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5 U.S. Code § 3330d - Appointment of military and Department of Defense, Department of State, and intelligence community spouses

U.S. Code Notes

(a) DEFINITIONS.—In this section:

(1) The term “active duty”—

(A) has the meaning given that term in section 101(d)(1) of title 10;

(B) includes full-time National Guard duty (as defined in [section 101\(d\)\(5\) of title 10](#)); and

(C) for a member of a reserve component (as described in [section 10101 of title 10](#)), does not include training duties or attendance at a service school.

(2) The term “[agency](#)”—

(A) has the meaning given the term “Executive [agency](#)” in [section 105 of this title](#); and

(B) does not include the Government Accountability Office.

(3) The term “[covered spouse](#)” means an individual who is married to an individual who—

(A)

(i) is an employee of the Department of State or an element of the [intelligence community](#); or

(ii) is a member of the Armed Forces who is assigned to an element of the [intelligence community](#); and

(B) is transferred in the interest of the Government from one official station within the applicable [agency](#) to another within the [agency](#) (that is outside of normal commuting distance) for permanent duty.

(4) The term “[intelligence community](#)” has the meaning given the term in section 3 of the [National Security Act of 1947 \(50 U.S.C. 3003\)](#).

(5) The term “[remote work](#)” refers to a work flexibility arrangement under which an employee—

(A) is not expected to physically report to the location from which the employee would otherwise work, considering the position of the employee; and

(B) performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite—

(i) other than the location from which the employee would otherwise work;

(ii) that may be inside or outside the local commuting area of the location from which the employee would otherwise work; and

(iii) that is typically the residence of the employee.

(6) The term “spouse of a disabled or deceased member of the Armed Forces” means an individual—

(A) who is married to a member of the Armed Forces who—

(i) is retired, released, or discharged from the Armed Forces; and

(ii) on the date on which the member retires, is released, or is discharged, has a disability rating of 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

(B) who—

(i) was married to a member of the Armed Forces on the date on which the member dies while on active duty in the Armed Forces; and

(ii) has not remarried.

(7) The term “spouse of an employee of the Department of Defense” means an individual who is married to an employee of the Department of Defense who is transferred in the interest of the Government from one official station within the Department to another within the Department (that is outside of normal commuting distance) for permanent duty.

(8) The term “telework” has the meaning given the term in section 6501.

(b) **APPOINTMENT AUTHORITY.**—The head of an agency may appoint noncompetitively —

(1) a spouse of a member of the Armed Forces on active duty;

(2) a spouse of a disabled or deceased member of the Armed Forces;

(3) a spouse of a member of the Armed Forces on active duty, or a spouse of a disabled or deceased member of the Armed Forces, to a position in which the spouse will engage in remote work;

(4) a spouse of an employee of the Department of Defense, including to a position in which the spouse will engage in remote work; or

(5) a covered spouse to a position in which the covered spouse will engage in remote work.

(c) SPECIAL RULES REGARDING SPOUSE OF A DISABLED OR DECEASED MEMBER OF THE ARMED FORCES.—

(1) IN GENERAL.—

An appointment of an eligible spouse as described in subparagraph (A) or (B) of subsection (a)(4) is not restricted to a geographical area.

(2) SINGLE PERMANENT APPOINTMENT.—

A spouse of a disabled or deceased member of the Armed Forces may not receive more than 1 permanent appointment under this section.

(Added Pub. L. 112–239, div. A, title V, § 566(a), Jan. 2, 2013, 126 Stat. 1749; amended Pub. L. 114–328, div. A, title XI, § 1131, Dec. 23, 2016, 130 Stat. 2457; Pub. L. 115–232, div. A, title V, § 573(a), (c), Aug. 13, 2018, 132 Stat. 1779; Pub. L. 118–31, div. A, title XI, §§ 1112(a), 1119(a), Dec. 22, 2023, 137 Stat. 429, 434; Pub. L. 118–159, div. A, title XI, § 1102(c)(1), div. F, title LXVI, § 6612(a), (e)(1), Dec. 23, 2024, 138 Stat. 2086, 2504, 2505.)