

section. Thereafter, additional surveys may be conducted not less often than once every three fiscal years.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 330; amended Pub. L. 107-107, div. A, title V, § 572, Dec. 28, 2001, 115 Stat. 1122; Pub. L. 110-181, div. A, title V, § 581(c), Jan. 28, 2008, 122 Stat. 122.)

#### Editorial Notes

##### AMENDMENTS

2008—Subsec. (d). Pub. L. 110-181 added subsec. (d).

2001—Subsec. (a). Pub. L. 107-107, § 572(a), reenacted heading without change and amended text generally. Text read as follows: “The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.”

Subsec. (c). Pub. L. 107-107, § 572(b), reenacted heading without change and amended text generally. Text read as follows: “With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.”

#### § 1783. Family members serving on advisory committees

A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 330.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 3(2) of the Federal Advisory Committee Act, referred to in text, is section 3(2) of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### § 1784. Employment opportunities for military spouses

(a) **AUTHORITY.**—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for posi-

tions in wage grade UA-8 and below and equivalent positions and for positions paid at hourly rates.

(b) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations—

(1) to implement such measures as the President orders under subsection (a);

(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographical area as the area in which the position is located; and

(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographical area as the permanent duty station of the member.

(c) **STATUS OF PREFERENCE ELIGIBLES.**—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

(d) **SPACE-AVAILABLE USE OF FACILITIES FOR SPOUSE TRAINING PURPOSES.**—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may make available to a non-Department of Defense entity space in non-excess facilities controlled by that Secretary for the purpose of the non-Department of Defense entity providing employment-related training for military spouses.

(e) **EMPLOYMENT BY OTHER FEDERAL AGENCIES.**—The Secretary of Defense shall work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of military spouse employment.

(f) **PRIVATE-SECTOR EMPLOYMENT.**—The Secretary of Defense—

(1) shall seek to develop partnerships with firms in the private sector to enhance employment opportunities for spouses of members of the armed forces and to provide for improved job portability for such spouses, especially in the case of the spouse of a member of the armed forces accompanying the member to a new geographical area because of a change of permanent duty station of the member; and

(2) shall work with the United States Chamber of Commerce and other appropriate private-sector entities to facilitate the formation of such partnerships.

(g) **EMPLOYMENT WITH DOD CONTRACTORS.**—The Secretary of Defense shall examine and seek ways for incorporating hiring preferences for qualified spouses of members of the armed forces into contracts between the Department of Defense and private-sector entities.

## (h) IMPROVEMENT OF OCCUPATIONAL LICENSE PORTABILITY THROUGH INTERSTATE COMPACTS.—

(1) IN GENERAL.—The Secretary of Defense shall seek 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 in order to alleviate the burden associated with relicensing in such an occupation by spouse of a members of the armed forces in connection with a permanent change of duty station of members to another State.

(2) LIMITATION ON ASSISTANCE PER COMPACT.—The amount provided under paragraph (1) as assistance for the development of any particular interstate compact may not exceed \$1,000,000.

(3) LIMITATION ON TOTAL AMOUNT OF ASSISTANCE.—The total amount of assistance provided under paragraph (1) in any fiscal year may not exceed \$4,000,000.

(4) ANNUAL REPORT.—Not later than February 28 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on interstate compacts described in paragraph (1) developed through assistance provided under that paragraph. Each report shall set forth the following:

(A) Any interstate compact developed during the preceding calendar year, including the occupational licenses covered by such compact and the States agreeing to enter into such compact.

(B) Any interstate compact developed during a prior calendar year into which one or more additional States agreed to enter during the preceding calendar year.

(5) EXPIRATION.—The authority to enter into a cooperative agreement under paragraph (1), and to provide assistance described in that paragraph pursuant to such cooperative agreement, expires on September 30, 2024.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 330; amended Pub. L. 107-107, div. A, title V, § 571(c), Dec. 28, 2001, 115 Stat. 1121; Pub. L. 116-92, div. A, title V, § 575, Dec. 20, 2019, 133 Stat. 1405; Pub. L. 116-283, div. A, title X, § 1081(a)(33), Jan. 1, 2021, 134 Stat. 3872.)

**Editorial Notes**

## AMENDMENTS

2021—Subsec. (h)(5). Pub. L. 116-283 substituted “expires” for “expire”.

