

118TH CONGRESS
1ST SESSION

S. 3530

To retain Federal employees who are spouses of a member of the Armed Forces or the Foreign Service when relocating due to an involuntary transfer, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2023

Ms. MURKOWSKI (for herself, Mr. MORAN, Ms. DUCKWORTH, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To retain Federal employees who are spouses of a member of the Armed Forces or the Foreign Service when relocating due to an involuntary transfer, 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 “Resilient Employment
5 and Authorization Determination to Increase the National
6 Employment of Serving Spouses Act” or the “READI-
7 NESS Act”.

1 **SEC. 2. FLEXIBILITIES FOR FEDERAL EMPLOYEES WHO**
2 **ARE ARMED FORCES OR FOREIGN SERVICE**
3 **SPOUSES.**

4 (a) DEFINITIONS.—In this section:

5 (1) AGENCY.—The term “agency”—

6 (A) means each agency, office, or other es-
7 tablishment in the executive, legislative, or judi-
8 cial branch of the Federal Government; and

9 (B) includes—

10 (i) each nonappropriated fund instru-
11 mentality of the United States, including
12 each instrumentality described in section
13 2105(c) of title 5, United States Code; and

14 (ii) the United States Postal Service.

15 (2) ARMED FORCES.—The term “Armed
16 Forces” has the meaning given the term “armed
17 forces” in section 2101 of title 5, United States
18 Code.

19 (3) COVERED INDIVIDUAL.—The term “covered
20 individual” means an individual who—

21 (A) is the spouse of a member of the
22 Armed Forces or the Foreign Service;

23 (B) is an employee; and

24 (C) relocates because the spouse of the in-
25 dividual, as described in subparagraph (A), is
26 subject to a permanent change of station.

1 (4) DIRECTOR.—The term “Director” means
2 the Director of the Office of Personnel Management.

3 (5) EMPLOYEE.—The term “employee” means
4 an employee of an agency.

5 (6) PERMANENT CHANGE OF STATION.—The
6 term “permanent change of station” means, with re-
7 spect to a member of the Armed Forces or the For-
8 eign Service—

9 (A) a permanent change of duty station; or

10 (B) a change in homeport of a vessel, ship-
11 based squadron or staff, or mobile unit.

12 (7) PERMANENT EMPLOYEE.—The term “per-
13 manent employee” does not include an employee who
14 is serving under a temporary appointment or a term
15 appointment.

16 (b) REQUIREMENT.—Not later than 30 days after re-
17 ceiving a request from a covered individual, the head of
18 the agency employing the covered individual shall—

19 (1) authorize the covered individual to work re-
20 motely full-time if that agency head determines that
21 the duties of the covered individual do not require
22 the regular physical presence of the covered indi-
23 vidual in the workplace;

24 (2) transfer the covered individual, if qualified,
25 to a position of equal grade in the agency and in the

1 commuting area of the new duty station or homeport
2 of the spouse of the covered individual;

3 (3) transfer the covered individual, if qualified,
4 to a remote position of equal grade in the agency;
5 or

6 (4) in the case of a covered individual who is
7 not authorized to work remotely under paragraph
8 (1), or to be transferred under paragraph (2) or (3),
9 place the covered individual into a nonpay and
10 nonduty status for the greater of—

11 (A) the duration of the service of the
12 spouse of the covered individual at the new duty
13 station or homeport of that spouse, as described
14 in paragraph (2); or

15 (B) the period of 36 consecutive months
16 following the permanent change of station of
17 the spouse of the covered individual.

18 (c) NON-ENCUMBERED NONPAY AND NONDUTY STA-
19 TUS.—A position held by a covered individual placed into
20 nonpay and nonduty status under this section—

21 (1) shall not be considered to be encumbered;
22 and

23 (2) may be backfilled by a permanent employee.

24 (d) REPORTS.—

1 (1) AGENCY REPORTS TO OPM.—For each of
2 the first 5 full fiscal years beginning after the date
3 of enactment of this Act, the head of each agency
4 shall, not later than 180 days after the last day of
5 that fiscal year, submit to the Director—

6 (A) a list of each request received by that
7 agency head under subsection (b) during the
8 applicable fiscal year; and

9 (B) the action taken by the agency head
10 under subsection (b) with respect to each re-
11 quest described in subparagraph (A).

12 (2) REPORT TO CONGRESS.—With respect to
13 the information received by the Director under para-
14 graph (1) for a fiscal year, the Director shall, not
15 later than 195 days after the last day of that fiscal
16 year, submit to Congress a report containing all of
17 that information for that fiscal year, which shall be
18 sorted by agency.

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