SEC. ___. TIME LIMITATION FOR APPOINTMENT OF CERTAIN MILITARY SPOUSES.

Subsection (c) of section 3330d of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) TIME LIMITATION.—A relocating spouse of a member of the Armed Forces may receive an appointment under this section with no time limitation for eligibility from the date of such member's permanent change of station orders.".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

Section 566(a) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 codified the noncompetitive appointment authority for relocating military spouses in a statutory provision at section 3330d of title 5, United States Code (U.S.C.). However, the statutory provision does not include an eligibility period, which has resulted in confusion and differing opinions on Congressional intent. This proposed addition to subsection (c) of section 3330d of title 5, U.S.C. would clearly articulate that there is no time limitation on a relocating spouse's eligibility for noncompetitive appointment from the date of the service member's permanent change of station orders to the spouses' permanent appointment per duty station.

Currently, Military Spouses must utilize this appointment authority within a maximum of 2 years from the date of the service member's permanent change of station orders. This requirement was promulgated in regulations at Subpart 315.612(d)(1)(i) of Title 5, Code of Federal Regulations (CFR), which restricts the spouse of the service member to an unnecessary limitation in his or her attempting to secure employment while oftentimes handling the issues related to a household move. It is important to note that permanent change of station orders are issued well in advance of a military family arriving at the new duty station, which has caused Military Spouses to miss consideration for employment or have job offers withdrawn because they lost eligibility. This legislative proposal serves to support the military family in enabling the military spouse to pursue their employment search when they have resolved transitionary issues associated with a permanent change of station. These issues would include, but not be limited to, relocation, moving the dependent children and family belongings, stressors of the move, financial concerns, prioritizing life choices, balancing the service member's deployments, and irregular schedules before realistically being able to seek employment.

This proposal would have an immediate impact on the quality of life for not only the military spouse, but for the military family as well. It would lessen external stresses and provide clarity for the command Human Resources Office, in that they do not have to have the spouse

appointed within the 2-year period. The proposal would further strengthen the partnership between DoD and the U.S. Office of Personnel Management (OPM) by providing consistent language to address the countless e-mails, phone calls and inquiries on this issue from military spouses seeking employment.

Budget Implications: None. After review, it has been determined that this proposal does not have any budget implications. Implementation of this proposal would not require additional funding or alter the application screening process in any manner that would result in increased costs.

RESOURCE REQUIREMENTS (MILLIONS)									
	FY 2018	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	0	0	0	0	0				
Navy	0	0	0	0	0				
Air Force	0	0	0	0	0				
Defen se-Wide	0	0	0	0	0				
Total	0	0	0	0	0				

Changes to Existing Law: This proposal would make the following changes to section 3330d subsection (c) of Title 5, United States Code:

5 U.S. Code §3330d. Appointment of certain military spouses

(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 "geographic area of the permanent duty station" means the area from which individuals reasonably can be expected to travel daily to and from work at the location of a member's permanent duty station.

(4) The term "permanent change of station" means the assignment, detail, or transfer of a member of the Armed Forces who is on active duty and serving at a permanent duty station under a competent authorization or order that does not—

(A) specify the duty as temporary;

(B) provide for assignment, detail, or transfer, after that different permanent duty station, to a further different permanent duty station; or

(C) direct return to the initial permanent duty station.

(5) The term "relocating spouse of a member of the Armed Forces" means an individual who—

(A) is married to a member of the Armed Forces (on or prior to a permanent change of station of the member) who is ordered to active duty for a period of more than 180 consecutive days;

(B) relocates to the member's permanent duty station; and

(C) before relocating as described in subparagraph (B), resided outside the geographic area of the permanent duty station.

(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.

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

(1) a relocating spouse of a member of the Armed Forces; or

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

(c) SPECIAL RULES REGARDING RELOCATING SPOUSE.—

(1) IN GENERAL.—An appointment of a relocating spouse of a member of the Armed Forces under this section may only be to a position the duty station for which is within the geographic area of the permanent duty station of the member of the Armed Forces, unless there is no agency with a position with a duty station within the geographic area of the permanent duty station of the member of the Armed Forces.

(2) SINGLE PERMANENT APPOINTMENT PER DUTY STATION.—A relocating spouse of a member of the Armed Forces may not receive more than 1 permanent appointment under this section for each time the spouse relocates as described in subparagraphs (B) and (C) of subsection (a)(5).

<u>(3) TIME LIMITATION.—A relocating spouse of a member of the Armed Forces may receive an appointment under this section with no time limitation for eligibility from the date of such member's permanent change of station orders.</u>

(d) 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)(6) 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.