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Military Spouse Employment

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SUMMARY

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Military Spouse Employment

Congress has constitutional authority over the armed forces, including the power to "to raise and support Armies," "to provide and maintain a Navy," and "to make Rules for the Government and Regulation of the land and naval Forces." Congress is thus responsible for legislating military pay and benefits, establishing personnel policies, and overseeing the implementation of Department of Defense (DOD) family programs. Military servicemembers and their families live and work in every state in the union, as well as in foreign nations, and military spouses and spouse advocacy groups make up a large and vocal constituency.

Servicemembers are often subject to change-of-station moves between U.S. states or overseas, which often means uprooting family members from their jobs, schools, and professional and social networks. In addition, servicemembers may be called on for deployments, travel, and atypical work schedules that can complicate spouses' ability to maintain full employment – particularly for those with children at home. Studies have found that while military spouses have similar or higher labor participation rates to civilian counterparts, they tend to have higher unemployment and underemployment than their non-military-connected counterparts. They also have challenges qualifying for job-related benefits like career development opportunities and vesting of employer contributions to retirement funds. This can lead to lower lifetime earnings, and inhibit wealth accrual for the family.

From the federal government's perspective, higher employment rates among military spouses can have a positive economic impact and contribute to economic growth. When military spouses are able to build a successful career, it can also bolster a family's financial stability during the time when a servicemember transitions out of the military into civilian employment. Spouses' inability to find employment or job dissatisfaction can also increase family and relationship stress, lower overall satisfaction with the military, and affect retention decisions.

In recognition that the transient and unpredictable nature of a career in military service can impose unique burdens on military spouses, Congress has authorized several initiatives to provide support for military spouse education, employment, and career development. These initiatives fall into three broad categories: (1) direct monetary or in-kind support from DOD (e.g., scholarships, license fee reimbursement, career counseling); (2) outreach and partnerships with states and private businesses; and (3) federal government hiring flexibilities. Recent evaluations of congressionally authorized employment programs have shown some positive outcomes, including higher workforce participation by military spouses. There are also several proposals in the 116th Congress that would enhance existing programs or create new authorities to incentivize military spouse hiring.

Contents

Introduction 1
Background 1
Barriers to Military Spouse Employment 3
Indicators for Spouse Employment Outcomes 4
Labor Force Participation, Unemployment, and Underemployment 4
Earnings Penalties 6
Effects of Military Spouse Employment 7
Military Spouse Employment Authorities and Programs 9
Spouse Education and Career Opportunities (SECO) 11
My Career Advancement Account (MyCAA) Scholarship Program 11
Military Spouse Employment Partnership (MSEP) 13
Occupational License Portability 14
Reimbursement of Relicensing Costs with PCS Moves 15
Interstate License Portability 15
Selected Hiring Flexibilities for Military Spouses 17
Noncompetitive Appointment Authority for Military Spouses 17
DOD Military Spouse Preference 23
Other Sources of Employment Support for Military Spouses 24
Selected Legislative Proposals in the 116th Congress 26
Employer Incentives to Hire Military Spouses; the Work Opportunity Tax Credit (WOTC) 26
Residency Protections for Military Spouses as Business Owners 26
Education Loan Forgiveness 26
Considerations for Congress 27
Program Awareness and Eligibility 27
Program Reporting and Evaluation 28
Other considerations 28

Figures

Figure 1. Percentage of Spouses by Service Branch and Spouse Gender 3
Figure 2. Comparison of Employment Status; Military Spouses and Married Civilian Women 5
Figure 3. Federal Initiatives for Military Spouses by Type of Support 25

Tables

Table A-1. Characteristics of Selected Federal Hiring Flexibilities for Military Spouses 30
Table B-1. Selected Legislation Related to Military Spouse Employment 32
Table B-2. Bills Introduced in the 116th Congress on Military Spouse Employment 34
Table C-1.U.S. Office of Personnel Management Rules on Noncompetitive Appointment of Certain Military Spouses 35

Table D-1. Noncompetitive Appointment of Certain Military Spouses as reported by Agencies on December 31, 2019 (Preliminary) 41
Table E-1. Commonly Used Abbreviations 44

Appendixes

Appendix A. Comparison of Federal Hiring Flexibilities for Military Spouses 30
Appendix B. Selected Legislation 32
Appendix C. OPM's Proposed Rule to Implement FY2019 Noncompetitive Appointment Provisions 35
Appendix D. FY2019 Report on the Noncompetitive Appointment of Certain Military Spouses 41
Appendix E. Abbreviations 44

Contacts

Author Information 44

Introduction

This report provides information and considerations for Congress with respect to military spouse employment policies and programs. The first section of this report provides background and data on military spouse demographics, employment indicators, and potential implications of negative employment outcomes for military spouses. The second section provides an overview of congressional and executive branch initiatives that have sought to improve employment outcomes for military spouses through (1) direct monetary or in-kind support from DOD (e.g., scholarships, license fee reimbursement, career counseling); (2) outreach and partnerships with states and private businesses; and (3) federal government hiring flexibilities. Next, the report discusses selected legislative proposals in the 116th Congress. The last section provides analysis of the perceived benefits and drawbacks of existing initiatives, and continuing considerations for Congress.

Background

DOD support for military spouse employment is part of an overall quality-of-life benefits package intended to enhance retention and readiness of the volunteer force. While private sector and other government employers provide benefits for families, such as subsidized health insurance and paid family leave, the military is unusual in the extent of benefits that it provides to married servicemembers and their families. For example, DOD pays servicemembers with *dependents* (typically a spouse and/or child(ren)) a higher basic housing allowance than single servicemembers.[1] Military families also benefit from employer-subsidized groceries through defense commissaries, K-12 education through DOD schools, free use of gyms and other installation facilities, and cash or in-kind benefits that support spouse education and employment. In recent decades these military family *quality-of-life* benefits have expanded in response to demographic and cultural shifts both in the military and in civilian society.

Through the first half of the 20th century, the military was largely composed of young unmarried men, many of whom were drafted into service. Those who were married were usually married to civilian women who did not work outside the home. For spouses who wanted to work outside the home, nonprofit organizations like the American Red Cross might help find employment; however, skilled, full-time employment could be difficult to find, particularly around rural or remote installations.

During the 1970s, a number of societal changes and a shift from the draft to the all-volunteer force (AVF) began to change the demographic composition of the civilian and military workforce.[2] Female participation in the civilian workforce grew rapidly from 39% in 1965 to a peak of 60% in 1999 and has remained above 56% since.[3] While men still account for a majority of military servicemembers, female representation has grown from 5% of the active duty force in

[1] The term *dependent* is defined in law (for example 10 U.S.C. §1072) and policy and is used to identify individuals or are eligible to receive certain DOD benefits based on their relationship to the servicemember, or *sponsor*. The amount of Basic Allowance for Housing (BAH) a servicemember receives is based on three factors: paygrade (rank), geographic location, and whether the servicemember has dependents (i.e., a spouse and or child(ren)).

[2] For more on the history of the draft and Selective Service System, see CRS Report R44452, *The Selective Service System and Draft Registration: Issues for Congress*, by Kristy N. Kamarck.

[3] Department of Labor (DoL), Bureau of Labor Statistics, *Women in the Labor Force: A Databook*, Employment status of the civilian noninstitutional population 16 years and over by sex, 1970s to date, https://www.bls.gov/opub/reports/womens-databook/2018/home.htm.

1975 to 17% in 2020.[4] Nationwide, the share of all married-couple households with two earners has increased slightly over time from 46.5% in 1975 to 49.4% in 2019, with a peak of 60.4% in 1996.[5] In married-couple households with children, more families are choosing to have both spouses in the workforce. In this population, the percentage of households with two working parents has grown from 43.4% in 1975 to 64.2% in 2019.[6]

Under the AVF, in order to compete with the civilian private sector for talent, the military expanded its efforts to recruit women and also recruit and retain married servicemembers. Today, 51% of the active duty force is married.[7] A large majority of the nearly 700,000 military civilian spouses are female, particularly in the active component (see **Figure 1**), and about half of active-duty spouses are age 30 or under.[8] Today it is more common than in the past for servicemembers to have a working spouse and for that spouse to have career or professional aspirations that may conflict with the vagaries and demands of the servicemember's military obligations.

[4] Defense Manpower Data Center, Active Duty Military Personnel by Service by Rank/Grade, June 2020, https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp.

[5] Office of the Under Secretary of Defense, Personnel and Readiness, *Population Representation in the Military Services; Historical Data for Active Component*, https://www.cna.org/pop-rep/2016/contents/contents.html.This includes married households with and without children. Bureau of Labor Statistics, *Employment Characteristics of Families - 2019*, April 21, 2020, https://www.bls.gov/news.release/famee.nr0.htm. Department of Labor (DoL), Bureau of Labor Statistics, *Women in the Labor Force: A Databook*, Employment status of the civilian noninstitutional population 16 years and over by sex, 1970s to date, https://www.bls.gov/opub/reports/womens-databook/2018/home.htm, Table 24B.

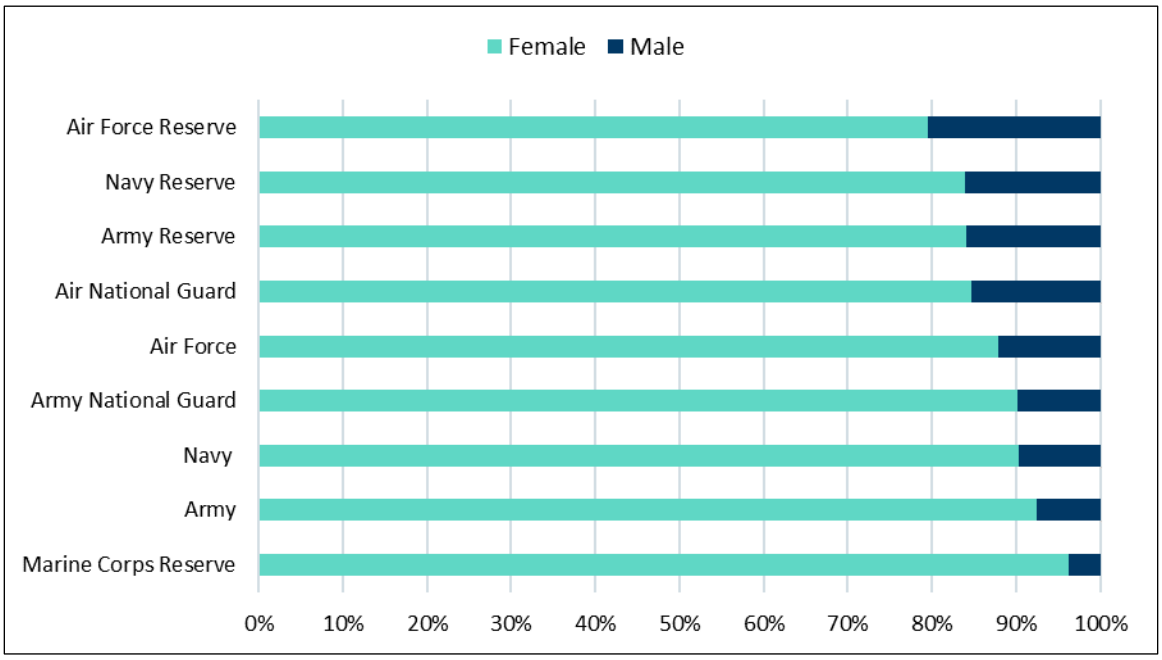
[6]Howard V. Hayghe, *Monthly Labor Review: Family Members in the Work Force*, Bureau of Labor Statistics, Table 3, March 1990, p. 17, https://www.bls.gov/opub/mlr/1990/03/art2full.pdf.. DOL, Bureau of Labor Statistics, *Employment Characteristics of Families - 2019*, April 21, 2020, https://www.bls.gov/news.release/famee.nr0.htm.

[7] Department of Defense, *2018 Demographics: Profile of the Military Community*, 2018, p. 46, https://download.militaryonesource.mil/12038/MOS/Reports/2018-demographics-report.pdf.

[8] DOD, *2018 Demographics: Profile of the Military Community*, 2018, pp. 46 and 135, https://download.militaryonesource.mil/12038/MOS/Reports/2018-demographics-report.pdf.

Figure 1. Percentage of Spouses by Service Branch and Spouse Gender

September 2018



Source: DOD, *2018 Demographics, Profile of the Military Community,* Defense Manpower Data Center, Active Duty Military Family File, September 2018, p. 134.

Barriers to Military Spouse Employment

Research on the perceptions of military spouses has found that more than half believe that their spouse's military service has hurt their work and career opportunities.[9] Researchers, spouses, and advocacy groups have cited several barriers to full employment for military spouses. These include

- Frequent and or unpredictable change of station moves.[10]
- Assignments to remote or economically depressed locations.[11]
- Servicemember deployments and atypical work hours.

Frequent relocations or permanent-change-of-station (PCS) moves are an often-cited military-related challenge for military spouses; such moves are associated with unemployment, underemployment, and lower earnings. In some cases, military families may be assigned to remote locations or areas with depressed local labor markets. In some localities, spouses may be unable to find a job, or the only jobs available are not commensurate with the individual's

[9] See for example, Laura Werber Castaneda and Margaret C. Harrell, "Military Spouse Employment: A Grounded Theory Approach to Experiences and Perceptions," *Armed Forces and Society*, vol. 34, no. 3 (2008), pp. 389-41; and U.S. Chamber of Commerce, *Military Spouses in the Workplace*, June 2017, p. 12, https://www.uschamberfoundation.org/sites/default/files/Military%20Spouses%20in%20the%20Workplace.pdf.

[10] Thomas J. Cooke and Karen Spiers, "Migration and Employment Among the Civilian Spouses of Military Personnel," *Social Science Quarterly*, vol. 86, no. 2 (June 2005), pp. 343-35.

[11] Bradford Booth et al., "The Impact of Military Presence in Local Labor Markets on the Employment of Women," *Gender and Society*, vol. 14, no. 2 (2000), p. 318–332.

education, experience, or career track. Additionally, servicemember absences due to deployment, temporary additional duty or temporary duty (TAD/TDY) absences, field training, or atypical work schedules (e.g., extended duty hours) are also commonly reported by military spouses with children as disincentives for them to seek full-time employment. This is largely due to the extra burdens associated with managing household tasks and childcare while the military servicemember is away from home.[12]

Frequent moves may lead to a resume filled with short-term jobs or a disjointed work history. For example, in a 2017 survey of military spouses, one respondent noted,

> Everywhere we go, I am forced to start from the beginning. I was an assistant manager in Virginia. Then a part-time cook in Rhode Island. Now I'm a Records Clerk in California.[13]

In addition, some military spouses perceive that employers are reluctant to hire them due to uncertainty about their tenure with the organization. In a non-randomized poll of military spouses about their top employment challenges, 41% reported "the company doesn't want to hire a military spouse because they may move."[14] Finally, with frequent moves, the spouse may lose his or her local professional network, leading to fewer job leads.