2019—Subsec. (h). Pub. L. 116-92 added subsec. (h).

2001—Subsecs. (d) to (g). Pub. L. 107-107 added subsecs. (d) to (g).

**Statutory Notes and Related Subsidiaries**

## PILOT PROGRAM TO ESTABLISH EMPLOYMENT FELLOWSHIP OPPORTUNITIES FOR MILITARY SPOUSES

Pub. L. 117-81, div. A, title V, § 564, Dec. 27, 2021, 135 Stat. 1748, provided that:

“(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense may establish a three-year pilot program to provide employment support to the spouses of members of the Armed Forces through a paid fellowship with employers across a variety of industries. In

carrying out the pilot program, the Secretary shall take the following steps:

“(1) Enter into a contract or other agreement to conduct a career fellowship pilot program for military spouses.

“(2) Determine the appropriate capacity for the pilot program based on annual funding availability.

“(3) Establish evaluation criteria to determine measures of effectiveness and cost-benefit analysis of the pilot program in supporting military spouse employment.

“(b) LIMITATION ON TOTAL AMOUNT OF ASSISTANCE.—The total amount of the pilot program may not exceed \$5,000,000 over the life of the pilot.

“(c) REPORTS.—Not later than two years after the Secretary establishes the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report that includes the following elements:

“(1) The number of spouses who participated in the pilot program annually.

“(2) The amount of funding spent through the pilot program annually.

“(3) A recommendation of the Secretary regarding whether to discontinue, expand, or make the pilot program permanent.

“(d) FINAL REPORT.—Not later than 180 days after the pilot program ends, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report that includes the following elements:

“(1) The number of spouses who participated in the pilot program.

“(2) The amount of funding spent through the pilot program.

“(3) An evaluation of outcomes.

“(4) A recommendation of the Secretary regarding whether to make the pilot program permanent.

“(e) TERMINATION.—The pilot program shall terminate three years after the date on which the Secretary establishes the pilot program.”

## IMPLEMENTATION OF GAO RECOMMENDATION ON IMPROVED COMMUNICATION OF BEST PRACTICES TO ENGAGE MILITARY SPOUSES WITH CAREER ASSISTANCE RESOURCES

Pub. L. 117-81, div. A, title V, § 566, Dec. 27, 2021, 135 Stat. 1749, provided that:

“(a) PLAN REQUIRED.—The Secretary of Defense shall develop a plan to implement the recommendation of the Comptroller General of the United States, to address strategies for sharing information on outreach to military spouses regarding career assistance resources, in the report of the Government Accountability Office titled ‘Military Spouse Employment: DOD Should Continue Assessing State Licensing Practices and Increase Awareness of Resources’ (GAO-21-193). The plan shall include the following elements:

“(1) A summary of actions that have been taken to implement the recommendation.

“(2) A summary of actions that will be taken to implement the recommendation, including how the Secretary plans to—

“(A) engage military services and installations, members of the Spouse Ambassador Network, and other local stakeholders to obtain information on the outreach approaches and best practices used by military installations and stakeholders;

“(B) overcome factors that may limit use of best practices;

“(C) disseminate best practices to relevant stakeholders; and

“(D) identify ways to and better coordinate with the Secretaries of Veterans Affairs, Labor, and Housing and Urban Development; and

“(E) a schedule, with specific milestones, for completing implementation of the recommendation.

“(b) IMPLEMENTATION; DEADLINE.—Not later than 18 months after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall carry out

activities to implement the plan developed under subsection (a).”

**PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR SPOUSES OF MEMBERS OF THE UNIFORMED SERVICES AT LOCATIONS OUTSIDE THE UNITED STATES**

Pub. L. 117-81, div. A, title VI, §625, Dec. 27, 2021, 135 Stat. 1772, provided that:

“(a) **IN GENERAL.**—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the authority under subsection (b) to hire spouses of members of the uniformed services at locations outside the United States.

“(b) **AUTHORITY.**—In carrying out the pilot program under this section, the Secretary may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such chapter), a spouse of a member of the uniformed services stationed at a duty location outside the United States to a position described in subsection (c) if—

“(1) the spouse has been authorized to accompany the member to the duty location at Government expense; and

“(2) the duty location is within reasonable commuting distance, as determined by the Secretary concerned, of the location of the position.

