

115TH CONGRESS  
2D SESSION

# H. R. 5125

To improve and expand authorities, programs, services, and benefits for military spouses and military families, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2018

Mr. MCEACHIN (for himself and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve and expand authorities, programs, services, and benefits for military spouses and military families, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Spouse Em-  
5 ployment Act of 2018”.

1 **SEC. 2. EXPANSION OF AUTHORITY FOR NONCOMPETITIVE**  
2 **APPOINTMENTS OF MILITARY SPOUSES BY**  
3 **FEDERAL AGENCIES.**

4 (a) EXPANSION TO INCLUDE ALL SPOUSES OF MEM-  
5 BERS OF THE ARMED FORCES ON ACTIVE DUTY.—Sec-  
6 tion 3330d of title 5, United States Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking paragraphs (3), (4), and  
9 (5); and

10 (B) by redesignating paragraph (6) as  
11 paragraph (3);

12 (2) by striking subsections (b) and (c) and in-  
13 serting the following new subsection (b):

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

16 “(1) a spouse of a member of the Armed Forces  
17 on active duty; or

18 “(2) a spouse of a disabled or deceased member  
19 of the Armed Forces.”;

20 (3) by redesignating subsection (d) as sub-  
21 section (c); and

22 (4) in subsection (c), as so redesignated, by  
23 striking “subsection (a)(6)” in paragraph (1) and  
24 inserting “subsection (a)(3)”.

25 (b) HEADING AMENDMENT.—The heading of such  
26 section is amended to read as follows:

1 **“§ 3330d. Appointment of military spouses”.**

2 (c) CLERICAL AMENDMENT.—The table of sections  
3 at the beginning of chapter 33 of such title is amended  
4 by striking the item relating to section 3330d and insert-  
5 ing the following new item:

“3330d. Appointment of military spouses.”.

6 **SEC. 3. REPORT ON MECHANISMS TO INCREASE PARTICI-**  
7 **PATION IN DEPARTMENT OF DEFENSE CON-**  
8 **TRACTS OF FIRMS WITH PROGRAMS TO EM-**  
9 **PLOY MILITARY SPOUSES.**

10 Not later than 180 days after the date of the enact-  
11 ment of this Act, the Secretary of Defense shall submit  
12 to Congress a report that sets forth various mechanisms  
13 to be used by the Department of Defense to increase the  
14 participation in Department contracts of businesses that  
15 implement and maintain programs to employ military  
16 spouses. For each mechanism set forth, the report shall  
17 include a recommendation for the legislative or adminis-  
18 trative action necessary to implement such mechanism.

19 **SEC. 4. IMPROVEMENT OF EDUCATION AND CAREER OP-**  
20 **PORTUNITIES PROGRAMS FOR MILITARY**  
21 **SPOUSES.**

22 (a) OUTREACH ON AVAILABILITY OF MYCAA PRO-  
23 GRAM.—

24 (1) IN GENERAL.—The Secretary of Defense  
25 shall take appropriate actions to ensure that military

1 spouses who are eligible for participation in the My  
2 Career Advancement Account (MyCAA) program of  
3 the Department of Defense are, to extent prac-  
4 ticable, made aware of the program and their eligi-  
5 bility for the program.

6 (2) DIGITAL ADVERTISEMENT.—The actions  
7 taken by the Secretary pursuant to paragraph (1)  
8 shall include a state-of-the-art digital advertising  
9 campaign on the My Career Advancement Account  
10 program designed to target military spouses.

11 (3) DOD REPORT.—Not later than 180 days  
12 after the date of the enactment of this Act, the Sec-  
13 retary shall submit to Congress a report setting  
14 forth the following:

15 (A) An assessment of the extent to which  
16 military spouses who are eligible for the My Ca-  
17 reer Advancement Account program are aware  
18 of the program and their eligibility for the pro-  
19 gram.

20 (B) A description of the levels of partici-  
21 pation in the My Career Advancement Account  
22 program among military spouses who are eligi-  
23 ble to participate in the program.

24 (4) COMPTROLLER GENERAL REPORT.—Not  
25 later than 180 days after the submittal of the report

1 required by paragraph (3), the Comptroller General  
2 of the United States shall submit to Congress a re-  
3 port setting forth the following:

4 (A) An assessment of the report under  
5 paragraph (3).