In terms of career development, military spouses may be ineligible for certain career development programs or other benefits due to short or unpredictable tenure in one location or with one employer. Working spouses with children may also may be less likely or able to take advantage of career-enhancing work assignments that require travel or irregular hours when the servicemember is deployed. As a result of some of these service-related challenges, data has shown that working military spouses may face barriers to labor force participation, suffer higher unemployment, and experience lifetime earnings penalties relative to their non-military-connected counterparts.

Indicators for Spouse Employment Outcomes

Data also indicates that military spouses who participate in the labor force have less favorable employment outcomes than their non-military-connected civilian counterparts. These include higher rates of unemployment and underemployment and lower earnings.

Labor Force Participation, Unemployment, and Underemployment

Based on 2017 data, DOD estimates that among civilian spouses of active duty servicemembers, 37% of enlisted and 43% of officer spouses are not in the labor force: neither employed nor actively seeking work (**Figure 2**). Department of Labor (DOL) statistics suggest that married women, in general, have lower labor participation rates than unmarried women.[15] The proportion of officer spouses participating in the workforce (57%) is similar to that of married civilian

[12] For more information on military childcare programs and support, see CRS Report R45288, *Military Child Development Program: Background and Issues*, by Kristy N. Kamarck.

[13] U.S. Chamber of Commerce; Hiring Our Heroes Foundation, *Military Spouses in the Workplace*, Understanding the Impacts of Spouse Unemployment on Military Recruitment, Retention, and Readiness, June 2017, p. 6, https://www.uschamberfoundation.org/sites/default/files/Military%20Spouses%20in%20the%20Workplace.pdf.

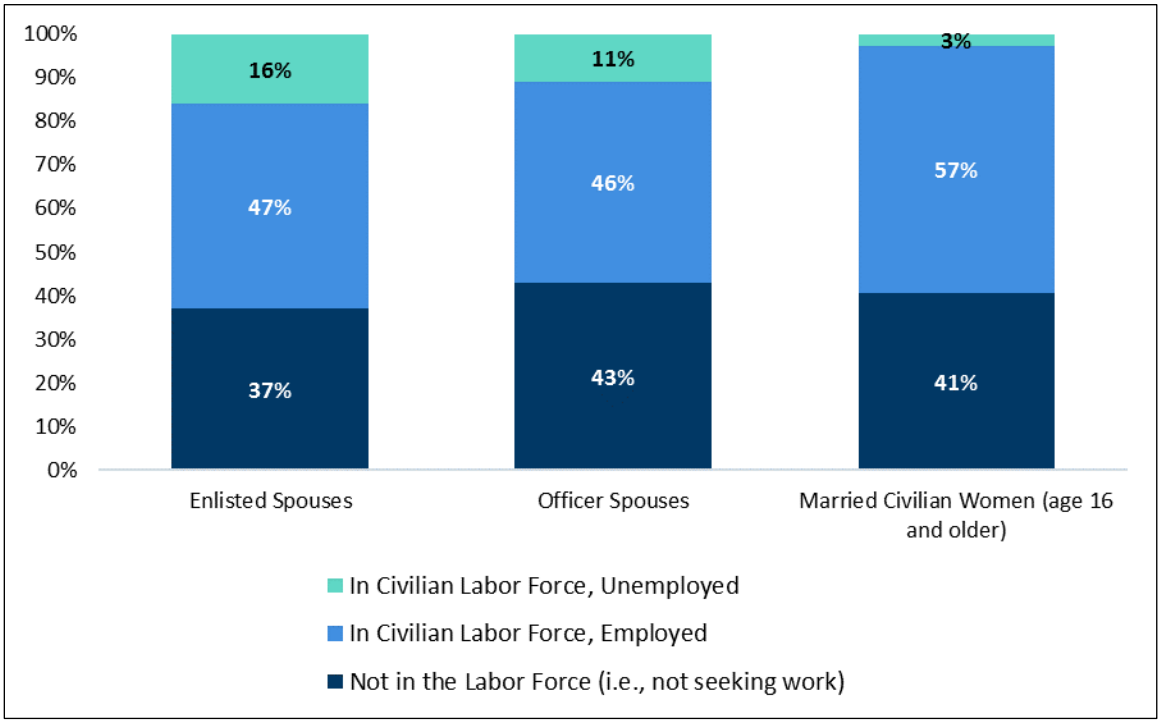
[14] Ibid., p. 10. This poll captured spouse's perceptions, and employers were not part of the poll.

[15] Labor force participation varies by marital status and differs between women and men. Never married women had the highest participation rate of all women at 64.3% in 2017. Divorced women (61.5%) and separated women (61.7%) were more likely to participate in the labor force than married women (58.2 %). Bureau of Labor Statistics, *Women in the Labor Force: A Databook*, Employment status of the civilian noninstitutional population 16 years and over by sex, 1970s to date, https://www.bls.gov/opub/reports/womens-databook/2018/home.htm.

women ages 16 and older (57%). However, spouses of enlisted members have slightly higher labor force participation rates (63%), but higher unemployment rates.

Figure 2. Comparison of Employment Status; Military Spouses and Married Civilian Women

2017



Source: DOD, *2018 Demographics, Profile of the Military Community,* Office of People Analytics (OPA) Survey of Active Duty Spouses, 2017, Table 5.21, p. 137, Bureau of Labor Statistics, *Women in the Labor Force: A Databook*, Employment status of the civilian noninstitutional population 16 years and over by sex, 1970s to date, https://www.bls.gov/opub/reports/womens-databook/2018/home.htm

Notes: Military spouses include both male and female spouses, however, comparisons are made with the married civilian women population due to the high percentage of female spouses in the military. Numbers may not add to 100 due to rounding.

Based on DOD and DOL data from 2017, approximately 25% of enlisted spouses in the labor force and 19% of officer spouses were seeking work, relative to 3% of married civilian women.[16] This suggests that military spouses who are actively seeking work have less labor market success in securing full-time employment.

While evidence on deployment impact is mixed, there is some evidence that factors associated with servicemember deployments may discourage labor force participation among military spouses.[17] Servicemembers' operational deployments typically last six months to one year; the

[16] Calculations based on DOD, *2018 Demographics, Profile of the Military Community,* Office of People Analytics (OPA) Survey of Active Duty Spouses, 2017, Table 5.21, p. 137, Bureau of Labor Statistics, *Women in the Labor Force: A Databook*, Employment status of the civilian noninstitutional population 16 years and over by sex, 1970s to date, https://www.bls.gov/opub/reports/womens-databook/2018/home.htm.

[17] Associated factors with deployments may include increased household workload for the remaining spouse or difficulties in finding adequate, affordable and flexible childcare. For example, a DOD-administered survey found that 40% of military spouse respondents cited a preference for staying at home with their children, 3% a preference for

length and frequency of deployments depends on the branch of service and the military occupational specialty.[18] Deployments have been correlated with small negative effects on enlisted spouse labor force participation during the period of deployment, and this effect was more pronounced for spouses with children under age six.[19] On the other hand, another study found that that there was no relationship between the *cumulative* number of career deployments and spouse employment over time.[20]

There are also indications that when spouses choose to participate in the labor force they experience less-favorable outcomes. As shown in **Figure 2**, military spouses participating in the workforce are more likely to be seeking work than their civilian counterparts. There is evidence to suggest that recent military PCS moves (within the past 12 months) increase spouse unemployment rates.[21] For example, a 2005 study found that migration through military moves was associated with a statistically significant decline in employment among civilian wives (10% decline), and a similar negative, but not statistically significant, effect among civilian men (6% decline).[22] Studies also show that working military spouses are underemployed or are employed with a field-of-study mismatch, meaning they may be overqualified, underpaid, or under-utilized in their current position relative to their non-military-connected civilian counterparts.[23]

Earnings Penalties

Frequent job changes, and bouts of unemployment or underemployment can be detrimental to lifetime earnings for military spouses and their families. For example, spouses who shift employers due to military moves are less likely to be eligible for promotions or bonuses based on tenure or may take salary cuts when moving to an area of the country with lower average earnings. Several studies have found that military spouses experience negative wage differentials with respect to matched nonmilitary counterparts.[24] In particular, one study found that working

homeschooling, and 12% cited child care costs as the reason for not seeking employment. Defense Manpower Data Center, *2012 Survey of Active Duty Spouses*, Briefing on the 2012 Survey of Active Duty Spouses (2012 ADSS), p. 44, https://download.militaryonesource.mil/12038/MOS/Surveys/ADSS1201-Briefing-Support-Deployment-Reintegration-PCS-WellBeing-Education-Employment.pdf. For a broader discussion of military childcare concerns, see CRS Report R45288, *Military Child Development Program: Background and Issues*, by Kristy N. Kamarck. Another plausible explanation for decreased labor force participation among military spouses during times of deployment is that servicemembers may be eligible to receive additional special pays and tax benefits (e.g., combat pay and combat zone tax exclusion). These benefits may increase household earnings and in some cases, make it less necessary for spouses to work.

[18] DOD has personnel tempo (PERSTEMPO) goals that seek a ratio of time deployed to time at home station. See CRS In Focus IF11007, *Defense Primer: Personnel Tempo (PERSTEMPO)*, by Kristy N. Kamarck.

[19] Bogdan Savych, *Effects of Deployments on Spouses of Military Personnel*, RAND Corporation, Santa Monica, CA, 2008, https://www.rand.org/pubs/rgs_dissertations/RGSD233.html.

[20] DOD, *Military Family Life Project: Active Duty Spouse Study*, Longitudinal Analyses 2010-2012, Project Report, March 2015, https://download.militaryonesource.mil/12038/MOS/Reports/MFLP-Longitudinal-Analyses-Report.pdf, p. 26.

[21] DOD, *Military Family Life Project: Active Duty Spouse Study*, Longitudinal Analyses 2010-2012, Project Report, March 2015, https://download.militaryonesource.mil/12038/MOS/Reports/MFLP-Longitudinal-Analyses-Report.pdf, p. 21.

[22] Thomas J. Cooke and Karen Spiers, "Migration and Employment Among the Civilian Spouses of Military Personnel," *Social Science Quarterly*, vol. 86, no. 2 (June 2005), pp. 343-35.

[23] Nelson Lim and David Schulker, *Measuring Underemployment among Military Spouses*, RAND Corporation, 2010, , p. 35. Blue Star Families, *Military Family Lifestyle Survey 2017*, Comprehensive Report, 2017.

[24] Sarah O. Meadows et al., "Employment Gaps Between Military Spouses and Matched Civilians," *Armed Forces and Society*, September 23, 2015. James Hosek et al., *Married to the Military: The Employment and Earnings of Military Wives Compared with those of Civilian Wives*, RAND Corporation, Santa Monica, CA, https://www.rand.org/content/

spouses who execute a PCS move experience an average reduction in earnings of $3,100 (14%) in that year.[25] Military spouses may also face challenges in trying to build wealth through retirement savings. Employer contributions to retirement plans (e.g., 401k plans) may require a vesting period – that is the employee may be required to work for a certain number of years before being eligible for the employer contributions. There are also other employer-provided benefits based on tenure, such as bonuses and vacation or sick leave accrual, for which military spouses may be ineligible, affecting both earnings and quality of life.

Effects of Military Spouse Employment

Military spouse employment can produce certain positive effects for individuals, the military, and the economy. National economic benefits may include increased labor force participation, productivity, and economic growth. A decline in labor force participation can lead to slower economic growth, a smaller tax base, and rising dependency ratios.[26] Military spouses, on average, have a higher education level than civilian spouses of a working age; about 40% have a college degree relative to 30% in the comparable civilian population.[27] Higher education has been associated with positive economic benefits for individuals (e.g., greater lifetime earnings potential[28]) and firms (e.g., increased labor productivity[29]), which, in turn, can contribute to national economic growth. Therefore, the government may see some positive returns in incentivizing labor participation by this demographic. One study estimated that the economic costs to the government of unemployment, underemployment, and reduced labor force participation among U.S. military spouses range from $710 million to $1.07 billion per year.[30] On the other hand, the societal value of unpaid work from those who choose not to participate in the labor force (e.g., caring for children, cooking, household chores, and other community volunteer activities) is not often counted in traditional economic measures.[31] Non-working military spouses

dam/rand/pubs/monograph_reports/2009/MR1565.pdf.

[25] Jeremy Burke and Amalia Miller, *The Effects of Military Change-of-Station Moves on Spousal Earnings*, RAND Corporation, Research Brief, Santa Monica, CA, 2016, https://www.rand.org/pubs/research_briefs/RB9920.html.

[26] Dependency ratios are indicators for the portion of the non-working population that is economically dependent on the working population. A rising dependency ratio indicates that there are fewer workers to support the non-working population. Edith S. Baker, *Down and down we go: the falling U.S. labor force participation rate*, U.S. Bureau of Labor Statistics, October 2018. Annemette Sorensen and Sara McLanahan, "Married Women's Economic Dependency," *American Journal of Sociology*, vol. 93, no. 3 (October 15, 2015), 659-687.

[27] Office of the President of the United States, Council of Economic Advisors, *Military Spouses in the Labor Market*, May 2018, p. 2.

[28] Over the course of a career, the median worker with a bachelor's degree earns nearly $1 million more than the median worker with a high school diploma. Office of the President, *Investing in Higher Education; Benefits, Challenges, and the State of Student Debt*, July 2016, p.4 https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160718_cea_student_debt.pdf. See also Social Security Administration, *Education and Lifetime Earnings*, November 2015, https://www.ssa.gov/policy/docs/research-summaries/education-earnings.html#:~:text=Men%20with%20bachelor's%20degrees%20earn,earnings%20than%20high%20school%20graduates.

[29] Sandra E. Black and Lisa M. Lynch, "Human-Capital Investments and Productivity," The American Economic Review, Vol. 86, No. 2, May 1996, pp. 263– 267.

[30] Costs to the government were estimated under the categories of lost income tax and unemployment and health care benefits paid. Blue Star Families, produced by Sorenson Impact Center and David Eccles School of Business, University of Utah, *Social Cost Analysis of the Unemployment and Underemployment of Military Spouses*, May 25, 2016, https://www.govexec.com/media/gbc/docs/pdfs_edit/053116kl1.pdf.

[31] James Bullard, "The Rise and Fall of Labor Force Participation in the United States," *Federal Reserve Bank of St. Louis Review*, First Quarter 2014, p. 9, Gus Wezerek and Kristen R. Ghodsee, "Women's Unpaid Labor is Worth $10,900,000,000,000," *New York Times*, March 5, 2020.

might also provide some harder-to-quantify benefits to their own households and to military communities through these types of unpaid activities.

There is broad diversity in background, skills, and aspirations of the military spouse population and not all military spouses want to participate in the workforce. However, for those that do, surveys have found that they are generally motivated by the desire to improve financial security for their families. Dual-income households in the United States are generally better off financially than single-income households.[32] Rising costs of living in parallel with slower wage growth in the civilian sector have made it more difficult for lower income households to support a comfortable lifestyle.[33] Some military family advocates have argued that while military pay has kept up with inflation, the cost of big ticket items (like homes, transportation, and education) has increased more rapidly, putting pressure on the finances of single-income families [34] On the other hand, military compensation compares favorably to civilian compensation with some studies finding that servicemember earnings are in the 80th to 90th percentile of earnings for civilians with similar education and experience.[35] In addition, military families generally benefit from lower health care costs than their civilian counterparts, and from in-kind housing or an inflation-adjusted housing allowance.