“(c) **POSITION DESCRIBED.**—A position described in this subsection is a competitive service position within the Department of Defense that is located outside the United States.

“(d) **TERM OF APPOINTMENT.**—

“(1) **IN GENERAL.**—An appointment made under this section shall be for a term not exceeding two years.

“(2) **RENEWAL.**—The Secretary of Defense may renew an appointment made under this section for not more than two additional terms, each not exceeding two years.

“(3) **TERMINATION.**—An appointment made under this section shall terminate on the date on which the member of the uniformed services relocates back to the United States in connection with a permanent change of station.

“(e) **PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES.**—Nothing in this section may be construed to authorize additional travel or transportation allowances in connection with an appointment made under this section.

“(f) **RELATIONSHIP TO OTHER LAW.**—Nothing in this section may be construed to interfere with—

“(1) the authority of the President under section 3304 of title 5, United States Code;

“(2) the authority of the President under section 1784 of title 10, United States Code;

“(3) the ability of the head of an agency to make noncompetitive appointments pursuant to section 3330d of title 5, United States Code; or

“(4) any obligation under any applicable treaty, status of forces agreement, or other international agreement between the United States Government and the government of the country in which the position is located.

“(g) **REPORTS REQUIRED.**—

“(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act [Dec. 27, 2021], and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the following:

“(A) The number of individuals appointed under this section.

“(B) The position series and grade to which each individual described in subparagraph (A) was appointed.

“(C) Demographic data on the individuals described in subparagraph (A), including with respect to race, gender, age, and education level attained.

“(D) Data on the members of the uniformed services whose spouses have been appointed under this section, including the rank of each such member.

“(E) Such recommendations for legislative or administrative action as the Secretary considers ap-

propriate relating to continuing or expanding the pilot program.

“(2) **FINAL REPORT.**—Not later than December 31, 2026, the Secretary shall submit to the appropriate committees of Congress a final report setting forth the information under paragraph (1).

“(h) **TERMINATION.**—The pilot program under this section shall terminate on December 31, 2026.

“(i) **DEFINITIONS.**—In this section:

“(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives.

“(2) **SECRETARY CONCERNED.**—The term ‘Secretary concerned’—

“(A) has the meaning given the term in section 101(a)(9) of title 10, United States Code; and

“(B) includes—

“(i) the Secretary of Commerce, with respect to matters concerning the commissioned officer corps of the National Oceanic and Atmospheric Administration; and

“(ii) the Secretary of Health and Human Services, with respect to matters concerning the commissioned corps of the Public Health Service.

“(3) **UNIFORMED SERVICES.**—The term ‘uniformed services’ has the meaning given the term in section 101(a)(5) of title 10, United States Code.

“(4) **UNITED STATES.**—The term ‘United States’ has the meaning given that term in section 101(a)(1) of title 10, United States Code.”

**IMPROVEMENTS TO PARTNER CRITERIA OF THE MILITARY SPOUSE EMPLOYMENT PARTNERSHIP PROGRAM**

Pub. L. 116-283, div. A, title V, §587, Jan. 1, 2021, 134 Stat. 3655, provided that:

“(a) **EVALUATION; UPDATES.**—Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall evaluate the partner criteria set forth in the Military Spouse Employment Partnership Program (in this section referred to as the ‘MSEP Program’) and implement updates that the Secretary determines will improve such criteria without diminishing the need for partners to exhibit sound business practices, broad diversity efforts, and relative financial stability. Such updates may expand the number of the following entities that meet such criteria:

“(1) Institutions of primary, secondary, and higher education.

“(2) Software and coding companies.

“(3) Local small businesses.

“(4) Companies that employ telework.

“(b) **NEW PARTNERSHIPS.**—Upon completion of the evaluation under subsection (a), the Secretary, in consultation with the Department of Labor, shall seek to enter into agreements with entities described in paragraphs (1) through (4) of subsection (a) that are located near military installations (as that term is defined in section 2687 of title 10, United States Code).

“(c) **REVIEW; REPORT.**—Not later than one year after implementation under subsection (a), the Secretary shall review updates under subsection (a) and publish a report regarding such review on a publicly-accessible website of the Department of Defense. Such report shall include the following:

“(1) The results of the evaluation of the MSEP Program, including the implementation plan for any change to partnership criteria.

