of this section, the relevant hiring
12 agency shall send notification to any such indi-
13 vidual to determine whether such individual is
14 eligible for the additional points provided by
15 subsection (b) of section 3309 of title 5, United
16 States Code (as added by subsection (a) of this
17 section).

18 (B) DEADLINE.—Beginning on the date
19 that an individual receives notification under
20 subparagraph (A), such individual shall have 30
21 days to respond to the relevant hiring agency in
22 order to receive credit for such points.

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