6 (B) Such recommendations as the Comp-  
7 troller General considers appropriate regarding  
8 the following:

9 (i) Mechanisms to increase awareness  
10 of the My Career Advancement Account  
11 program among military spouses who are  
12 eligible to participate in the program.

13 (ii) Mechanisms to increase participa-  
14 tion in the My Career Advancement Ac-  
15 count program among military spouses  
16 who are eligible to participate in the pro-  
17 gram.

18 (b) TRAINING FOR INSTALLATION CAREER COUN-  
19 SELORS ON MYCAA PROGRAM.—The Secretaries of the  
20 military departments shall take appropriate actions to en-  
21 sure that career counselors at military installations receive  
22 appropriate training and current information on eligibility  
23 for and use of benefits under the My Career Advancement  
24 Account program, including financial assistance to cover  
25 costs associated with professional recertification, port-

1 ability of occupational licenses, professional credential  
2 exams, and other mechanisms in connection with the port-  
3 ability of professional licenses.

4 (c) REPORT ON EXPANSION OF SECO PROGRAM.—  
5 The Secretary of Defense shall submit to Congress a re-  
6 port setting forth a proposal for the expansion of special-  
7 ized coaching modules within the Spouse Education and  
8 Career Opportunities (SECO) Program of the Department  
9 of Defense.

10 **SEC. 5. MILITARY FAMILY CHILDCARE MATTERS.**

11 (a) ASSESSMENT OF USE OF SUBSIDIZED, OFF-IN-  
12 STALLATION CHILDCARE SERVICES.—Subsection (a) of  
13 section 575 of the National Defense Authorization Act for  
14 Fiscal Year 2018 (Public Law 115–91) is amended by  
15 adding at the end the following new paragraph:

16 “(5) Modifying the rate of use of subsidized,  
17 off-installation childcare services by military families  
18 in light of the full implementation of MilitaryChild-  
19 Care.com, including whether the availability of off-  
20 installation childcare services for military families  
21 could be increased by altering policies of the Armed  
22 Forces on capping the amount of subsidies for mili-  
23 tary families for such services based on the cost of  
24 living for families and the average cost of civilian  
25 childcare services.”.

1 (b) PROVISIONAL OR INTERIM CLEARANCES TO PRO-  
2 VIDE CHILDCARE SERVICES.—

3 (1) IN GENERAL.—The Secretary of Defense  
4 shall implement a policy to permit the issuance of  
5 clearances on a provisional or interim basis for the  
6 provision of childcare services at military childcare  
7 centers.

8 (2) ELEMENTS.—The policy required by this  
9 subsection shall provide for the following:

10 (A) Any clearance issued under the policy  
11 shall be temporary and contingent upon the sat-  
12 isfaction of such requirements for the issuance  
13 of a clearance on a permanent basis as the Sec-  
14 retary considers appropriate.

15 (B) Any individual issued a clearance on a  
16 provisional or interim basis under the policy  
17 shall be subject to such supervision in the provi-  
18 sion of childcare services using such clearance  
19 as the Secretary considers appropriate.

20 (3) CLEARANCE DEFINED.—In this subsection,  
21 the term “clearance”, with respect to an individual  
22 and the provision of childcare services, means the  
23 formal approval of the individual, after appropriate  
24 vetting and other review, to provide childcare serv-

1       ices to children at a military childcare center of the  
2       Department of Defense.

3 **SEC. 6. EXPANSION OF PERIOD OF AVAILABILITY OF MILI-**  
4                   **TARY ONESOURCE PROGRAM FOR RETIRED**  
5                   **AND DISCHARGED MEMBERS OF THE ARMED**  
6                   **FORCES AND THEIR IMMEDIATE FAMILIES.**

7       (a) IN GENERAL.—Under regulations prescribed by  
8 the Secretary of Defense, the period of eligibility for the  
9 Military OneSource program of the Department of De-  
10 fense of an eligible individual retired, discharged, or other-  
11 wise released from the Armed Forces, and for the eligible  
12 immediate family members of such an individual, shall be  
13 the one-year period beginning on the date the retirement,  
14 discharge, or release, as applicable, of such individual.