Another potential benefit of military spouse employment is more financial security for the family at the point of transition out of the military. If the civilian spouse has adequate employment to support the family, it can ease the pressure on the member to secure adequate post-service employment, or allow the servicemember to take advantage of education benefits (i.e., GI Bill) that he or she has earned.

Overall, there is consistent evidence to support the premise that for those who choose to participate in the labor force, unemployment damages psychological wellbeing and life satisfaction regardless of age, gender, level of education, ethnicity or geographic location.[36] While unemployment affects the well-being of all demographic groups, studies have found stronger negative effects for men and young people.[37] In addition, some studies have found that spousal job dissatisfaction and inability to find employment is associated with lower overall satisfaction

[32] In 2015, the median household income for families with two full-time working parents and at least one child under 18 at home is $102,400, compared with $84,000 for households where the father works full time and the mother works part time and $55,000 for households where the father works full time and the mother is not employed. Pew Research Center: Social and Demographic Trends, *Raising Kids and Running a Household: How Working Parents Share the Load*, November 4, 2015, https://www.pewsocialtrends.org/2015/11/04/raising-kids-and-running-a-household-how-working-parents-share-the-load/.

[33] Ben Casselman, *Inflation May Hit the Poor Hardest*, FiveThirtyEight, April 7, 2014, https://fivethirtyeight.com/features/inflation-may-hit-the-poor-hardest/.

[34] Comments by Holly Petreus at Brookings on October, 31, 2019. Adam Twardowski, *Highlights: Experts discuss military spouse (un)employment*, Brookings, October 31, 2019, https://www.brookings.edu/blog/order-from-chaos/2019/10/31/highlights-experts-discuss-military-spouse-unemployment/.

[35] Congressional Budget Office, *Approaches to Changing Military Compensation*, January 2002, https://www.cbo.gov/system/files/2020-01/55648-CBO-military-compensation.pdf. Beth J. Asch, *Setting Military Compensation to Support Recruitment, Retention, and Performance*, RAND Corporation, Santa Monica, CA, 2019, https://www.rand.org/pubs/research_reports/RR3197.html. CRS In Focus IF10532, *Defense Primer: Regular Military Compensation*, by Lawrence Kapp.

[36] Alex Wood, "Unemployment and Well-Being," in *Cambridge Handbook of Economics and Psychology*, ed. A. Lewis, 2nd ed. (Cambridge University Press, 2018).

[37] What Works Wellbeing, *Unemployment, (Re)employment, and Well-being*, March 2017, https://whatworkswellbeing.files.wordpress.com/2017/02/unemployment-reemployment-wellbeing-briefing-march-2017.pdf.

with the military.[38] As a result, the employment status and earnings of military spouses can lead to marital stress and influence the servicemember's decision about whether to remain in service. A 2017 study found that, on a scale of one to ten, 43% of spouses ranked equal employment opportunity between 8 and 10 as a factor in the stay-or-leave-the-military decision.[39] On the other hand, when spouses are unable to find adequate employment, the family may depend more on the military pay and benefits of the servicemember, creating a financial disincentive to separate from service.

Military Spouse Employment Authorities and Programs

Congress, the President, and certain federal agencies have instituted programs that aim to increase employment opportunities for military spouses at the federal, state, and local levels. Section 1784 of Title 10, U.S. Code**,** requires the President to "order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces." This section has its origins in the Military Family Act of 1985, which Congress enacted as part of the Department of Defense Authorization Act for FY1986.[40] This legislation first established a spousal employment assistance program as part of a larger package of family-focused legislation.[41] Among other things, this legislation established an Office of Family Policy within the Office of the Secretary of Defense (OSD), authorized DOD to survey military family members, and required the President to order such measures as necessary to increase employment opportunities for military spouses.[42]

Legislative Origins of the Military Family Act of 1985

On Aug. 27, 1984, Danny Holley, a 13-year old boy whose father was an Army sergeant stationed in Korea, committed suicide in California. Holley was distressed about his family's financial difficulties after having transferred from Germany to Fort Ord, California, and dealing with increased housing costs and other bureaucratic problems. Prior to having committed suicide, Holley told his mother, "If you didn't have me to feed, things would be better."[43] The suicide focused attention on the economic hardships facing military families, particularly those relying solely on one income in regions with a high cost of living.

During a congressional hearing on the DOD Authorization Act for FY1986, Rep. Patricia Schroeder stated:

"Some of our military families survive on food stamps and live in tents. More military families would be in those dire straits except that many military spouses work. Military spouses provide an average of 30% of a military family's total income, compared to 19% in civilian families.

Employment opportunities for spouses and dependents, however, are often limited. The unemployment rate for spouses in the military is 17%, three times the rate for civilian spouses, due to high unemployment rates in military

[38] U.S. Chamber of Commerce, *Military Spouses in the Workplace*, June 2017, p. 13, https://www.uschamberfoundation.org/sites/default/files/Military%20Spouses%20in%20the%20Workplace.pdf; and DOD, *Military Family Life Project: Active Duty Spouse Study*, Longitudinal Analyses 2010-2012, Project Report, March 2015, p. 3, https://download.militaryonesource.mil/12038/MOS/Reports/MFLP-Longitudinal-Analyses-Report.pdf.

[39] Ibid., p. 13.

[40] P.L. 99-145 §806.

[41] P.L. 99-145.

[42] This act was revised in the FY1996 NDAA (P.L. 104-106) and codified under 10 U.S.C. §1784.

[43] Robert Lindsey, "Military Families Struggle for Basics of Life," *The New York Times*, Sept. 9, 1984, p. 1, https://www.nytimes.com/1984/09/09/us/military-families-struggle-for-basics-of-life.html.

base areas, refusal of local employers to hire members of military families, or, in foreign countries, laws which prevent family members from working."

She further stated, "Now, we look at spouses and dependents, and employment has become an absolutely critical issue in this society, because as we know, most families cannot survive on one income alone. So, in the bill, we would really make an emphasis to do for the military what we have done in the foreign service. And that is to give spouses and dependents a preference." [44]

In the three decades following the Military Family Act, Congress amended the legislation several times to expand and enhance military spouse hiring authorities (see **Appendix B**). By 2001, DOD had begun to consider additional programs for employment support of military spouses. As part of the National Defense Authorization Act (NDAA) for Fiscal Year 2002 Congress directed DOD to conduct a review of existing, DOD, Federal, State, and nongovernmental programs for military spouse job training and education.[45] Congress asked DOD, as part of this review, to identify, "policies that affect employment and education opportunities for military spouses in the Department of Defense in order to further expand those opportunities."[46]

In addition, the FY2002 NDAA amended 10 U.S.C. §1784 by allowing the Secretary of Defense to: (1) make space-available use of facilities for spouse training purposes; (2) expand and facilitate the use of existing federal programs and resources in support of military spouse employment; (3) develop partnerships with private-sector firms to provide for improved job portability for spouses; and (4) seek ways to incorporate hiring preferences for military spouses with DOD contractors.

Concurrently, as directed by then-President George W. Bush, DOD issued a new strategic human capital plan in 2002 with a focus on military family quality of life issues and benefits.[47] In response to a Senate Armed Services Subcommittee on Personnel request, GAO reviewed DOD's strategic plan. GAO's 2002 assessment noted that while DOD outlined some metrics for assessing spouse employment programs, these measures were not adequate to determine which services were most effective in achieving program goals.[48]

In 2010, then-President Barack Obama directed his national security staff to develop a government-wide approach to supporting military families.[49] His office designated career and educational opportunities for military spouses as one of the four priority areas. This effort was intended to support military spouse employment through increased opportunities for federal and private-sector careers, increased access to education, reductions in inter-State barriers to employment and services, and protection of employment rights.[50] In 2012, GAO completed a

[44] Prepared Statement of Representative Patricia Schroeder, in U.S. Congress, House Committee on Armed Services, Defense Department Authorization and Oversight, hearings, 99th Cong., 1st sess., March 19, 1985, H.Hrg. (Washington, DC: GPO, 1985), pp. 4-8.

[45] P.L. 107-107 §571

[46] P.L. 107-107 §571(b).

[47] This plan was called *A New Social Compact: A Reciprocal Partnership Between the Department of Defense, Service Members and Families*. U.S. Government Accountability Office, *Military Personnel: Active Duty Benefits Reflect Changing Demographics, but Opportunities Exist to Improve*, GAO-02-935, September 18, 2002, p. 4, https://www.gao.gov/assets/240/235620.pdf.

[48] U.S. Government Accountability Office, *Military Personnel; Active Duty Benefits Reflect Changing Demographics, but Opportunities Exist to Improve*, GAO-02-935, September 2002, p. 9.

[49] Office of the President, *Strengthening Our Military Families; Meeting America's Commitment*, January 2011, https://permanent.access.gpo.gov/gpo6289/Strengthening_our_Military_January_2011.pdf.

[50] Ibid., p. 2.

congressionally mandated review of the military spouse employment programs.[51] GAO identified coordination gaps between these programs that led to some confusion among military spouses and difficulty navigating the benefits. In addition, the study found that DOD needed a more rigorous evaluation of program performance and effectiveness.

President Donald J. Trump has continued support for military spouse employment, issuing an Executive Order (E.O.) in 2018 Enhancing Noncompetitive Civil Service Appointments of Military Spouses.[52] This E.O. directs federal agencies to promote the use of noncompetitive hiring authorities for military spouses, and requires them to report annually on the use of such authorities.

Between 2002 and 2020, DOD and the Office of Personnel Management, supported by congressional authorizations, established several new policies and programs to support military spouse employment. During this time, DOD has also directed several studies aimed at developing a framework and processes for evaluating the impact of these programs.

Spouse Education and Career Opportunities (SECO)

In 2007, DOD established the Spouse Education and Career Opportunities (SECO) program under the purview of the Assistant Secretary of Defense for Readiness and Force Management's Military Community and Family Policy office. SECO is an umbrella program for a range of spouse education and employment initiatives. The objectives of the SECO program for military spouses are to (1) reduce unemployment and underemployment, and (2) reduce wage gaps between military spouses and their civilian counterparts. Elements of the SECO program are accessible to military spouses through the Military OneSource website. This website provides information on education and career resources as well as benefit eligibility. SECO also offers a call center with career counseling and sector-specific and situation-specific career coaching packages available for spouses of eligible members.[53] Sector-specific coaching includes categories like freelancing and gig economy, federal employment, health care careers, and information technology. Situation-specific categories include areas such as reentering the workforce and permanent change of station (PCS). Those eligible for coaching services include spouses of (1) current active-duty and reserve component members, (2) members separated from an active or reserve component for less than 365 days, and (3) members who died on active duty.[54] DOD reports that in FY2019, the SECO Career Counseling Center conducted over 159,000 virtual coaching sessions and maintained a 98% satisfaction rate among spouse users.[55]

My Career Advancement Account (MyCAA) Scholarship Program

DOD's My Career Advancement Account (MyCAA) Scholarship Program provides up to $4,000 in non-taxable scholarship funds for eligible military spouses for licensure and certification

[51] U.S. Government Accountability Office, *Military Spouse Employment Programs: DOD Can Improve Guidance and Program Monitoring*, GAO-13-60, December 2012, https://www.gao.gov/assets/660/650867.pdf.

[52] E.O. 13832 of May 9, 2018, 83 FR 22343, at https://www.federalregister.gov/documents/2018/05/14/2018-10403/enhancing-noncompetitive-civil-service-appointments-of-military-spouses.

[53] See MilitaryOneSource, SECO Coaching Packages, at https://myseco.militaryonesource.mil/portal/content/view/3898.

[54] Ibid.

[55] DOD, *Dependents Education, Operation and Maintenance, Defense-Wide*, Fiscal Year (FY) 2021 Budget Estimates, https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/budget_justification/pdfs/01_Operation_and_Maintenance/O_M_VOL_1_PART_1/DoDDE_OP-5.pdf, p. 23.

programs.[56] According to DOD, during FY2019 more than 18,500 spouses received education related financial assistance through MyCAA.[57]

MyCAA was first launched in 2007 as a joint demonstration program between DOD and the Department of Labor (DOL) and was offered at 18 installations in eight states with a maximum benefit of $3,000.[58] In 2008, Congress authorized education and training programs for military spouses as part of the FY2009 NDAA.[59] DOD then expanded the program across all installations and offered up to $6,000 in scholarship funds to support a broad range of degrees and certifications, including undergraduate and advanced degrees. However, due to concerns about a high number of enrollment requests and high costs (an estimated $250 million in benefits), DOD temporarily closed the program to new applicants in February 2010.[60] To ensure program sustainability, DOD relaunched a scaled-back program that

- Reduced the maximum benefit amount from $6,000 to $4,000.
- Limited eligibility to spouses of junior officers (O-1 and O-2), warrant officers (W-1 and W-2), and enlisted servicemembers (E-1 through E-5).
- Restricted the types of degrees and career fields that were eligible for funding to a license, certification, or associate's degree in a *portable* career field.[61]

MyCAA applicants are also required by DOD policies to undergo career counseling and to register for Military Spouse Employment Partnership (MSEP) (see below).

Congress later expanded the MyCAA program in the FY2020 NDAA.[62] This law extended eligibility to spouses of all active duty enlisted servicemembers (E-1 through E-9) and allowed for continued MyCAA eligibility for spouses of officers and warrant officers if the servicemember is promoted above eligibility paygrades after the spouse has begun a course of instruction. In addition, the law authorized payment to spouses of members of the Coast Guard to participate in the DOD program with reimbursement from the Department of Homeland Security (DHS) to DOD.[63] Finally, the law allowed military spouses to receive financial assistance for a license, certification, or associate's degree in any career field, removing the requirement that the area of study be in a portable career field.[64]

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[56] Funds are distributed to the qualified institution providing the education or training.

[57] DOD, *Dependents Education, Operation and Maintenance, Defense-Wide*, Fiscal Year (FY) 2021 Budget Estimates, https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/budget_justification/pdfs/01_Operation_and_Maintenance/O_M_VOL_1_PART_1/DoDDE_OP-5.pdf.https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/budget_justification/pdfs/01_Operation_and_Maintenance/O_M_VOL_1_PART_1/DoDDE_OP-5.pdf.

[58] Laura L. Miller et al., *An Early Evaluation of the My Career Advancement Account Scholarship for Military Spouses*, RAND Corporation, 2018, p. 6.

[59] P.L. 110-417 §582; 10 U.S.C. §1784a. There is a similar authorization for U.S. Coast Guard spouses under 14 USC §2904.

[60] Laura L. Miller et al., *An Early Evaluation of the My Career Advancement Account Scholarship for Military Spouses*, RAND Corporation, 2018, p. 7.

