

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6462
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Resilient Employment
3 and Authorization Determination to Increase the National
4 Employment of Serving Spouses Act” or the “READI-
5 NESS Act”.

**6 SEC. 2. FLEXIBILITIES FOR FEDERAL EMPLOYEES WHO
7 ARE ARMED FORCES OR FOREIGN SERVICE
8 SPOUSES.**

9 (a) IN GENERAL.—Not later than 30 calendar days
10 after receiving a request from a covered individual, the
11 head of the agency or instrumentality of the Federal Gov-
12 ernment employing such covered individual shall—

13 (1) to the extent practicable, authorize such
14 covered individual to work remotely if the head de-
15 termines that the duties of such covered individual
16 can be completed remotely;

17 (2) reassign the covered individual to a position,
18 for which the individual is qualified and of equal sta-

1 tus and base pay, in the agency or instrumentality
2 in the commuting area of the new permanent duty
3 location of the spouse of such covered individual;

4 (3) authorize the covered individual to perform
5 the duties of a different position of equal status and
6 base pay in the agency or instrumentality for which
7 the individual is qualified from an approved alter-
8 native worksite; or

9 (4) in the case of a covered individual who is
10 not authorized or able to be reassigned under para-
11 graphs (1), (2), or (3), upon the request of the cov-
12 ered individual, grant that individual leave without
13 pay for up to six months.

14 (b) WAIVER.—The Director of the Office of Per-
15 sonnel Management may grant an agency or instrumen-
16 tality of the Federal Government a waiver of subsection
17 (a) if the Director certifies that the agency or instrumen-
18 tality has developed and will faithfully implement, imme-
19 diately upon receipt of the waiver, a substantially similar
20 procedure that—

21 (1) aims to increase the retention of covered in-
22 dividuals;

23 (2) provides covered individuals an evaluation,
24 upon the request of any such individual, on whether

1 retention can be achieved, at a minimum, through
2 remote work or reassignment, or both;

3 (3) provides the covered individual, within 30
4 days of the request of such individual, a date certain
5 by which the agency will make a determination un-
6 less the date extended by mutual agreement of the
7 agency and individual;

8 (4) provides the application of subsection (a)(4)
9 as an option the covered individual may choose; and

10 (5) implements reporting requirements in sub-
11 section (d).

12 (c) LEAVE WITHOUT PAY.—A position held by a cov-
13 ered individual who is granted leave without pay under
14 this section shall not be considered encumbered and may
15 be backfilled by a permanent employee.

16 (d) REPORTS.—

17 (1) AGENCY REPORTS TO OPM.—Not later than
18 September 30 of the second full fiscal year after the
19 date of the enactment of this Act, and biennially
20 thereafter for the following four years, the head of
21 each agency or instrumentality of the Federal Gov-
22 ernment shall submit to the Director of the Office
23 of Personnel Management—

1 (A) a list of each request received by such
2 head under subsection (a) during the imme-
3 diately preceding fiscal year; and

4 (B) which action was taken by the head
5 under such subsection with respect to such a re-
6 quest.

7 (2) REPORT TO CONGRESS.—Not later than the
8 first April 15 following the date on which the head
9 of an agency or instrumentality submits the first re-
10 port under paragraph (1), and biennially thereafter
11 for the following four years, the Director shall pro-
12 vide a report to Congress detailing the information
13 received under paragraph (1), sorted by agency or
14 instrumentality.

15 (e) REHIRING OF SEPARATED INDIVIDUALS.—

16 (1) IN GENERAL.—An individual covered by
17 subsection (a)(4) shall be covered by this subsection
18 until the individual re-enters the Federal service.

19 (2) SECURITY CLEARANCES.—An individual
20 granted leave without pay under subsection (a)(4)
21 and who has been determined to be eligible for na-
22 tional security positions shall not be subject to addi-
23 tional security reviews, completion of a new security
24 questionnaire, or initiation of a new investigative
25 check, unless credible derogatory information that

1 was not previously adjudicated becomes known, or
2 the previous adjudication was granted by a condi-
3 tion, deviation, or waiver, under section 156.5(h)(3)
4 of title 32, Code of Federal Regulations, (or any
5 successor regulation) if there has not been a break
6 in service of a period of more than 24 months, or
7 the duration of the individual’s spouse’s relocation
8 orders plus 12 months, whichever is greater.

9 (3) REINSTATEMENT AUTHORITY.—The dura-
10 tion of the relocation orders of the spouse of an indi-
11 vidual covered by subsection (a)(4) shall not count
12 against the three-year limit for reinstatement of
13 non-career tenure individuals under section 315.401
14 of title 5, Code of Federal Regulations (or any suc-
15 cessor regulation).

16 (f) EFFECTIVE DATE.—This Act shall take effect
17 180 days after the date of the enactment of this Act, ex-
18 cept that the Director may, beginning on the date of the
19 enactment of this Act, approve waivers pursuant to section
20 2(b) if an agency or instrumentality of the Federal Gov-
21 ernment has in place on such date of enactment policies
22 and procedures that would qualify for waiver under such
23 section.

24 (g) COVERED INDIVIDUAL DEFINED.—In this sec-
25 tion, the term “covered individual” means an individual—

1 (1) who is the spouse of—

2 (A) a member of the armed forces serving
3 on active duty (as defined in section 3330d of
4 title 5, United States Code); or

5 (B) a member of the Foreign Service (as
6 defined in section 103 of the Foreign Service
7 Act of 1980 (22 U.S.C. 3903)), including mem-
8 bers of the Foreign Service serving at agencies
9 other than the Department of State that use
10 the Foreign Service personnel system pursuant
11 to section 202 of such Act (22 U.S.C. 3922);

12 (2) who is an employee of an agency or instru-
13 mentality of the Federal Government; and

14 (3) who relocates with the spouse of such indi-
15 vidual because such spouse, as such a member, re-
16 ceives a permanent change of station or similar re-
17 quirement to relocate.