15       (b) OUTREACH.—The Secretary shall undertake a  
16 marketing and advertising campaign designed to inform  
17 military families and families of veterans of the Armed  
18 Forces of the wide range of benefits available through the  
19 Military OneSource program. The campaign shall include  
20 well-researched and targeted marketing and advertising  
21 collateral issued at the following:

22               (1) Offices at military installations that issue  
23       identification cards.



1           (2) Locations at which activities under the  
2           Transition Assistance Program (TAP) are being car-  
3           ried out.

4 **SEC. 7. TRANSITION ASSISTANCE FOR MILITARY SPOUSES.**

5           (a) TRANSITION ASSISTANCE.—

6           (1) IN GENERAL.—Subchapter I of chapter 88  
7           of title 10, United States Code, is amended by in-  
8           serting after section 1784a the following new sec-  
9           tion:

10 **“§ 1784b. Employment assistance, job training assist-**  
11 **ance, and other transitional assistance**  
12 **for military spouses: Department of**  
13 **Labor**

14           “(a) IN GENERAL.—In carrying out the program of  
15 assistance and services required by section 1144 of this  
16 title, the Secretary of Labor, in conjunction with the Sec-  
17 retary of Defense, the Secretary of Homeland Security,  
18 and the Secretary of Veterans Affairs, shall also maintain  
19 a program of counseling, assistance, help, and related in-  
20 formation and services for spouses of members of the  
21 armed forces covered by that section in order to assist  
22 such spouses during the transition of such members to ci-  
23 vilian life.

1       “(b) ELEMENTS.—The counseling, assistance, help,  
2 and information and services available under the program  
3 under this section shall be the following:

4           “(1) Such counseling, assistance, help, and in-  
5 formation and services as are available to members  
6 under section 1144 of this title and are suitable to  
7 assist spouses during the transition of members as  
8 described in subsection (a).

9           “(2) Such other counseling, assistance, help,  
10 and information and services to assist spouses dur-  
11 ing such transition as the Secretaries consider ap-  
12 propriate for purposes of the program.

13       “(c) PARTICIPATION.—A spouse is eligible to partici-  
14 pate in the program under this section during any period  
15 in which the spouse’s member is eligible to participate in  
16 the program of assistance and services required by section  
17 1144 of this title.

18       “(d) USE OF PERSONNEL AND ORGANIZATIONS.—In  
19 carrying out the program under this section, the Secre-  
20 taries may use any of the authorities, personnel, organiza-  
21 tions, and other resources available for the program of as-  
22 sistance and services required by section 1144 of this title  
23 that the Secretaries consider appropriate for the effective  
24 operation of the program under this section.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of subchapter I of chapter 88  
3           of such title is amended by inserting after the item  
4           relating to section 1784a the following new item:

          “1784b. Employment assistance, job training assistance, and other transitional  
          assistance for military spouses: Department of Labor.”.

5           (3) EFFECTIVE DATE AND COMMENCEMENT OF  
6           PROGRAM.—The amendments made by this sub-  
7           section shall take effect on the date of the enactment  
8           of this Act. The Secretary of Labor shall commence  
9           the program required by section 1784b of title 10,  
10          United States Code (as added by such amendments),  
11          by such date, not later than one year after the date  
12          of the enactment of this Act, as the Secretary con-  
13          siders practicable.

14          (b) PARTICIPATION OF SPOUSES IN TAP FOR MEM-  
15          BERS.—Section 1144 of title 10, United States Code, is  
16          amended—

17               (1) in subsection (a)(1), by striking “and the  
18               spouses of such members”;

19               (2) in subsection (c), by inserting “OF MEM-  
20               BERS” after “PARTICIPATION”;

21               (3) by redesignating subsections (d) and (e) as  
22               subsections (e) and (f), respectively; and

23               (4) by inserting after subsection (c) the fol-  
24               lowing new subsection (d):

1       “(d) PARTICIPATION OF SPOUSES.—The Secretaries  
2 shall permit the spouses of members participating in the  
3 program carried out under this section to participate in  
4 the receipt by such members of assistance and services  
5 provided under the program to the extent that the partici-  
6 pation of such spouses in receipt of such assistance and  
7 services will assist such members and spouses in maxi-  
8 mizing the benefits of the program carried out under this  
9 section.”.