[61] DOD uses the Department of Labor's database of in-demand occupations to identify portable careers eligible for MyCAA tuition assistance. U.S. Government Accountability Office (GAO), *Military Spouse Employment Programs; DOD can Improve Guidance and Performance Monitoring*, GAO-13-60, December 2012, pp. 7-8, https://www.gao.gov/assets/660/650867.pdf.

[62] P.L. 116-92.

[63] P.L. 116-92 §580G.

[64] P.L. 116-92 §580F.

An Evaluation the MyCAA Program

A 2018 RAND Corporation study of early participation in the MyCAA program found some positive outcomes, including

- Increased workforce participation by program participants; MyCAA users were more likely to be in the workforce two years later than eligible non-users.
- Participation in the program is correlated with earnings growth over time.
- The program is reaching the highest-need demographic (i.e., spouses of enlisted members who had deployed and/or made a PCS move).
- Program completion rates compare favorably with completion rates among other certificate seekers. For example, 34% of military spouse users completed their MyCAA plan, whereas estimates for completion of a certificate program among students in the broader U.S. student population are 28% for full-time students and 12% for part-time students.
- Significantly higher continuation rates over a 4-year period for servicemembers married to MyCAA users.[65]

This study also noted that some in Congress had raised concerns about the share of funding directed towards private for-profit institutions and the outcomes for spouses who participated in courses with these institutions. For the cohort examined, 62% of the funding went to private for-profit institutions, while 33% was spent at public nonprofits. Completion rates were similar for private for-profit (36%) and public nonprofit (33%). Completion rates were higher for institutions that offered classroom only instruction (60%) relative to those that offered online only instruction (24%). In addition, for-profit graduates as a group experienced greater growth in employment between 2009 and 2013 than graduates from public nonprofit institutions.

Military Spouse Employment Partnership (MSEP)

In the FY2002 NDAA, Congress directed DOD to partner with the United States Chamber of Commerce and with private-sector employers to enhance private employment opportunities for military spouses.[66] The Military Spouse Employment Partnership (MSEP) is one such effort by DOD to build these partnerships. The MSEP was launched by DOD in June 2011, and expanded on an existing Army initiative (Army Spouse Employment Program) that had been in place since 2003.[67] The centerpiece of MSEP is a web-based job search and recruitment platform that links military spouses with potential employers. Participating employers are subject to a screening process and are required to sign a statement of support for military spouses, committing to

- Identify and promote portable and sustainable career and employment opportunities,
- Post job openings and provide a link to their human resources employment page on the MSEP Partner Portal, and
- Mentor new MSEP partners.

In addition, to qualify as an MSEP partner, businesses should have demonstrated five or more years of business experience with a good track record, financial stability and broad diversity efforts, facilities in more than one state or region, and at least thirty available employment opportunities.[68] The company may not charge spouses any fees for employment opportunities.

[65] Laura L. Miller et al., *An Early Evaluation of the My Career Advancement Account Scholarship for Military Spouses*, RAND Corporation, 2018, https://www.rand.org/pubs/research_reports/RR2093.html.

[66] P.L. 107-107 §571.

[67] Gabriella C. Gonzalas et al., *Evaluation of the Military Spouse Employment Partnership*, RAND Corporation, 2015, https://www.rand.org/pubs/research_reports/RR1349.html.

[68] Military Onesource, at https://msepjobs.militaryonesource.mil/msep/become-a-partner.

Applications for partnership are vetted by the Military Community and Family Policy office.[69] The number of partners has grown from 48 in 2010 under the Army-led program to over 420 partners in 2019.[70] Participating companies may benefit from this program through access to talent through the job search portal, and through brand recognition in DOD promotional materials, events, and social media.

In 2014, as part of the FY2015 NDAA, Congress directed data collection on military spouse employment and an evaluation of MSEP's effectiveness in (1) reducing unemployment and underemployment and (2) reducing the wage gap between military spouses and their civilian counterparts.[71] A 2015 evaluation of MSEP by the RAND Corporation revealed several positive attributes of the program, including geographic reach and employer representation from many high-interest career fields.[72] However, researchers noted that fewer than 50% of employer partners offered telework. Other program criteria might limit participation by certain companies that could offer more flexible work arrangements. In particular, the study pointed to companies in the technology industry as potentially attractive employers; however, these companies might be less likely to have a physical presence in more than one state or region, and may not have been in business for the required five-year minimum.

Occupational License Portability

Generally, the purposes of occupational licensing and certification are to ensure that practitioners have and maintain a minimum level of qualifications and proficiency and to protect the health and safety of consumers. Common occupations that may require licenses include nursing, teaching, real estate, and law. DOD data from 2017 suggests that approximately 36% of employed military spouses work in professional fields that require licenses.[73] While there are some federal occupational licenses, typically each state sets its own licensing requirements. These can vary widely.

While occupational licensing can result in helpful quality controls and consumer protections, it can also create barriers to labor market entry or impede worker mobility.[74] Interstate variability in licensing requirements may impose additional burdens on working spouses of military servicemembers who are subject to military PCS moves every two to three years. A 2012 report by DOD and the Department of the Treasury found that military spouses were ten times as likely to have moved across state lines in the previous year as their civilian counterparts.[75] Differences in state licensing requirements may require spouses to take additional courses, credit hours, background checks, or exams, and pay the associated costs. These additional requirements can be disincentives for military spouses to remain in the labor market following a PCS move.

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[69] Gabriella C. Gonzalas et al., *Evaluation of the Military Spouse Employment Partnership*, RAND Corporation, 2015, p. 12, https://www.rand.org/pubs/research_reports/RR1349.html.

[70] Ibid, p. 17; and as reported by DOD, *Dependents Education, Operation and Maintenance, Defense-Wide*, Fiscal Year (FY) 2021 Budget Estimates.

[71] P.L. 113-291§568

[72] Gabriella C. Gonzalas et al., *Evaluation of the Military Spouse Employment Partnership*, RAND Corporation, 2015, p. 12, https://www.rand.org/pubs/research_reports/RR1349.html.

[73] DOD, *Military Spouses Demographics and Employment Information*, 2018.

[74] Morris M. Kleiner, *Reforming Occupational Licensing Policies*, Brookings, March 2015, pp. 5-6.

[75] Department of the Treasury and Department of Defense, *Supporting our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines*, February 2012, p. 3, https://archive.defense.gov/home/pdf/Occupational_Licensing_and_Military_Spouses_Report_vFINAL.PDF.

From as early as 2002, DOD has been working with the DOL to resolve issues related to state residency and licensing requirements.[76] Congress has taken several actions to address license portability issues for military spouses. These include

- Reimbursing spouses for costs associated with relicensing following a move,
- Promoting interstate compacts for license reciprocity, and
- Promoting expedited or provisional licensing for military spouses.

Reimbursement of Relicensing Costs with PCS Moves

The FY2018 NDAA (P.L. 115-91 §556) first authorized the reimbursement of *qualified relicensing costs* up to $500 for military spouses as part of travel and transportation allowances associated with a permanent change of station move. Qualified relicensing costs include exam and registration fees that are

- Imposed by the state of the new duty station to secure a license or certification to engage in the same profession that the spouse of the member engaged in while in the state of the original duty station; and
- Paid or incurred by the member or spouse to secure the license or certification from the state of the new duty station after the date on which the orders directing the reassignment are issued.[77]

In the FY2020 NDAA, Congress raised the maximum reimbursement to $1,000, required the Secretary of Defense to perform an analysis of whether that amount is sufficient to cover average relicensing costs, and extended the sunset date for the authorization from December 31, 2021, to December 31, 2024. Currently, this authorization only applies to PCS moves within the United States and is generally not applicable for moves to a foreign country. In some occupations, a state-issued license may be valid for U.S. government and contracting jobs overseas.

Interstate License Portability

The Defense State Liaison Office, under the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy, has primary oversight within DOD for outreach to state governors, legislatures, and other officials. This office has eight regional liaisons and works to promote state-level legislation and policies that support servicemembers and their families. One of these policy areas is occupational licensing and transferability for both military spouses and servicemembers who are separating from the force and seeking civilian jobs.

Congress has taken some action to provide incentives for states to improve license portability. The FY2020 NDAA (P.L. 116-92) included authorization for DOD to enter into a cooperative agreement with the Council of State Governments to reduce relicensing burdens on military spouses.[78] The law authorizes up to $4 million per fiscal year for assistance in the development of interstate compacts with a limit of $1 million per compact. This authority expires on September 30, 2024, and DOD is required to submit an annual report to the congressional Armed Services Committees on the compacts developed under this authority.

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[76] U.S. Government Accountability Office, *Military Personnel: Active Duty Benefits Reflect Changing Demographics, but Opportunities Exist to Improve*, GAO-02-935, September 18, 2002.

[77] 37 U.S.C. §476(p).

[78] Codified in 10 U.S.C. §1784(h). The Council of State Governments was formed in 1933 as a forum for states to exchange policy ideas and practice. See https://www.csg.org/.

What are interstate licensure compacts?

Interstate licensure compacts are essentially agreements between states that allow individuals to obtain a multistate license applicable to any state that is part of the compact. Typically the individual must have residency in one of the compact states. For example, if a military spouse's primary residency is Florida, and his or her spouse is transferred to Texas, as long as both states are members of a licensure compact, the spouse should be able to practice in Texas under his or her Florida multistate license without having to apply for a Texas license. Entering into a compact often requires state governments to adopt legislation with certain criteria and requirements for their own state licensing.

One example of these compacts is the Nurse Licensure Compact, administered by the Interstate Commission of Nurse Licensure Compact Administrators. According to this organization, there are 34 states participating in this compact.[79]

Various groups have noted some remaining gaps in support for military spouse relicensing. For instance, the National Conference of State Legislators found that,

> while most states have passed legislation to address licensure barriers faced by military spouses, these efforts vary widely by occupational area and strength of the legislative language. Specifically, the terms "may" and "shall" in legislation meant to remove barriers have resulted in a variety of approaches to military spouse licensure.[80]

This group recommended implementing professional development programs for practitioners at state licensing authorities, and better data collection on military spouse licensure at the state level. Other NCSL recommendations for state policymakers include

- Licensing fee waivers,
- Expedited application review,
- Increasing the use of temporary or provisional licenses, and
- Licensure by endorsement.[81]

Some of these policy solutions (like fee waivers) may also support veterans transitioning to civilian employment. With regard to policy solutions at the federal level, Congress may elect to consider the balance of federal versus states' rights to regulate economic activity, including licensing requirements.[82] Additionally, there are opportunities for the federal government to incentivize these measures by the states. Other areas of congressional oversight include monitoring the amount of DOD spending on reimbursement of relicensing fees and monitoring the effectiveness of existing support to state licensure compacts that is scheduled to expire in 2024 (see "Interstate License Portability").

[79] National Council of State Boards of Nursing (NCSBN), at https://www.ncsbn.org/nurse-licensure-compact.htm.

[80] Amanda Winters, Rachel Stephens, and Jennifer Schultz, *Barriers to Work: Improving Access to Licensed Occupations for Veterans and Military Spouses*, National Conference of State Legislatures, 2018, https://www.ncsl.org/Portals/1/Documents/Labor/Licensing/vetsFamilies_v03_web.pdf.

[81] Licensure by endorsement is a process whereby a board issues a permanent license without further examination to applicants who hold a valid license in another jurisdiction with similar standards.

[82] Under the federalist system of the United States, state governments have the general authority, within constitutional limits, to enact laws to provide for the public health, safety, and morals of the states' inhabitants. For more on the limits of federalism, see CRS Report R45323, *Federalism-Based Limitations on Congressional Power: An Overview*, coordinated by Andrew Nolan and Kevin M. Lewis.

Selected Hiring Flexibilities for Military Spouses

Congress and the Executive Branch have established hiring flexibilities for certain military spouses in an effort to enhance their recruitment into the federal government. In general, these flexibilities aim to enhance recruitment of military spouses by waiving or streamlining certain competitive hiring requirements affiliated with the traditional federal hiring process, or by providing selection priority during the hiring process. Two notable hiring flexibilities exist exclusively for military spouses: (1) a government-wide noncompetitive appointment hiring authority and (2) a hiring preference for DOD positions.[83] The two flexibilities employ different mechanisms to make it easier for qualified military spouses to obtain federal positions. The noncompetitive appointment authority increases spouse eligibility for federal positions and alters the federal hiring process by waiving certain competitive hiring requirements. The hiring preference, in contrast, does not alter eligibility or the hiring process, but instead provides spouses with selection priority during the process. (See below for a comparison of selected characteristics for each flexibility.)

Noncompetitive Appointment Authority for Military Spouses

Federal agencies are authorized to noncompetitively appoint certain military spouses to civil service positions in the competitive service.[84] The noncompetitive appointment authority for military spouses derives from

- Executive Order 13473, issued by President George W. Bush on September 25, 2008,[85] and final rules to implement the order.[86]
- Executive Order 13832, issued by President Donald J. Trump on May 9, 2018.[87]
- Statutory provisions codified at 5 U.S.C. §3330d. These provisions were enacted in the FY2013, FY2017, and FY2019 National Defense Authorization Acts

[83] Additional hiring flexibilities exist that apply to, but are not exclusively designated for, military spouses, and thus are beyond the scope of this report. For example, DOD offers a hiring preference to family members of active duty servicemembers that relocate to a duty station in a foreign area. For more information, see https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/1400.25-V1232.pdf. Another example is derived preference, which allows a servicemember's family members to claim veterans' preference in certain circumstances. See CRS Report R44652, *Federal Government Employment: Veterans' Preference in Competitive Examination*, by Benjamin Collins.

[84] The competitive service includes (a) all civilian positions in the federal executive branch unless specifically excepted therefrom by or pursuant to statute or by the Office of Personnel Management (OPM) under 5 C.F.R. §6.1. and (b) all positions in the federal legislative branch and the federal judicial branch and in the District of Columbia Government which are specifically made subject to the civil service laws by statute. OPM determines finally whether a position is in the competitive service (5 C.F.R. §1.2). Competitive position means a position in the competitive service (5 C.F.R. §1.3(b)). Competitive status means basic eligibility to be noncompetitively selected to fill a vacancy in a competitive position. It is acquired by career-conditional or career appointment through open competitive examination upon satisfactory completion of a probationary period, or may be granted by statute, executive order, or the Civil Service Rules without competitive examination. (5 C.F.R. §1.3(c)).

[85] U.S. Presidents (George W. Bush), Executive Order 13473, To Authorize Certain Noncompetitive Appointments in the Civil Service for Spouses of Certain Members of the Armed Forces, September 25, 2008, *Federal Register*, vol. 73, September 30, 2008, pp. 56703-56704, at https://www.govinfo.gov/content/pkg/FR-2008-09-30/pdf/E8-23125.pdf.

[86] Title 5 of the *Code of Federal Regulations* (*C.F.R.*) at 5 C.F.R. Part 315, Subpart F, §315.612.

[87] U.S. Presidents (Trump), Executive Order 13832, Enhancing Noncompetitive Civil Service Appointments of Military Spouses, May 9, 2018, *Federal Register*, vol. 83, May 14, 2018, pp. 22343-22345, at https://www.govinfo.gov/content/pkg/FR-2018-05-14/pdf/2018-10403.pdf.