“(2) Data on the new partnerships undertaken as a result of the evaluation, including the type, size, and location of the partner entities.

“(3) Data on the utility of the MSEP Program, including—

“(A) the number of military spouses who have applied through the MSEP Program;

“(B) the average length of time a job is available before being filled or removed from the MSEP Program portal; and

“(C) the average number of new jobs posted on the MSEP Program portal each month.”

**PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS FOR TELEWORK FACILITIES FOR MILITARY SPOUSES ON MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES**

Pub. L. 115–91, div. A, title V, §560, Dec. 12, 2017, 131 Stat. 1406, provided that:

“(a) **IN GENERAL.**—Commencing not later than one year after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing telework facilities for military spouses on military installations outside the United States. The Secretary shall consult with the host nation or nations concerned in carrying out the pilot program.

“(b) **NUMBER OF INSTALLATIONS.**—The Secretary shall carry out the pilot program at not less than two military installations outside the United States selected by the Secretary for purposes of the pilot program.

“(c) **DURATION.**—The duration of the pilot program shall be a period selected by the Secretary, but not more than three years.

“(d) **ELEMENTS.**—The pilot program shall include the following elements:

“(1) The pilot program shall be conducted as one or more public-private partnerships between the Department of Defense and a private corporation or partnership of private corporations.

“(2) The corporation or corporations participating in the pilot program shall contribute to the carrying out of the pilot program an amount equal to the amount committed by the Secretary to the pilot program at the time of its commencement.

“(3) The Secretary shall enter into one or more memoranda of understanding with the corporation or corporations participating in the pilot program for purposes of the pilot program, including the amounts to be contributed by such corporation or corporations pursuant to paragraph (2).

“(4) The telework undertaken by military spouses under the pilot program may only be for United States companies.

“(5) The pilot program shall permit military spouses to provide administrative, informational technology, professional, and other necessary support to companies through telework from Department installations outside the United States.

“(e) **FUNDING.**—Of the amount authorized to be appropriated for fiscal year 2018 by section 421 [131 Stat. 1370] and available for military personnel as specified in the funding table in section 4401 [131 Stat. 1996], up to \$1,000,000 may be available to carry out the pilot program, including entry into memoranda of understanding pursuant to subsection (d)(3) and payment by the Secretary of the amount committed by the Secretary to the pilot program pursuant to subsection (d)(2).”

**IMPROVED DATA COLLECTION RELATED TO EFFORTS TO REDUCE UNDEREMPLOYMENT OF SPOUSES OF MEMBERS OF THE ARMED FORCES AND CLOSE THE WAGE GAP BETWEEN MILITARY SPOUSES AND THEIR CIVILIAN COUNTERPARTS**

Pub. L. 113–291, div. A, title V, §568, Dec. 19, 2014, 128 Stat. 3386, provided that:

“(a) **DATA COLLECTION EFFORTS.**—In addition to monitoring the number of spouses of members of the Armed Forces who obtain employment through military spouse employment programs, the Secretary of Defense shall collect data to evaluate the effectiveness of military spouse employment programs—

“(1) in addressing the underemployment of military spouses;

“(2) in matching military spouses’ education and experience to available employment positions; and

“(3) in closing the wage gap between military spouses and their civilian counterparts.

“(b) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act [Dec. 19, 2014], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report evaluating the progress of military spouse employment programs—

“(1) in reducing military spouse unemployment and underemployment; and

“(2) in reducing the wage gap between military spouses and their civilian counterparts.

“(c) **MILITARY SPOUSE EMPLOYMENT PROGRAMS DEFINED.**—In this section, the term ‘military spouse employment programs’ means the Military Spouse Employment Partnership (MSEP).”

**PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES**

Pub. L. 111–84, div. A, title V, §564, Oct. 28, 2009, 123 Stat. 2308, provided that:

“(a) **COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.**—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

“(b) **ELIGIBLE MILITARY SPOUSES.**—

“(1) **ELIGIBILITY.**—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

“(2) **EXCLUSIONS.**—Reimbursement may not be provided with respect to the following persons:

“(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

“(B) A person who is also a member of the Armed Forces on active duty.

“(C) A person who is a retired member of the Armed Forces.