10 **SEC. 8. PUBLIC-PRIVATE PARTNERSHIPS ON HEALTH,**  
11 **SAFETY, WELFARE, AND MORALE OF MILI-**  
12 **TARY FAMILIES.**

13       (a) PLAN FOR INITIATIVE REQUIRED.—The Sec-  
14 retary of Defense shall, acting through the Office of Com-  
15 munity Relations of the Department of Defense, submit  
16 to Congress a report setting forth a proposal for one or  
17 more initiatives between the military departments and ap-  
18 propriate non-Federal entities for public-private partner-  
19 ships designed to support and enhance the health, safety,  
20 welfare, and morale of military families. The initiatives  
21 shall be designed to provide the military departments flexi-  
22 bility in the commitment of resources to the partnerships  
23 according to the unique requirements of the military de-  
24 partments and the Armed Forces.

1 (b) INITIATIVE ELEMENTS.—In identifying appro-  
2 priate elements for the initiatives described in subsection  
3 (a), the Secretary shall take into account the results of  
4 the following:

5 (1) Two current studies by the Office of the  
6 Secretary of Defense on the health, safety, welfare,  
7 and morale of military families.

8 (2) The public-private partnership initiative of  
9 the Department of Veterans Affairs on the health,  
10 safety, welfare, and morale of families of veterans.

11 **SEC. 9. SMALL BUSINESS ACTIVITIES OF MILITARY**  
12 **SPOUSES ON MILITARY INSTALLATIONS.**

13 (a) ASSESSMENT OF SMALL BUSINESS ACTIVITY.—  
14 The Secretary of Defense shall submit to Congress a re-  
15 port setting forth an assessment of the feasibility and ad-  
16 visability of encouraging entrepreneurship among military  
17 spouses by permitting military spouses to engage in small  
18 business activities on military installations and in partner-  
19 ship with commissaries, exchange stores, and other mo-  
20 rale, welfare, and recreation facilities of the Armed  
21 Forces.

22 (b) ELEMENTS.—The assessment shall—

23 (1) take into account the usage by military  
24 spouses of installation facilities, utilities, and other  
25 resources in the conduct of small business activities

1 on military installations and such other matters in  
2 connection with the conduct of such business activi-  
3 ties by military spouses as the Secretary considers  
4 appropriate; and

5 (2) seek to identify mechanisms to ensure that  
6 costs and fees associated with the usage by military  
7 spouses of such facilities, utilities, and other re-  
8 sources in connection with such business activities  
9 does not meaningfully curtail or eliminate the oppor-  
10 tunity for military spouses to profit reasonably from  
11 such business activities.

12 **SEC. 10. REPORT ON ASSESSMENT OF FREQUENCY OF PER-**  
13 **MANENT CHANGES OF STATION OF MEMBERS**  
14 **OF THE ARMED FORCES ON EMPLOYMENT**  
15 **AMONG MILITARY SPOUSES.**

16 (a) IN GENERAL.—The Secretary of Defense shall  
17 submit to Congress a report setting forth an assessment  
18 of the effects of the frequency of permanent changes of  
19 station (PCS) of members of the Armed Forces on sta-  
20 bility of employment among military spouses.

21 (b) ELEMENTS.—The report under subsection (a)  
22 shall include the following:

23 (1) An assessment of the effects of the fre-  
24 quency of permanent changes of station of members  
25 of the Armed Forces on stability of employment

1 among military spouses, including the contribution  
2 of frequent permanent changes of station to unem-  
3 ployment or underemployment among military  
4 spouses.

5 (2) An assessment of the effects of unemploy-  
6 ment and underemployment among military spouses  
7 on force readiness.

8 (3) Such recommendations as the Secretary  
9 considers appropriate regarding legislative or admin-  
10 istration action to achieve force readiness and sta-  
11 bilization through the minimization of the impacts of  
12 frequent permanent changes on stability of employ-  
13 ment among military spouses.

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