(NDAAs).[88] The rule proposed by OPM would also give effect to the statutory provisions.

E.O. 13473 allowed a federal executive agency to make noncompetitive appointments of certain military spouses of members of the Armed Forces to civil service positions in the competitive service .[89] OPM refers to the E.O. as the original authority for the noncompetitive appointments. Section 1 of the E.O. established the policy that the appointments were

> to provide for the appropriately expedited recruitment and selection of spouses of members of the Armed Forces … as part of the effort of the United States to recruit and retain in military service, skilled and experienced members of the Armed Forces and to recognize and honor the service of such members injured, disabled, or killed in connection with their service.[90]

OPM stated that the appointing authority is

> a government wide initiative that allows agencies to appoint certain military spouses without using traditional competitive examining procedures.[91]

Agencies can choose to use this authority when filling competitive service positions on a temporary (not to exceed 1 year), term (more than 1 year but not more than 4 years), or permanent basis. The authority does not entitle spouses to an appointment over any other applicant and] it is used at the discretion of an agency.[92]

Eligibility for Noncompetitive Appointment

OPM's 2009 rule limited eligibility under this authority to spouses who were relocating as a result of permanent change of station (PCS) orders, spouses of servicemembers who incurred a 100% disability because of the servicemember's active duty service, and the un-remarried widows or widowers of servicemembers who died while on active duty.[93] The rule also restricted the use of the authority for a permanent appointment to once per set of PCS orders, and established a two-year limitation on the period of time that it could be used following a relocation.

On August 31, 2011, OPM published a final rule removing the two-year eligibility limitation for noncompetitive appointment for spouses of servicemembers who incurred a 100% disability or who were killed while on active

[88] Division A, Title V, Subtitle G, §566(a) of P.L. 112-239, National Defense Authorization Act (NDAA) for Fiscal Year 2013, enacted on January 2, 2013 (126 Stat. 1749), as amended by Division A, Title XI, Subtitle C, §1131 of P.L. 114-328, NDAA for Fiscal Year 2017, enacted on December 23, 2016 (130 Stat. 2457) and Division A, Title V, Subtitle H, §573 of P.L. 115-232, NDAA for Fiscal Year 2019, enacted on August 13, 2018 (132 Stat. 1779). As discussed later in this section of the report, P.L. 115-232 provides a temporary expansion of the noncompetitive appointment authority. The provisions will expire on August 12, 2023. Upon expiration, the provisions of 5 U.S.C. §3330d that were amended or repealed by P.L. 115-232 "are restored or revived as if such section had not been enacted."

[89] "Executive agency" means an Executive department, a Government corporation, and an independent establishment (5 U.S.C. §105), but does not include the Government Accountability Office. "Armed forces" means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard (10 U.S.C. §101(a)(4)).

[90] 73 *Federal Register* 56703.

[91] U.S. Office of Personnel Management, Delegated Examining Operations Handbook: A Guide for Federal Agency Examining Offices, June 2019, p. Glossary-9. According to OPM, "In the competitive service, individuals must go through a competitive hiring process (i.e., competitive examining) before being appointed which is open to all applicants. This process may consist of a written test, an evaluation of the individual's education and experience, and/or an evaluation of other attributes necessary for successful performance in the position to be filled." (U.S. Office of Personnel Management, Hiring Information, Hiring Authorities, at https://www.opm.gov/policy-data-oversight/hiring-information/hiring-authorities/).

[92] Information provided to CRS by OPM staff by electronic mail on August 6, 2020.

[93] 85 *Federal Register* 32304.

duty.[94] The rule became effective on September 30, 2011. OPM noted that the change provides such spouses with unlimited eligibility for noncompetitive appointment to further facilitate their entry into the civil service.[95] In support of this change, OPM cited a finding by the Department of the Navy's Spouse Employment and Empowerment Integrated Process Team (IPT) that, "spouses of service members who were killed or who became 100% disabled while on active duty had been unable to make use of the noncompetitive hiring authority within the two-year eligibility period due to their bereavement, convalescent care responsibilities, dependent care responsibilities, or their need to undergo education or training."[96]

The FY2019 NDAA temporarily expanded aspects of the noncompetitive appointment authority for spouses of active duty servicemembers.[97] The act expanded eligibility criteria to include all active duty spouses rather than only those who relocate as part of a PCS move. The act also allowed active duty spouses to use the authority for multiple permanent appointments rather than one permanent appointment per PCS. However, OPM has the authority to limit the total number of appointments for active duty spouses who do not relocate with a servicemember. The temporary expansions will expire on August 13, 2023.[98]

Currently, three categories of military spouses are eligible for the noncompetitive appointment authority pursuant to 5 U.S.C. §3330d, which are listed below. The eligibility and usage requirements vary for each group, which are further described in **Appendix A**.

- Spouse of servicemember on active duty.
- Spouse of a retired, separated, or discharged servicemember with a 100% service-connected disability.
- Un-remarried spouse of a servicemember who dies on active duty.

On May 9, 2018, President Donald J. Trump issued E.O. 13832 to enhance the noncompetitive appointment of military spouses to civil service positions in the competitive service.[99] The E.O. emphasized retention, readiness, and family well-being as motivating factors for the policy change, stating,

> This policy will assist agencies in tapping into a pool of talented individuals and will promote the national interest of the United States and the well-being of our military families. It will also help retain members of the Armed Forces,[100] enhance military readiness, recognize the tremendous sacrifices and service of the members of our Armed

[94] The rule became effective on September 30, 2011. U.S. Office of Personnel Management, "Noncompetitive Appointment of Certain Military Spouses," Final Rule, *Federal Register*, vol. 76, August 31, 2011, pp. 54071-54072, at https://www.govinfo.gov/content/pkg/FR-2011-08-31/pdf/2011-22268.pdf. See also, U.S. Office of Personnel Management, "Noncompetitive Appointment of Certain Military Spouses," Proposed Rule, *Federal Register*, vol. 76, March 10, 2011, pp. 13100-13101, at https://www.govinfo.gov/content/pkg/FR-2011-03-10/pdf/2011-5459.pdf.

[95] 76 *Federal Register* 54071.

[96] Ibid.

[97] P.L. 115-232, §573.

[98] Upon expiration, the provisions of 5 U.S.C. §3330d that were amended or repealed by Sec. 573 of P.L. 115-232 "are restored or revived as if such section had not been enacted."[98]

[99] Sec. 1(a) of the Executive Order provides that "Military spouse" means (i) the husband or wife of a member of the Armed Forces who, as determined by the Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station; (ii) the husband or wife of a totally disabled retired or separated member of the Armed Forces; or (iii) the unremarried widow or widower of a member of the Armed Forces killed while performing active duty.

[100] Sec. 1(b) of the Executive Order provides that "Member of the Armed Forces" means an individual who: (i) Is serving on active duty in the armed forces under orders specifying the individual is called or ordered to active duty for more than 180 consecutive days, has been issued orders for a permanent change of station, and is authorized for dependent travel (*i.e.*, the travel of the servicemember's family members) as part of the orders specifying the individual's permanent change of station; (ii) Retired from active duty in the armed forces with a service-connected disability rating of 100% as documented by a branch of the armed forces, or retired or was released or discharged from active duty in the armed forces and has a disability rating of 100% as documented by the Department of Veterans Affairs; or (iii) Was killed while serving on active duty in the armed forces. (5 CFR §315.612(b)(4)).

> Forces and their families, and decrease the burden of regulations that can inhibit the entry of military spouses into the workforce.[101]

Section 3 of the E.O. directs agencies[102] and OPM to take specific actions to promote the hiring of military spouses. When filling vacant positions in the competitive service, agencies are directed, to the greatest extent possible, to "indicate in job opportunity announcements (JOAs)" that candidates will be considered under the military spouse hiring authority,[103] in addition to those candidates who are identified on the certificate for a position or through other hiring authorities. Agencies are also to "actively advertise and promote the hiring authority and actively solicit applications from military spouses for posted and other agency positions (including through USAJOBS)."[104]

Under the E.O., OPM's ongoing responsibilities are to

> [C]onsider whether changes to 5 C.F.R. §315.612 are appropriate to account for cases in which there are no agency job openings within the geographic area of the permanent duty station of the member of the Armed Forces for which the member's spouse is qualified.
>
> [P]eriodically circulate notifications concerning the military spouse hiring authority and its eligibility requirements to each agency's Chief Human Capital Officer or the agency's equivalent officer, for such officer to transmit to appropriate offices and to notify eligible populations.[105]

In addition, the agencies are to report to OPM and DOL by December 31 of each year describing actions taken to advertise and promote the military spouse hiring authority. The report must include the number of

- positions made available,
- applications submitted, and
- military spouses appointed during the preceding fiscal year.[106]

Within 180 days of the order, OPM was to have "educate[d] agencies" about the hiring authority and ensured that human resources personnel and hiring managers were briefed on its effective use. OPM was also to have provided any appropriate guidance to clarify the provisions of the Telework Enhancement Act of 2010 (P.L. 111-292) and ensured that the briefings for personnel and managers included techniques for effectively using telework.[107] On May 29, 2020, OPM published a proposed rule to implement the noncompetitive appointment of certain military spouses.[108] (See discussion of the proposed rule and side-by-side comparison with existing rules in **Appendix C**.)

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[101] Sec. 2(b) of the Executive Order, at 83 FR 22343.

[102] Sec. 1(c) of the Executive Order provides that "Agency" has the meaning set forth in 5 U.S.C. §3330d."Executive agency" means an Executive department, a Government corporation, and an independent establishment (5 U.S.C. §105), but does not include the Government Accountability Office. (5 U.S.C. §3330d(a)(2))

[103] Sec. 1(d) of the Executive Order provides that "Military spouse hiring authority" refers to the appointment authority at 5 U.S.C. §3330d and 5 C.F.R. §315.612.

[104] Sec. 3(a)(b) of the Executive Order, at 83 FR 22343-22344.

[105] Sec. 3(c)(d) of the Executive Order, at 83 FR 22343-22344.

[106] Sec. 3(f) of the Executive Order at 83 FR 22344.

[107] Sec. 3(e) of the Executive Order, at 83 FR 22344.

[108] Comments on the proposed rule were to be submitted to OPM by July 28, 2020.U.S. Office of Personnel Management, "Noncompetitive Appointment of Certain Military Spouses," Proposed Rule, *Federal Register*, vol. 85, May 29, 2020, pp. 32304-32308, at https://www.govinfo.gov/content/pkg/FR-2020-05-29/pdf/2020-10768.pdf.

Noncompetitive Appointment Implementation and Reporting Requirements

The OPM Director administers the E.O. and is to report annually to the President on its implementation and "any recommendations for improving the hiring of military spouses, including steps to enhance" the hiring authority's effectiveness. The report, prepared in coordination with the Secretary of Labor, through the Assistant to the President for Domestic Policy, is to include recommendations developed through consultation with the Secretaries of Defense and Homeland Security on actions to improve the portability of licenses and remove barriers to hiring military spouses.[109]

The FY2019 NDAA also directed OPM to collect data and report on the use and effectiveness of the noncompetitive appointment authority to the House Committee on Oversight and Reform of the House of Representatives and the Senate Committee on Homeland Security and Governmental Affairs.[110] Under this law, OPM was required to

- monitor the number of appointments;
- require each agency that uses the authority to submit annual reports on the total number of individuals appointed, the types of positions filled, and the effectiveness of the authority; and
- submit a report to the House Committee on Oversight and Reform and the Senate Committee on Homeland Security and Governmental Affairs on the use and effectiveness of the authority no later than February 18, 2019.

OPM first submitted the congressionally mandated report, including preliminary data, to Congress on June 11, 2020 (see Appendix Table D-1). The report stated that a total of 2,172 military spouses in 17 agencies were hired under the appointment authority. The reporting agencies found that the "authority is an effective and valuable flexibility that expanded access to another pool of qualified applicants."[111] DOD and the VA reported the highest use of the appointment authority, followed by the Social Security Administration (SSA), and the Department of Homeland Security (DHS).

[109] Sec. 4 of the Executive Order, at 83 *Federal Register* 22344.

[110] P.L. 115-232 §573.

[111] U.S. Office of Personnel Management, Letter (with Enclosure) to the Honorable Carolyn B. Maloney, Chairwoman, House Committee on Oversight and Reform, June 11, 2020. Provided to CRS by U.S. Office of Personnel Management staff by electronic mail on June 12, 2020.

OPM's Implementation of the Noncompetitive Appointment Authority

The Office of Personnel Management continues to engage in the following activities to implement and administer the noncompetitive appointment authority for military spouses.[112]

- Prescribing the rules that are codified at 5 C.F.R. §315.612.
- Providing guidance to executive agencies on the use of the appointment authority.[113]
- Providing technical assistance to executive agencies on the operation of the appointment authority.
- Encouraging executive agencies to use the appointment authority.[114]
- Maintaining regular communication and a partnership with DOD to distinguish between the noncompetitive appointment authority at 5 U.S.C. §3330d and military preference under Title 10 of the *United States Code*.
- Educating military spouses about their eligibility for noncompetitive appointment and assisting them in understanding the federal hiring process.
- Informing military spouses about federal job opportunities outside DOD.[115]
- Conducting oversight of the implementation and use of the authority, including issuing reports.[116]

OPM's activities related to outreach for the appointment authority have included the following.

- Consulting with military spouses, in person, through arrangements with such organizations as the American Legion, Veterans' service organizations, and the U.S. Chamber of Commerce.[117]
- Conducting workshops and panels that discuss federal employment opportunities for military spouses.
- Participating in meetings[118] to encourage executive agencies to make military spouse hiring a top priority.
- Participating in special programs, such as the Hiring Our Heroes Career Summits[119] that include discussion of the military spouse appointment authority.
- Incorporating a special (green) button into the USAJOBS.gov[120] website to automatically direct military spouses to guidance on applying for federal positions and job vacancy announcements for which military spouses are eligible to apply. OPM staff regularly work with the USAJOBS team to ensure that enhancements are provided to make navigation through the federal government's employment website easier for military spouses.

In the spring of 2021, OPM is planning to hold a Military Spouse Hiring Summit that is expected to involve representatives from OPM, DOD, the Department of Labor, and Veterans' Service organizations.

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[112] The information in this section is based on a telephone consultation and electronic mail communications with U.S. Office of Personnel Management staff in April, May, and June 2020.

[113] For example, see, U.S. Office of Personnel Management, Memorandum to Chief Human Capital Officers, From Margaret M. Weichert, Acting Director, "Recent Changes to the Noncompetitive Hiring Authority of Military Spouses," March 1, 2019, at https://www.chcoc.gov/content/recent-changes-noncompetitive-hiring-authority-military-spouses. The memorandum discussed the non-competitive hiring authority of military spouses, including Executive Order 13832 and P.L. 115-232.

[114] For example, on November 18, 2019, OPM hosted a panel on hiring military spouses at the public meeting of the Chief Human Capital Officers. (https://www.opm.gov/news/releases/2019/11/opm-hosts-panel-on-hiring-military-spouses/).