“(c) **FUNDING SOURCE.**—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘authorized costs’ includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

“(2) The term ‘internship’ means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

“(e) **TERMINATION OF AGREEMENT AUTHORITY.**—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

“(f) **REPORTING REQUIREMENT.**—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the num-

ber of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.”

CONTINUATION OF DELEGATION OF AUTHORITY WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED MILITARY SPOUSES

Pub. L. 104-106, div. A, title V, §568(d), Feb. 10, 1996, 110 Stat. 336, provided that: “The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note) [set out below], shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).”

**Executive Documents**

EX. ORD. NO. 12568. EMPLOYMENT OPPORTUNITIES FOR MILITARY SPOUSES AT NONAPPROPRIATED FUND ACTIVITIES

Ex. Ord. No. 12568, Oct. 2, 1986, 51 F.R. 35497, provided: By the authority vested in me as President by the laws of the United States of America, including section 301 of Title 3 of the United States Code, it is ordered that the Secretary of Defense and, as designated by him for this purpose, any of the Secretaries, Under Secretaries, and Assistant Secretaries of the Military Departments, are hereby empowered to exercise the discretionary authority granted to the President by subsection 806(a)(2) of the Department of Defense Authorization Act of 1986, Public Law No. 99-145 [formerly set out as a note under section 113 of this title, now deemed to refer to this section, see above], to give preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the Armed Forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA-8 and below and equivalent positions and for positions paid at hourly rates.

RONALD REAGAN.

**§ 1784a. Education and training opportunities for military spouses to expand employment and portable career opportunities**

(a) PROGRAMS AND TUITION ASSISTANCE.—(1) The Secretary of Defense may establish programs to assist the spouse of a member of the armed forces described in subsection (b) in achieving—

(A) the education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and portable career opportunities for the spouse; or

(B) the education prerequisites and professional licensure or credential required, by a government or government sanctioned licensing body, for an occupation that expands employment and portable career opportunities for the spouse.

(2) As an alternative to, or in addition to, establishing a program under this subsection, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse’s employment and portable career opportunities.

(b) ELIGIBLE SPOUSES.—(1) Assistance under this section is limited to a spouse of a member

of the armed forces who is serving on active duty.

(2) A spouse who is eligible for a program under this section and begins a course of education or training for a degree, license, or credential described in subsection (a) may not become ineligible to complete such course of education or training solely because the member to whom the spouse is married is promoted to a higher grade.

(c) EXCEPTIONS.—Subsection (b) does not include—

(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

(2) a spouse of a member of the armed forces who is also a member of the armed forces.

(d) PORTABLE CAREER OPPORTUNITIES DEFINED.—In this section, the term “portable career” includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section. The Secretary shall ensure that programs established under this section do not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).

(Added Pub. L. 110-417, [div. A], title V, §582(a), Oct. 14, 2008, 122 Stat. 4473; amended Pub. L. 116-92, div. A, title V, §576, Dec. 20, 2019, 133 Stat. 1406.)

**Editorial Notes**

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-92 designated existing provisions as par. (1) and added par. (2).

**Statutory Notes and Related Subsidiaries**

FIRST EXPANSION OF THE MY CAREER ADVANCEMENT ACCOUNT PROGRAM FOR MILITARY SPOUSES

Pub. L. 116-92, div. A, title V, §580F, Dec. 20, 2019, 133 Stat. 1410, as amended by Pub. L. 116-283, div. A, title V, §586, Jan. 1, 2021, 134 Stat. 3655, provided that:

“(a) PROFESSIONAL LICENSE OR CERTIFICATION; ASSOCIATE’S DEGREE.—The Secretary of Defense shall modify the My Career Advancement Account program of the Department of Defense to ensure that military spouses participating in the program may receive financial assistance for the pursuit or maintenance (including continuing education courses) of a license, certification, or Associate’s degree in any career field or occupation.

“(b) NATIONAL TESTING.—Financial assistance under subsection (a) may be applied to the costs of national tests that may earn a participating military spouse course credits required for a degree approved under the program (including the College Level Examination Program tests).”

IMPROVEMENT OF MY CAREER ADVANCEMENT ACCOUNT PROGRAM FOR MILITARY SPOUSES

Pub. L. 115-232, div. A, title V, §574, Aug. 13, 2018, 132 Stat. 1780, provided that: