

# United States Senate

WASHINGTON, DC 20510

October 8, 2020

The Honorable James Inhofe  
Chairman  
Committee on Armed Services  
United States Senate  
Washington DC 20510

The Honorable Adam Smith  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Jack Reed  
Ranking Member  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

The Honorable Mac Thornberry  
Ranking Member  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairmen Inhofe and Smith, and Ranking Members Reed and Thornberry:

We write to express our desired outcome in reaching an agreement between the chambers on changes to the 180-day waiting period required for hiring military retirees to positions in the civil service. We appreciate the work of both houses to include needed reforms to this process to ensure the Department of Defense is equipped with experienced and highly-qualified personnel to meet U.S. national defense demands.

Section 1108 of the Senate-passed NDAA establishes a pilot program to waive the 180-day waiting period for positions classified as GS-13 and below, eligible for direct hire or expedited hire authority, and are certified as “lacking sufficient numbers of potential applicants” by the Secretary of the relevant military department. Section 1108 of the House-passed NDAA amends the 180-day waiver directly (5 USC 3326) to include as eligible positions at any industrial base facility that are part of core logistics capabilities for immediate hire, and have also been certified by the Secretary concerned as “lacking sufficient numbers of qualified applicants.”

As the chambers begin the process of conferencing on Section 1108, we would support final language that does the following:

1. Preserves the Senate pilot program structure for 180-day waiver eligibility, to include positions at GS-13 and below and those subject to direct hire or expedited hire authority.
2. Preserves the certification requirement by the Secretary concerned, but on the basis that the position lacks sufficient numbers of “highly-qualified applicants” in accordance with the Office of Personnel Management’s quality category rating policy.<sup>1</sup>

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<sup>1</sup> [“Category Rating Policy Template,”](#) Office of Personnel Management. Written in accordance with 5 CFR 337.

We believe that final language in this form will achieve an effective step in the right direction to retain exceptional talent in the Department's civil service to serve U.S. national defense needs moving forward.

Sincerely,



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Michael S. Lee  
United States Senator



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Mitt Romney  
United States Senator



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James Lankford  
United States Senator



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Kelly Loeffler  
United States Senator



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Marco Rubio  
United States Senator