[115] OPM has found that military spouses are generally familiar with federal career opportunities within DOD, but less familiar with such opportunities in the executive branch generally.

[116] OPM notified executive agencies about reporting requirements in U.S. Office of Personnel Management, Memorandum for Human Resources Directors, From Mark D. Reinhold, Associate Director, Employee Services, "Agency Non-Competitive Hiring Authority of Military Spouses Annual Reporting," September 27, 2019, at https://www.chcoc.gov/content/agency-non-competitive-hiring-authority-military-spouses-annual-reporting.

[117] During the ongoing national emergency related to COVID-19, OPM has been exploring ways to continue outreach activities by using webinars and social media communications.

DOD Military Spouse Preference

The DOD military spouse preference (MSP) program provides selection priority to certain spouses of active duty servicemembers for covered DOD positions. MSP candidates who are determined to be among the best qualified must be selected ahead of other best qualified candidates for covered DOD civilian positions at, or in the commuting area of, the servicemember's permanent duty station. However, an MSP candidate cannot be selected ahead of a candidate with veterans' preference when applicable.[121] Use of MSP is limited to one permanent appointment per PCS and MSP terminates when a spouse accepts or refuses a covered position, regardless of whether preference was applied.[122] MSP is restored upon a PCS to a new permanent duty station.

Eligibility for DOD Military Spouse Preference

Pursuant to DOD Instruction 1400.25, Volume 315, a military spouse is eligible for MSP if they are

- relocating with an active duty servicemember to a new duty station via a permanent change of station (PCS);
- married to the servicemember prior to, or on the date of, the servicemember's orders authorizing the PCS; and
- determined to be among the best qualified for a covered position.

MSP is structurally distinct from the noncompetitive appointment authority (See Appendix **Table A-1** for a comparison of the two authorities). MSP has narrower eligibility criteria and is available only to spouses of active duty servicemembers who relocate to a new duty station. Regarding the federal hiring process, MSP does not waive competitive examining procedures for military spouses. Spouses who apply for federal positions that are open to the public must be rated and ranked against other candidates and found to be among the best qualified before MSP is applied. Further, MSP does not allow military spouses to apply for positions that are otherwise reserved for current or former federal employees.

MSP and the noncompetitive appointment authority can be used in sequence. For example, a military spouse could use the noncompetitive appointment authority to apply for a covered DOD position that is reserved for current and former federal employees. If deemed among the best qualified for the position, the spouse would then receive selection priority over other candidates via MSP.[123]

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[118] For example, OPM has participated in meetings with the Department of Defense, the Department of Homeland Security, the Department of Education, and the Small Business Administration to discuss the hiring of military spouses.

[119] See, Hiring Our Heroes, at https://www.hiringourheroes.org/tag/career-summit/.

[120] See, https://www.usajobs.gov/Help/working-in-government/unique-hiring-paths/military-spouses/.

[121] DOD, "DOD Civilian Personnel Management System: Employment of Spouses of Active Duty Military," DOD Instruction 1400.25, Volume 315, March 1, 2019, p. 2, at https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/140025v315.pdf?ver=2019-03-01-094144-790.

[122] Ibid, p. 3. MSP can be used indefinitely for non-permanent positions (e.g. temporary or term appointments).

[123] MSP candidates can be selected ahead of non-MSP candidates with veterans' preference for positions reserved for current or federal employees, as veterans' preference does not apply to such positions. For more information on veterans' preference, see CRS Report R44652, *Federal Government Employment: Veterans' Preference in Competitive Examination*, by Benjamin Collins.

Other Sources of Employment Support for Military Spouses

There are several other federal, state, and private sector programs that provide assistance to military spouses in career preparation/education, job-seeking, and during gaps in employment. These include, for example,

- **Unemployment Compensation (UC).** Military spouses who quit employment due to a transfer are eligible for UC in all but three States.[124]
- **Post-9/11 GI Bill.** Qualified servicemembers may transfer education benefits to a dependent, including a spouse.[125]
- **Small Business Administration-led "Boots to Business" (B2B) entrepreneurship training programs.** Spouses may attend this no-cost training and counseling program on military installations.[126]
- **Telework Resources.** The FY2018 NDAA authorized the Secretary of Defense to carry out a pilot program on public-private partnerships for telework facilities for military spouses on military installations outside the United States.[127]
- **Transition Assistance Program (TAP).** Military spouses are eligible to participate in this program, which is administered through a partnership among DOD, DOL, and the Department of Veterans Affairs. TAP helps servicemembers transitioning out of the military with employment and relocation assistance and with assistance obtaining a variety of other benefits and services.[128]
- **Installation-based Military Family Support Centers.** Family Support Centers offer additional services, resources and programs for military spouse employment. These vary by service and installation and can include job fairs, workshops, or mentoring programs.[129]

[124] See Table 2 in CRS Report RS22440, *Unemployment Compensation (Insurance) and Military Service*, by Julie M. Whittaker.

[125] CRS Report R42755, *The Post-9/11 GI Bill: A Primer*, by Cassandria Dortch. See also, https://milconnect.dmdc.osd.mil/milconnect/public/faq/Education_Benefits-About_Your_Education_Benefits.

[126] CRS Report R42695, *SBA Veterans Assistance Programs: An Analysis of Contemporary Issues*, by Robert Jay Dilger and Sean Lowry. Linda McMahon, *Entrepreneurship for Military Spouses*, Small Business Administration, June 14, 2017.

[127] P.L. 115-91 §560.

[128] This program, and spouse participation in the program, is authorized under 10 U.S.C. §§1142 and 1144.

[129] Military Onesource, *Family Readiness System*, at https://www.militaryonesource.mil/family-relationships/family-life/keeping-your-family-strong/family-readiness-system.

Figure 3. Federal Initiatives for Military Spouses by Type of Support

Initiative	Career Counseling and/or Employment Assistance	Education	Licensing and Certification	Federal Jobs	Unemployment
Boots to Business (DOL)	✓				
Family Support Centers	✓				
Interstate Licensing Compacts			✓		
MSEP	✓				
Military Spouse Preference				✓	
MyCAA	✓	✓	✓		
Noncompetitive Appointment				✓	
Post 9/11 GI Bill		✓			
Licensing Cost Reimbursement			✓		
SECO	✓				
TAP	✓				
Military Spouse Unemployment Compensations *(state administered)*					✓

Source: CRS analysis of programs and initiatives.

Note: MSEP = Military Spouse Employment Partnership, MyCAA = My Career Advancement Account, SECO = Spouse Education and Career Opportunities, TAP = Transition Assistance Program.

Selected Legislative Proposals in the 116th Congress

Congress continues to work on legislation that would provide incentives for employers to hire military spouses, to support spouses as small business owners, and to help military spouses gain the education and skills that can improve job-matching and reduce underemployment and unemployment. Selected initiatives in the 116th Congress are discussed below.

Employer Incentives to Hire Military Spouses; the Work Opportunity Tax Credit (WOTC)

WOTC is a provision of the Internal Revenue Code (Title 26 of the U.S. Code) that provides a tax credit to employers that hire workers with certain personal characteristics, including veterans, recipients of certain public benefits, ex-felons, or other specified populations.[130] The employer claims the credit as a portion of the wages paid to an eligible worker. In most cases, the maximum credit is $2,400. Research on the impact of the WOTC for targeted populations is mixed. In addition, findings from these studies cannot necessarily predict outcomes for the military spouse population due to demographic and socio-economic differences with respect to existing eligible populations.[131] Proposals in the 116th Congress would expand the Work Opportunity Tax Credits as an incentive for employers to hire military spouses.[132]

Residency Protections for Military Spouses as Business Owners

For military spouses who own a business, moving from one state to another may change some regulatory requirements, depending on how the business is structured. These may include registering the business in the new state, securing permits or licenses, and managing tax responsibilities. Proposals in the 116th Congress would amend the Servicemembers Civil Relief Act (SCRA) to address residency issues for military spouses with registered businesses.[133] Currently, under the SCRA, military spouses may maintain residency in a state while absent from that state due to the servicemember's compliance with military orders, for some tax purposes. This legislation would allow military spouses to maintain residency for the specific purpose of registering a business.

Education Loan Forgiveness

Along with some states and private companies, the federal government offers student loan forgiveness programs that are often contingent on completing certain payment or work-tenure obligations.[134] Military spouses engaged in full-time public service careers may be eligible to

[130] For more information on how the WOTC works, see CRS Report R43729, *The Work Opportunity Tax Credit*, by Benjamin Collins and Sarah A. Donovan.

[131] For example, the positive marginal effects may differ for military spouses and ex-felons who face different barriers to employment.

[132] H.R. 2912, H.R. 2667.

[133] S. 1383, H.R. 3072 and H.R. 2618 The SCRA currently offers some state residency protections for servicemembers and their spouses. For more, see CRS Report R45283, *The Servicemembers Civil Relief Act (SCRA): Section-by-Section Summary*, by Jennifer K. Elsea

[134] Reporting indicates that 4% of U.S. private sector companies provide student loan forgiveness as an employee benefit. Society for Human Resource Management, *2018 Employee Benefits: The Evolution of Benefits*, 2018, https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/

have the balance (principal and interest) of their Direct Loans[135] forgiven under the Public Service Loan Forgiveness (PSLF) program.[136] Federal law also provides up to $5,000 in loan forgiveness for qualified teachers who teach for five consecutive years on a full-time basis in eligible low-income schools.[137] Legislative proposals in the 116th Congress would allow military spouses to remain eligible for loan forgiveness even if there is a break in the five-year teaching requirements related to a relocation due to military orders.[138]

Considerations for Congress

While there are several initiatives in place to support military spouses, questions remain about the effectiveness, equity, and outreach for these programs. Congress may consider the following matters when conducting oversight of these programs and authorities.

Program Awareness and Eligibility

While a substantial number of support programs for military spouses exist, military spouses may be unaware of their eligibility, or unable to find a comprehensive source of information on these benefits; this could reduce utilization of job-seeking and skills-training activities. In addition, there are variations in eligibility requirements and application processes between programs, military services, and agencies. For example, a military spouse may be eligible for licensing fee reimbursement when moving from Alabama to California, but the reimbursement would not apply for an overseas PCS move. Another spouse may find that he or she is eligible for a Post 9/11 GI Bill benefit transfer for education, but ineligible for an education scholarship under the MyCAA program. While much of the information is available through online resources like Military OneSource, it can still be a confusing landscape of benefits to navigate for military spouses. This can also lead to gaps, redundancies, or inefficiencies in program implementation. Many of the eligibility requirements for spouse programs were initially conceived with separate target populations and specific outcomes in mind; however, subsequent legislation has tended to expand the eligible population, creating the potential for overlap between programs and for excess administrative overhead. Congress may consider opportunities to standardize eligibility or streamline programs.

To determine whether DOD and federal agency outreach is adequately disseminating information, Congress could direct DOD and or OPM to administer a survey or assessment.[139] For example, one type of survey could elicit the views of military spouses, including their knowledge and understanding, regarding the existing authorities and programs and any specific experiences in using these as part of the job search process. It could also query the military spouses on their views regarding specific ways the authority could be enhanced, either through improved

2018%20Employee%20Benefits%20Report.pdf.

[135] More information on Direct Loans may be found in CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole.

[136] More information on PSLF may be found in CRS Report R45389, *The Public Service Loan Forgiveness Program: Selected Issues*, by Alexandra Hegji.

[137] P.L. 105-244. For more on teacher loan forgiveness programs, see CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole, and CRS Report R45914, *K-12 Teacher Recruitment and Retention Policies in the Higher Education Act: In Brief*, by Jeffrey J. Kuenzi.

[138] S. 532 and H.R. 1229.

[139] DOD has the authority to survey military families under 10 U.S.C. §1782.

administration or qualification criteria, or by identifying unmet needs or gaps in the current programs. A similar survey could be done with federal agency human resource professionals and hiring managers to gauge their awareness of military spouse hiring authorities. If survey data reveal a lack of knowledge on the part of those who implement hiring authorities, Congress could require OPM to add training (including virtual training) on programs for military spouses to agencies' training programs and plans.

Program Reporting and Evaluation

Congress has mandated several reports to gauge the effectiveness of military spouse employment programs and authorities. Evaluations of existing programs have generally shown positive outcomes for military spouses. In addition to continuing to monitor data and reports produced by DOD and other federal agencies, Congress may also take action to improve the quality and reliability of data. For example, to ensure that the operation of appointment authorities for certain military spouses are reviewed and evaluated according to the same criteria, Congress could direct OPM to create a standardized template that executive agencies would be required to use in reporting their military spouse appointment data to the personnel agency.

Other considerations

Congress may also want to consider how changes to other aspects of military service, like reducing the frequency of PCS moves, could have positive effects on family readiness and well-being. For example, along with the employment challenges for military spouses, military children also experience stresses in the transition to new school districts and social networks. Anecdotal accounts from military servicemembers suggest that they will sometimes forgo career-enhancing assignments that would require a move in order to support a civilian spouse's career or to allow a child to finish local schooling. Some questions for the military services might be,

- Are there ways the services can provide more opportunities to reduce PCS moves and allow for longer assignments within the same geographic location?[140]
- Are there additional flexibilities that a servicemember can use to take a career break for family matters? Are Servicemembers aware of existing opportunities (e.g., Career Intermission Program and deferred promotion eligibility)?[141]

Finally, programs to support military spouse employment may be considered with respect to other policies, priorities, and initiatives for national security and the national labor market. From a national security perspective, Congress often must consider trade-offs in military appropriations based on ever-evolving defense needs. In this regard, it may be important to consider the value and impact of spouse employment programs in the context of other personnel and operational readiness programs.[142] Congress can also consider military spouse programs in the context of other federal, state, and private-sector employment programs. For example, military spouses may

[140] This is sometimes referred to colloquially among military personnel as *homesteading*. Richard Sisk, "New Army Chief Wants to Let Soldiers Stay Longer at Favorite Duty Stations," *Military Times*, October 17, 2019.

[141] The Career Intermission Program (CIP) provides servicemembers the ability to transfer out of the active component and into the Individual Ready Reserve for up to three years while retaining full health care coverage and base privileges. The motivation for this program was to allow members to take a career break to support family issues or pursue outside education/experience without being penalized in terms of promotion and advancement. 10 U.S.C. §619 allows for deferred promotion for officers.

[142] Spouse employment programs are generally part of the services' broader operation and maintenance budget for activities such as family support services and base operations.

be eligible for other non-DOD job-training or career counseling programs that provide similar benefits or outcomes.

