

117TH CONGRESS  
1ST SESSION

# S. 12

To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 3, 2021

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINT-**  
2 **MENT OF PERSONS AS SECRETARY OF DE-**  
3 **FENSE WITHIN SEVEN YEARS OF RELIEF**  
4 **FROM ACTIVE DUTY AS REGULAR COMMIS-**  
5 **SIONED OFFICERS OF THE ARMED FORCES.**

6 (a) IN GENERAL.—Notwithstanding the second sen-  
7 tence of section 113(a) of title 10, United States Code,  
8 the first person appointed, by and with the advice and con-  
9 sent of the Senate, as Secretary of Defense in an appoint-  
10 ment made on or after January 20, 2021, may be a person  
11 who is, on the date of appointment, within seven years  
12 after relief, but not within four years after relief, from  
13 active duty as a commissioned officer of a regular compo-  
14 nent of the Armed Forces.

15 (b) LIMITED EXCEPTION.—This section applies only  
16 to the first person nominated after 12 p.m. (Eastern  
17 Standard Time) on January 20, 2021, and appointed as  
18 Secretary of Defense as described in subsection (a), and  
19 to no other person.

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