

Public Law 115–2
115th Congress

An Act

Jan. 20, 2017
[S. 84]

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

10 USC 113 note.

SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense after the date of the enactment of this Act may be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

Applicability.

(b) **LIMITED EXCEPTION.**—This section applies only to the first person appointed as Secretary of Defense as described in subsection (a) after the date of the enactment of this Act, and to no other person.

Approved January 20, 2017.

LEGISLATIVE HISTORY—S. 84 (H.R. 393):

HOUSE REPORTS: No. 115–13 (Comm. on Armed Services) accompanying H.R. 393.
CONGRESSIONAL RECORD, Vol. 163 (2017):

Jan. 12, considered and passed Senate.
Jan. 13, considered and passed House.