Appendix A. Comparison of Federal Hiring Flexibilities for Military Spouses

Table A-1. Characteristics of Selected Federal Hiring Flexibilities for Military Spouses

Characteristic	Noncompetitive Appointment Authority for Military Spouses[a]	DOD Military Spouse Hiring Preference for Active Duty (MSP)
Statutory authority	5 U.S.C. §3330d	10 U.S.C. §1784
Regulations	5 C.F.R. §315.612	DOD Instruction 1400.25, Volume 315
Authority	Authorizes agencies to noncompetitively appoint a qualified spouse of a servicemember to a covered civilian position.	Requires DOD components to select a military spouse who is among the best qualified ahead of other best qualified candidates (except candidates with veterans' preference) for covered DOD civilian positions.
Covered positions	Any civilian position in the competitive service at a participating agency.	DOD civilian positions filled using competitive procedures, including • Appropriated fund positions in the excepted and competitive services from GS-1 to GS-15 or equivalent • Nonappropriated fund (NF) positions at the NF-3 level or below, and for positions with hourly rates.
Agency use	*Optional.* Agencies may, but are not required to, apply the authority to covered positions.	*Required.* DOD components must apply the preference to covered positions.
Spouse eligibility criteria	A spouse • of an active duty servicemember,[b] • of a disabled servicemember, or • of a deceased servicemember.[c]	A spouse of an active duty servicemember who relocates with the servicemember to a duty station via a permanent change of station (PCS).
Onset of eligibility	*Spouse of an active duty servicemember:* Effective on date of marriage to the servicemember. *Spouse of disabled or deceased servicemember:* Effective on the date of documentation verifying the disability or death.	*Nonforeign area:* Effective 30 days before the servicemember's reporting date to a permanent duty station. *Foreign area:* Effective the day the spouse arrives at the permanent duty station.
Termination of authority or preference	The authority terminates when a spouse accepts or declines an offer for a covered position at the permanent duty station.	MSP terminates when a spouse accepts or declines an offer for a covered position at the permanent duty station, regardless of whether preference was applied.
Geographic limitation on covered positions	None.[d]	Positions must be at or within the commuting area of the servicemember's permanent duty station, with some exceptions.[e]

Characteristic	Noncompetitive Appointment Authority for Military Spouses[a]	DOD Military Spouse Hiring Preference for Active Duty (MSP)
Applicability of selection priority	*No.* An eligible spouse who is not determined to be best qualified cannot be selected over other candidates by virtue of the authority.	*Yes.* An MSP candidate who is determined to be best qualified for a covered position must be selected ahead of other best qualified candidates (except for those with veterans' preference).
Interaction with veterans' preference	A spouse does not have selection priority over a candidate with veterans' preference, when applicable.	An MSP candidate does not have selection priority over a candidate with veterans' preference, when applicable.
Limitation on use for permanent appointments	*Relocating spouse of an active duty servicemember:* Unlimited.[f] *Non-relocating spouse of an active duty*: OPM can limit the total number of appointments.[g] *Spouse of disabled or deceased servicemember:* Limited to one permanent appointment.	Limited to one appointment per PCS. Preference restored with a PCS to a new permanent duty station.
Sunset date	August 13, 2023, for temporary amendments to the permanent authority.[a]	None.

Source: CRS analysis of the listed laws and regulations governing the noncompetitive appointment authority for military spouses and DOD military spouse hiring preference.

Notes:

a. Section 573 of the National Defense Authorization Act (NDAA) for FY2019 (P.L. 115-232, §573) temporarily expanded eligibility for and use of the noncompetitive appointment authority for spouses of active duty servicemembers. The act expanded eligibility to include all active duty spouses rather than only those who relocate to the servicemember's duty station via a permanent change of station (PCS). The act also allowed active duty spouses to use the authority for multiple permanent appointments rather than one permanent appointment per PCS. OPM has the authority, however, to limit the total number of appointments for non-relocating active duty spouses. The temporary expansions will expire on August 13, 2023.

b. Prior to the temporary expansions to the authority in the NDAA for FY2019 (P.L. 115-232, §573), eligibility for spouses of active duty servicemembers was limited to those who were (1) married to the servicemember on, or prior to, the date of the PCS; and (2) relocating with the servicemember to a permanent duty station via PCS. See 5 C.F.R. §315.612(c)(1).

c. The listed categories of servicemembers (active duty, disabled, and deceased) are defined at 5 U.S.C. §3330d and 5 C.F.R. §315.612.

d. Prior to the temporary expansions to the authority in the NDAA for FY2019 (P.L. 115-232, §573), use of the authority was limited to positions in the surrounding area of the active duty servicemember's duty station "from which people reasonably can be expected to travel daily to and from work." An agency head may waive the geographic limitation if no federal agency exists within the geographic area. See 5 C.F.R. §315.612(c)(3).

e. DOD Instruction 1400.25, Volume 315, defines a "commuting area" as "The geographic area that is normally considered one area for employment purposes. It includes the military sponsor's duty station and the surrounding localities where people reasonably can be expected to travel daily to and from work."

f. Prior to the temporary expansions to the authority in the NDAA for FY2019 (P.L. 115-232. §573), spouses of active duty servicemembers could only receive one appointment to a permanent position under the authority. See 5 C.F.R. §315.612(d)(2).

g. Pursuant to the NDAA for FY2019 (P.L. 115-232, §573; listed at 5 U.S.C. §3330d note), OPM can choose to limit the total number of appointments under the noncompetitive hiring authority for "non-relocating spouses."

Appendix B. Selected Legislation

Table B-1. Selected Legislation Related to Military Spouse Employment

Bill Title	Description	Public Law / U.S. Code
FY1986 DOD Authorization Act (Military Family Act of 1985)	Provided preference in hiring eligible military spouses for the following: nonappropriated fund positions in wage grade UA-8 and below and "equivalent positions and for positions paid at hourly rates," and for vacancies within DoD above grade G-7, or its equivalent, if the spouse is on the list of best qualified candidates, after veteran preference is satisfied.	P.L. 99-145, Sec. 806
FY1987 NDAA	Amended the Military Family Act of 1985 by extending the military spouse employment preference to include grades GS-4 and above.	P.L. 99-661, Sec. 653
FY1988 and 1989 NDAA	Amended the Military Family Act of 1985 by extending the military spouse employment preference to include grades GS-1 and above.	P.L. 100-180, Sec. 635
FY1996 NDAA	Revised and codified the Military Family Act of 1985 to provide "continuation of delegation of authority with respect to hiring preference for qualified military spouses."	P.L. 104-106, Sec. 568; 10 U.S.C. §1784
FY2002 NDAA	Directed DOD to examine existing military spouse employment programs to improve access to financial and other assistance for job training and education. Amended 10 U.S.C. §1784 by allowing the Secretary of Defense to conduct the following: (1) make space-available use of facilities for spouse training purposes; (2) expand and facilitate the use of existing federal programs and resources in support of military spouse employment; (3) develop partnerships with private-sector firms to provide for improved job portability for spouses; and (4) seek ways to incorporate hiring preferences for military spouses with DOD contractors.	P.L. 107-107, Sec. 571; 10 U.S.C. §1784 (d) to (g)
FY2009 NDAA	Authorized DOD to establish programs to assist military spouses in obtaining the education and training required for a degree, credential, education prerequisites, or professional license that expands employment and portable career opportunities.	P.L. 110-417, Sec. 582; 10 U.S.C. §1784a
FY2010 NDAA	Authorized DOD to establish a pilot program to help military spouses secure internships at federal agencies by reimbursing agencies for the costs associated with the first year of employment of an eligible spouse.	P.L. 111-84, Sec. 564; 10 U.S.C. §1784 note
FY2012 NDAA	Mandated the GAO to review DOD spouse employment programs and the federal hiring mechanisms targeted to help military spouses.	P.L. 112-81, Sec. 578; 5 U.S.C. §566
FY2013 NDAA	Provided for the noncompetitive appointment of military spouses.	P.L. 112-239, Sec. 566; 5 U.S.C. §3330d
FY2015 NDAA	Directed the Secretary of Defense to collect data to evaluate the effectiveness of military spouse employment programs.	P.L. 113-291, Sec. 568; 10 U.S.C. §1784 note

Bill Title	Description	Public Law / U.S. Code
FY2017 NDAA	Amended the noncompetitive appointment authority to eliminate the 2-year eligibility limitation and allow a relocating military spouse to remain eligible for the duration of the spouse's relocation to the permanent duty station of the member.	P.L. 114-328, Sec. 1131; 5 U.S.C. §3330d
FY2018 NDAA	Authorized the Secretary of Defense to carry out a pilot program on public-private partnerships for telework facilities for military spouses on military installations outside the United States.	P.L. 115-91, Sec. 560; 10 U.S.C .§1784 note
FY2019 NDAA	Amended the noncompetitive appointment authority for military spouses to include all spouses of members of the Armed Forces on active duty and required OPM and agency heads to monitor and report to Congress on spouse appointments under this authority. Made improvements to the MyCAA program. Directed the Secretary of Defense to increase outreach on the availability of the program and ensure training for installation career counselors on the program. Required GAO to report on the mechanisms to increase awareness and participation in the program. Required DOD to submit an assessment to Congress on the impact of frequent changes of station affect military spouses, and how unemployment and underemployment can affect readiness.	P.L. 115-232, Sec 573, 574, and 575; 10 U.S.C. §1784a note, 5 U.S.C. §3330d
FY2020 NDAA	Required DOD to enter into a cooperative agreement with the Council of State Governments to assist with funding of the development of interstate compacts on licensed occupations. Expanded MyCAA to include the Coast Guard and to reimburse military spouses for a license, certification, or Associate's degree in any career field or occupation. Protected the benefit when a servicemember promoted above the eligibility rank. Increased the maximum reimbursement amount for relicensing following a PCS move from $500 to $1.000, and required an analysis of whether the maximum reimbursement is sufficient to cover average costs.	P.L. 116-92, Sec. 575, 576, 580F, 580G, and 577

Source: CRS compiled table, using U.S. Code, Congress.gov, and Govinfo.gov.

Notes:

a. OPM submitted the report that is required by §573(d) of P.L. 115-232 to Congress on June 11, 2020. U.S. Office of Personnel Management, Letter (with Enclosure) to the Honorable Carolyn B. Maloney, Chairwoman, House Committee on Oversight and Reform, June 11, 2020.

Table B-2. Bills Introduced in the 116th Congress on Military Spouse Employment

Bill Number	Bill Title	Description
H.R. 5876	Jobs and Childcare for Military Families Act of 2020	Provides a work opportunity tax credit (WOTC) for military spouses; and provides for flexible spending arrangements for childcare services for military families.
S. 1802	Jobs and Childcare for Military Families Act of 2019	Amends the Internal Revenue Code to allow a WOTC for hiring a qualified military spouse; also provides flexible spending arrangements that military families can use for childcare services.
H.R. 2667	Military Spouses Employment Act	Expands the work opportunity tax credit WOTC to include the hiring of a qualified military spouse.
H.R. 2912	Military Spouse Hiring Act	Expands the WOTC to include the hiring of a qualified military spouse.
S. 2311	SERVICE Act of 2019	Allows a military spouse who is participating in the My Career Advancement Account program to remain eligible despite a promotion in grade of the Armed Forces member to whom the person is married. (Enacted in the FY2020 NDAA.)
H.R. 3191	Spouse Employment Reciprocity and Vocational Instruction for Career Enhancement Act of 2019	Allows a military spouse who is participating in the My Career Advancement Account program to remain eligible despite a promotion in grade of the Armed Forces member to whom the person is married. (Enacted as part of the FY2020 NDAA.)
H.R. 3072	To amend the Servicemembers Civil Relief Act to provide a guarantee of residency for registration of businesses of spouses of members of the uniformed services, to improve occupational license portability for military spouses through interstate compacts, and for other purposes.	Provides a guarantee of residency for registration of businesses of spouses of members of the uniformed services, to improve occupational license portability for military spouses through interstate compacts, and for other purposes.
H.R. 2618	To amend the Servicemembers Civil Relief Act to provide a guarantee of residency for registration of businesses of spouses of members of the uniformed services, to improve occupational license portability for military spouses through interstate compacts, and for other purposes.	Provides a guarantee of residency for registration of businesses of military spouses; and improves occupational license portability for military spouses through interstate compacts.
S. 1383	A bill to amend the Servicemembers Civil Relief Act to provide a guarantee of residency for registration of businesses of spouses of members of the uniformed services, to improve occupational license portability for military spouses through interstate compacts, and for other purposes.	Provides a guarantee of residency for registration of businesses of military spouses; and improves occupational license portability for military spouses through interstate compacts.
H.R. 1229	Preserving Teacher Loan Forgiveness for Military Spouses Act of 2019	Modifies the qualifying service requirement of the teacher loan forgiveness program for certain military spouses who have student federal loans.
S. 532	Preserving Teacher Loan Forgiveness for Military Spouses Act of 2019	Modifies the qualifying service requirement of the teacher loan forgiveness program for certain military spouses who have student federal loans.

Source: CRS compiled table, using CRS.gov.

Note: Table does not include the FY2020 NDAA, which is included in **Table B-1**.

Appendix C. OPM's Proposed Rule to Implement FY2019 Noncompetitive Appointment Provisions

On May 29, 2020, OPM published the proposed rule to implement the noncompetitive appointment of certain military spouses.

Table C-1.U.S. Office of Personnel Management Rules on Noncompetitive Appointment of Certain Military Spouses

5 C.F.R. §315.612

Rules Currently in Effect	Proposed Rule
(a) Agency authority. In accordance with the provisions of this section, an agency may appoint noncompetitively a spouse of a member of the armed forces serving on active duty who has orders specifying a permanent change of station (not for training), a spouse of a 100% disabled service member injured while on active duty, or the un-remarried widow or widower of a service member who was killed while performing active duty.	(a) Agency authority. In accordance with the provisions of this section, an agency **head** may appoint noncompetitively a spouse of a member of the armed forces serving on active duty, Same.

Rules Currently in Effect	Proposed Rule
(b) *Definitions.* (1) *Active duty* means full-time duty in the armed forces, including full-time National Guard duty, except that for Reserve Component members the term "active duty" does not include training duties or attendance at service schools.	(b) Definitions. For purposes of this section: (1) Same.
(2) *Armed forces* has the meaning given that term in 10 U.S.C. 101.	(2) Same.
(3) *Duty station* means the permanent location to which a member of the armed forces is assigned for duty as specified on the individual's permanent change of station (PCS) orders.	(3) Same.
(4) *Member of the armed forces* or *service member* means an individual who:	(4) Member of the armed forces or service member means an individual who:
(i) Is serving on active duty in the armed forces under orders specifying the individual is called or ordered to active duty for more than 180 consecutive days, has been issued orders for a permanent change of station, and is authorized for dependent travel (*i.e.*, the travel of the service member's family members) as part of the orders specifying the individual's permanent change of station;	(i) Is serving on active duty in the armed forces or serving under orders specifying the individual is called or ordered to active duty for more than 180 consecutive days;
(ii) Retired from active duty in the armed forces with a service-connected disability rating of 100% as documented by a branch of the armed forces, or retired or was released or discharged from active duty in the armed forces and has a disability rating of 100% as documented by the Department of Veterans Affairs; or	(ii) Retired or was released or discharged from active duty in the armed forces and has a disability rating of 100% as documented by the Department of Veterans Affairs; or
(iii) Was killed while serving on active duty in the armed forces.	(iii) Was killed while serving on active duty in the armed forces.
(5) *Permanent change of station* means the assignment, reassignment, or transfer of a member of the armed forces from his or her present duty station or location without return to the previous duty station or location.	Definition for permanent change of station would be deleted.
(6) *Spouse* means the husband or wife of a member of the armed forces.	(5) Same.

