

114TH CONGRESS
2D SESSION

H. R. 4527

To temporarily authorize recently retired members of the armed forces to be appointed to certain civil service positions, require the Secretary of Defense to issue certain notifications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2016

Mr. KILMER (for himself and Mr. RUSSELL) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To temporarily authorize recently retired members of the armed forces to be appointed to certain civil service positions, require the Secretary of Defense to issue certain notifications, 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 “Military Retiree Em-
5 ployment Act”.

1 **SEC. 2. TEMPORARY AUTHORIZATION TO APPOINT RE-**
2 **CENTLY RETIRED MEMBERS OF THE ARMED**
3 **FORCES TO CIVIL SERVICE POSITIONS.**

4 (a) IN GENERAL.—For the period of 5 years begin-
5 ning on the date that is 180 days after the date of enact-
6 ment of this Act, the limitation in section 3326(b) of title
7 5, United States Code, shall not apply to a retired member
8 of the armed forces during the period of the first 180 days
9 after retirement.

10 (b) PUBLICATION AND TRANSPARENCY REQUIRE-
11 MENTS.—The Secretary concerned shall ensure that for
12 any appointment made under the authority granted by
13 subsection (a)—

14 (1) full consideration, in accordance with place-
15 ment and promotion procedures of the department
16 concerned, was given to eligible career employees;

17 (2) the vacancy has been publicized for at least
18 10 business days to give interested candidates an op-
19 portunity to apply;

20 (3) the qualification requirements for the posi-
21 tion conform to the principles of a merit-based civil
22 service;

23 (4) qualification requirements for the position
24 have not been written in a manner designed to give
25 advantage to the retired member; and

1 (5) the position has not been held open pending
2 the retirement of the retired member.

3 (c) OVERSIGHT BY OFFICE OF PERSONNEL MANAGE-
4 MENT.—

5 (1) PLAN DRAFT AND IMPLEMENTATION.—Not
6 later than 90 days after the date of enactment of
7 this Act, the Director of the Office of Personnel
8 Management shall establish an oversight plan to
9 monitor all appointments made pursuant to sub-
10 section (a), and conduct oversight according to the
11 plan for the duration of the authority granted by
12 subsection (a).

13 (2) ANNUAL PUBLICATION.—Not later than 30
14 days after the end of the fiscal year of the date of
15 enactment of this Act, and every year thereafter for
16 the duration of the authority granted by subsection
17 (a), the Director of the Office of Personnel Manage-
18 ment shall publish, by including the information
19 within a publication on a related matter, the number
20 of new employees appointed under such authority in
21 that year.

22 (d) REPORT.—Not later than 4 years after the date
23 of enactment of this Act, the Comptroller General shall
24 submit a report to Congress describing the impact of the
25 temporary authority granted by subsection (a), providing

1 policy recommendations for improvements, and recom-
2 mending whether such authority should be made perma-
3 nent.

4 (e) RULE OF CONSTRUCTION.—No provision of this
5 section may be interpreted to affect any appointment other
6 than an appointment made by the Secretary of Defense.

7 **SEC. 3. VACANCY NOTIFICATION REQUIREMENT.**

8 Beginning 90 days after the date of enactment of this
9 Act, the Secretary of Defense, acting through the head
10 of each office in the Department of Defense, shall ensure
11 that every employee of the Department of Defense is in-
12 formed, within one calendar day, of the publication of a
13 vacancy within that employee’s office that requires quali-
14 fications related to the employee’s current duties.

15 **SEC. 4. REDUCTION IN FORCE PROTECTIONS.**

16 For the period of 10 years beginning on the date that
17 is 90 days after the date of enactment of this Act, the
18 Secretary of Defense shall ensure that each employee who
19 is a veteran and who is newly hired or appointed to a posi-
20 tion in the Department of Defense shall be informed of
21 the effect of section 1597 of title 10, United States Code,
22 as amended by the National Defense Authorization Act
23 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 726),
24 on that employee’s protection from reduction in force.

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