Rules Currently in Effect	Proposed Rule
(c) *Eligibility.* (1) A spouse of a member of the armed forces as defined in paragraph (b)(4)(i) of this section must have:	(c) Eligibility. (1) A spouse of a member of the armed forces as defined in paragraph (b)(4)(i) of this section must be currently married to the member of the armed forces on active duty. For appointments made on or after August 13, 2023, the following additional criteria must be met for eligibility for appointment (for appointments made prior to or on August 12, 2023, these criteria do not apply):
(i) Married the member of the armed forces on, or prior to, the date of the service member's orders authorizing a permanent change of station; and	(i) The member of the armed forces must have received orders authorizing a permanent change of station.
(ii) Relocated with the member of the armed forces to the new duty station specified in the documentation ordering a permanent change of station.	(ii) The spouse must have married the member of the armed forces on, or prior to, the date of such orders authorizing the permanent change of station.
	(iii) The spouse must have relocated or is relocating with the member of the armed forces to the new duty station specified in the documentation ordering the permanent change of station.
	(2) A spouse of a member of the armed forces as defined in paragraph (b)(4)(ii) of this section must be currently married to the member of the armed forces.
(2) A spouse of a member of the armed forces as defined in paragraph (b)(4)(iii) of this section must be the un-remarried widow or widower of the member of the armed forces killed on active duty in the armed forces.	(3) A spouse of a member of the armed forces as defined in paragraph (b)(4)(iii) of this section must be the unremarried widow or widower of the member of the armed forces killed on active duty in the armed forces.
(3) For spouses eligible under paragraph (b)(4)(i) of this section, noncompetitive appointment under this section is limited to the geographic area, as specified on the service member's permanent change of station orders. It includes the service member's duty station and the surrounding area from which people reasonably can be expected to travel daily to and from work. The head of an agency, or his or her designee, may waive this limitation (*i.e.*, accept applications from spouses) if no Federal agency exists in the spouse's geographic area. Spouses of active duty military members who are on retirement or separation PCS orders from active duty are not eligible to be appointed using this authority unless the service member is injured with a 100% disability.	
(4) Spouses of retired or separated active duty members who have a 100% disability are not restricted to a geographical location.	(4) Except as indicated in paragraph (c)(5) of this section, noncompetitive appointment of eligible spouses under this section are not restricted to a geographical location.
	(5) Effective August 13, 2023, the noncompetitive appointment of a relocating spouse of a member of the armed forces as defined in paragraph (b)(4)(i) of this section is limited to the geographic area of the permanent duty station of the member of the armed forces, unless there is no agency with a position within the geographic area of the permanent duty station of the member of the armed forces.

Rules Currently in Effect	Proposed Rule
(d) *Conditions.* (1) In accordance with the provisions of this section, spouses are eligible for noncompetitive appointment: (i) For a maximum of 2 years from the date of the service member's permanent change of station orders; (ii) From the date of documentation verifying the member of the armed forces is 100% disabled; or (iii) From the date of documentation verifying the member of the armed forces was killed while on active duty. (2) A spouse may receive only one noncompetitive appointment under this section to a permanent position per the service member's orders authorizing a permanent change of station. (3) Any law, Executive order, or regulation that disqualifies an applicant for appointment also disqualifies a spouse for appointment under this section.	(d) Conditions. (1) In accordance with the provisions of this section, a spouse is eligible for noncompetitive appointment: (i) From the date of documentation verifying the spouse's marriage to a member of the armed forces as defined in paragraph (b)(4)(i) of this section, where the spouse seeks appointment based upon marriage to an active duty member of the armed forces; (ii) From the date of documentation verifying that the member of the armed forces is 100% disabled, where the spouse seeks appointment based upon marriage to a member defined in paragraph (b)(4)(ii) of this section; or (iii) From the date of documentation verifying that the member of the armed forces was killed while on active duty where the spouse seeks appointment as the widow or widower of a member defined in paragraph (b)(4)(iii) of this section. (2) The spouse of a member of the armed forces as defined in (b)(4)(i) of this section may receive unlimited noncompetitive appointments under this section to permanent positions through August 12, 2023. Effective August 13, 2023, the spouse of such a member may receive a noncompetitive appointment under this section if the member receives permanent change of station orders and is limited to one such appointment per permanent change of station. (3) A spouse of a member of the armed forces as defined in (b)(4)(ii) or (iii) of this section may receive only one noncompetitive appointment under this section to a permanent position.

Rules Currently in Effect	Proposed Rule
(e) *Proof of eligibility.* (1) Prior to appointment, the spouse of a member of the armed forces as defined in paragraph (b)(4)(i) of this section must submit to the employing agency: (i) A copy of the service member's active duty orders which authorize a permanent change of station. This authorization must include: (A) A statement authorizing the service member's spouse to accompany the member to the new permanent duty station; (B) The specific location to which the member of the armed forces is to be assigned, reassigned, or transferred pursuant to permanent change of station orders; and (C) The effective date of the permanent change of station; and (ii) Documentation verifying marriage to the member of the armed forces (*i.e.*, a marriage license or other legal documentation verifying marriage).	(e) Proof of eligibility. (1) Prior to appointment, the spouse of a member of the armed forces as defined in paragraph (b)(4)(i) of this section must submit to the employing agency copies of documentation verifying active duty status and documentation verifying marriage to the member of the armed forces (i.e., a marriage certificate or other legal documentation verifying marriage). For appointments made on or after August 13, 2023, the spouse must also submit to the employing agency a copy of the service member's orders reflecting a permanent change of station, dated August 13, 2023 or later. (For appointments made on or before August 12, 2023, this requirement does not apply.)
(2) Prior to appointment, the spouse of a member of the armed forces as defined in paragraph (b)(4)(ii) of this section must submit to the employing agency copies of: (i) Documentation showing the member of the armed forces was released or discharged from active duty due to a service-connected disability; (ii) Documentation showing the member of the armed forces retired, or was released or discharged from active duty, with a disability rating of 100%; and (iii) Documentation verifying marriage to the member of the armed forces (*i.e.*, a marriage license or other legal documentation verifying marriage).	(2) Prior to appointment, the spouse of a member of the armed forces as defined in paragraph (b)(4)(ii) of this section must submit to the employing agency copies of: (i) Documentation showing the member of the armed forces retired, or was released or discharged from active duty, with a disability rating of 100%; and (ii) Documentation verifying marriage to the member of the armed forces (i.e., a marriage license or other legal documentation verifying marriage).
(3) Prior to appointment, the spouse of a member of the armed forces as defined in paragraph (b)(4)(iii) of this section must submit to the employing agency copies of: (i) Documentation showing the individual was released or discharged from active duty due to his or her death while on active duty; (ii) Documentation verifying the member of the armed forces was killed while serving on active duty; and (iii) Documentation verifying marriage to the member of the armed forces (*i.e.*, a marriage license or other legal documentation verifying marriage); and (iv) A statement certifying that he or she is the un-remarried widow or widower of the service member.	(3)(i)(ii) Same. (iii) Documentation verifying the widow or widower's marriage to the member of the armed forces (i.e., a marriage license or other legal documentation verifying marriage); and (iv) A statement certifying that the individual seeking to use the authority is the un-remarried widow or widower of the service member.
(f) Acquisition of competitive status. A person appointed under paragraph (a) of this section acquires competitive status automatically upon completion of probation.	Same.

Rules Currently in Effect	Proposed Rule
(g) Tenure on appointment. An appointment under paragraph (a) of this section is career-conditional unless the appointee has already satisfied the requirements for career tenure or is exempt from the service requirement pursuant to §315.201.	Same.
No provision	(h) Agency Reporting Requirements. (1) As required by Executive Order 13832, each agency shall report annually (by December 31st of each year) to OPM and the Department of Labor on: (i) The number of positions made available under the military spouse hiring authority; (ii) The number of applications submitted under the military spouse hiring authority; (iii) The number of military spouses appointed under the military spouse hiring authority during the preceding fiscal year; and (iv) Actions taken to advertise the military spouse hiring authority, and any other actions taken to promote the hiring of military spouses. (2) As required by section 573(d) of P.L. 115-232 section 573(d), each agency shall report annually until August 13, 2023, and separate from the report required in paragraph (h)(1) of this section on the following: (i) The number of relocating and nonrelocating spouses of current military members appointed under this authority; (ii) The types of positions filled (by title, series, and grade level); and (iii) The effectiveness of this hiring authority. (3) Agencies should send their reports electronically to OPM's Employee Services at militaryspouse@opm.gov. (4) Agencies are also required to send their reports separately and directly to Department of Labor (DOL) at Merens.Nathan.P@DOL.gov.

Source: Title 5, *Code of Federal Regulations*, Part 315, Subpart F, §315.612 and U.S. Office of Personnel Management (OPM), "Noncompetitive Appointment of Certain Military Spouses," Proposed Rule, *Federal Register*, vol. 85, May 29, 2020, pp. 32304-32308, at https://www.govinfo.gov/content/pkg/FR-2020-05-29/pdf/2020-10768.pdf.

Notes: The rules that are currently in effect were prescribed by OPM. See, U.S. Office of Personnel Management, "Noncompetitive Appointment of Certain Military Spouses," Final Rule, *Federal Register*, vol. 74, August 12, 2009, pp. 40471-40477, at https://www.govinfo.gov/content/pkg/FR-2009-08-12/pdf/E9-19340.pdf. U.S. Office of Personnel Management, "Noncompetitive Appointment of Certain Military Spouses," Final Rule, *Federal Register*, vol. 76, August 31, 2011, pp. 54071-54072, at https://www.govinfo.gov/content/pkg/FR-2011-08-31/pdf/2011-22268.pdf.

Comments on the proposed rule must be submitted to OPM by July 28, 2020.

Appendix D. FY2019 Report on the Noncompetitive Appointment of Certain Military Spouses

Division A, Title V, Subtitle H, §573(d) of P.L. 115-232, NDAA for Fiscal Year 2019, enacted on August 13, 2018 (132 Stat. 1779) requires the U.S. Office of Personnel Management (OPM) to report to the House Committee on Oversight and Reform and the Senate Committee on Homeland Security and Governmental Affairs on the use and effectiveness of the authority for the noncompetitive appointment of certain military spouses. OPM submitted the report, including preliminary data, to Congress on June 11, 2020. OPM noted that the data "likely do not fully reflect all the new military spouses that have joined the civil service in the last year" because military spouses who did not use the authority in obtaining their appointments are not included. The report showed that

- A total of 2,172 military spouses in 17 agencies were hired under the appointment authority. Of this total, 61% were hired into clerical occupations and 23% were hired into administrative positions.
- These military spouses represented 0.93% of new hires in FY2019, a 1.3% increase in military spouses hired over FY2018.
- DOD hired the largest number (2,010) of military spouses; the Department of Veterans Affairs hired 55, the Social Security Administration hired 34, and DHS hired 27 military spouses.
- The United States Agency for International Development, the Federal Election Commission, the Institute of Museum and Library Services, and the U.S. Access Board reported that their small agency size and highly specialized positions resulted in "limited or no positions available in FY2019" for military spouses.
- The 17 agencies reported that the "authority is an effective and valuable flexibility that expanded access to another pool of qualified applicants." For example, the United States Coast Guard increased their military spouse hires from nine in FY2018 to 18 in FY2019.
- Several agencies reported having made many positions available to military spouses, but receiving few applicants and having difficulty in finding military spouse applicants for positions that were nonpermanent positions or in remote locations.

Table D-1. Noncompetitive Appointment of Certain Military Spouses as reported by Agencies on December 31, 2019 (Preliminary)

	All New Hires	Military Spouse Hires	% Military Spouse
Total Executive Branch	**233,446**	**2,172**	**0.93%**
U.S. Department of Agriculture	17,434	3	0.02%
U.S. Department of Commerce	9,649	0	0.00%
U.S. Department of Defense	80,471	2,010	2.50%
U.S. Department of Education	274	1	0.36%
U.S. Department of Energy	963	0	0.00%

	All New Hires	Military Spouse Hires	% Military Spouse
U.S. Department of Health and Human Services	3,591	7	0.19%
U.S. Department of Homeland Security	22,806	27	0.12%
U.S. Department of Housing and Urban Development	437	0	0.00%
U.S. Department of the Interior	13,983	4	0.03%
U.S. Department of Justice	8,314	12	0.14%
U.S. Department of Labor	677	2	0.30%
U.S. Department of State	865	2	0.23%
U.S. Department of Transportation	3,015	2	0.07%
U.S. Department of the Treasury	9,312	3	0.03%
U.S. Department of Veterans Affairs	51,523	55	0.11%
U.S. Agency for International Development	236	0	0.00%
U.S. Environmental Protection Agency	753	0	0.00%
U.S. General Services Administration	204	0	0.00%
National Aeronautics and Space Administration	1,021	0	0.00%
National Science Foundation	192	0	0.00%
U.S. Office of Personnel Management	160	6	3.75%
U.S. Nuclear Regulatory Commission	89	0	0.00%
U.S. Social Security Administration	3,847	34	0.88%
Small Business Administration	965	2	0.21%
Total Chief Financial Officers Act (CFO) Agencies	**230,781**	**2,170**	**0.94%**
Other Agencies	**2,665**	**2**	**0.08%**
Institute of Museum and Library Services	0	0	0.00%
National Credit Union Administration	0	1	0.00%
Surface Transportation Board	0	0	0.00%
U.S. Access Board	0	0	0.00%
U.S. Commission of Fine Arts	0	0	0.00%
National Archives and Records Administration	0	0	0.00%
Pension Benefit Guaranty Corporation	0	1	0.00%
Office of Navajo and Hopi Indian Relocation	0	0	0.00%
U.S. Nuclear Waste Technical Review Board	0	0	0.00%
U.S. Trade and Development Agency	0	0	0.00%
Federal Deposit Insurance Corporation	0	0	0.00%
Public Defender Service for the D.C.	0	0	0.00%

Source: U.S. Office of Personnel Management, Letter (with Enclosure) to the Honorable Carolyn B. Maloney, Chairwoman, House Committee on Oversight and Reform, June 11, 2020. Provided to CRS by U.S. Office of Personnel Management staff by electronic mail on June 12, 2020.

Appendix E. Abbreviations

Table E-1. Commonly Used Abbreviations

Abbreviation	Description
AVF	All Volunteer Force
DHS	Department of Homeland Security
DMDC	Defense Manpower Data Center
DOD	Department of Defense
DOL	Department of Labor
GAO	Government Accountability Office
MSEP	Military Spouse Employment Partnership
MSP	Military Spouse Preference
MyCAA	My Career Advancement Account
NDAA	National Defense Authorization Act
OPA	Office of People Analytics
OPM	Office of Personnel Management
PCS	Permanent Change of Station
SCRA	Servicemembers Civil Relief Act
SECO	Spouse Education and Career Opportunities
UC	Unemployment Compensation
VA	Veterans Administration
WOTC	Work Opportunity Tax Credit

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