



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

NOTIFICATION LETTER

ATTENTION: State Licensing Authorities
DATE: July 13, 2023
SUBJECT: Professional License Portability for Servicemembers and Their Spouses

Introduction

The Department of Justice’s Civil Rights Division is issuing this letter to notify State Licensing Authorities of a new provision in the Servicemembers Civil Relief Act (SCRA) about the portability of professional licenses for servicemembers and their spouses.

Servicemembers bear great burdens to protect and advance our democracy. Likewise, the families of these dedicated military professionals often make sacrifices on our behalf and face frequent moves, child-care challenges, and interruptions or barriers to employment. Military families most often relocate through a process formally known as “Permanent Change of Station” (PCS) moves. According to the 2021 Department of Defense Survey of Active Duty Spouses, 48% of respondents stated that finding employment was one of the most critical problems they experienced during PCS moves.¹ Military spouses specifically reported difficulty transferring their professional licenses or certificates from one location to another, which often hinders their ability to find jobs in the new locations. The survey also notes that the unemployment rate for military spouses was 21% and that unemployed spouses actively seeking work spent an average of 19 weeks looking for employment.²

The SCRA provides servicemembers and their dependents with certain financial and due process protections during military service.³ On January 5, 2023, President Joseph Biden signed the Veterans Auto and Education Improvement Act of 2022 (H.R. 7939) into law.⁴ This law amends the SCRA by adding a new section called “Portability of Professional Licenses of Servicemembers and their Spouses.”⁵ We request that you carefully review the information in this letter and evaluate your practices to ensure compliance with this new federal law.

¹ [2021 DOD Survey of Active Duty Spouses \(militaryonesource.mil\)](https://www.militaryonesource.mil/).

² *Id.*

³ See Title 50 U.S. Code, Sections 3901-4043.

⁴ [H.R.7939, 117th Congress \(2021-2022\): Veterans Auto and Education Improvement Act of 2022](https://www.congress.gov/bills/117/7939).

⁵ See 50 U.S.C. § 4025a; Pub. L. 117-333.

Professional License Portability for Servicemembers and Their Spouses

Overview of the New Law on Professional License Portability

This new SCRA provision allows servicemembers and their spouses to use their professional licenses and certificates in certain circumstances when they must relocate due to military orders.⁶ For a license to be considered valid in a new location, a servicemember or their spouse must satisfy the following five criteria:

1. Have moved to a location outside the jurisdiction of the licensing authority that issued the covered license or certificate because of orders for military service;
2. Provide a copy of the military orders to the licensing authority in the new jurisdiction;
3. Have actively used the license or certificate during the two years immediately preceding the move;
4. Remain in good standing with:
 - a. the licensing authority that issued the covered license or certificate; and
 - b. every other licensing authority that issued a license or certificate valid for a similar scope of practice and in the discipline applied for in the new jurisdiction; and
5. Submit to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.⁷

If these five criteria are met, the servicemember or their spouse's covered license or certificate "***shall be considered valid*** at a similar scope of practice and in the discipline applied for in the [new] jurisdiction" for the duration of military orders.⁸

The New Law's Impact on Interstate Licensure Compacts

Some states are members of interstate licensure compacts, which allow licensed practitioners to work in other compact-member states without needing a new license or certificate. Where a servicemember or their spouse is relocating from one state to another state involved in the same interstate licensure compact, the rules of that interstate compact (instead of the new SCRA provision) apply to the covered license at issue.⁹

If, however, a servicemember or their spouse has a license or certificate issued by a state involved in an interstate licensure compact, but is relocating to a state not involved in the same interstate compact, the new SCRA provision applies. Additionally, if a servicemember or their spouse has a license not covered by any interstate licensure compact, the new SCRA provision applies.¹⁰

⁶ The only professional license excluded from portability under the new SCRA provision are licenses to practice law. *See* 50 U.S.C. § 4025a(c)(3).

⁷ *See* 50 U.S.C. § 4025a.

⁸ *See* 50 U.S.C. § 4025a(a) (emphasis added).

⁹ *See* 50 U.S.C. § 4025a(b).

¹⁰ *See* 50 U.S.C. § 4025a(a)-(b) (emphasis added).

Professional License Portability for Servicemembers and Their Spouses

Effective Date of the New Law

This new part of the SCRA—Portability of Professional Licenses of Servicemembers and their Spouses—went into effect on January 5, 2023, when President Biden signed the bill into law. Servicemembers and their spouses can now take advantage of this benefit under the SCRA.

Enforcement Authority for the New Law

Congress has provided the Attorney General with enforcement authority under the SCRA, which includes this provision regarding the portability of professional licenses and certificates. Specifically, this authority has been delegated to the Civil Rights Division, and authorized lawsuits in federal district court against those who engage in (1) a pattern or practice of violations; or (2) violations that raise issues of significant public importance.¹¹

The Civil Rights Division is proud of its work to enforce the SCRA and support servicemembers and their families. Since 2011, the Justice Department has obtained over \$480 million in monetary relief for over 147,000 servicemembers under the SCRA on issues involving lease termination, foreclosures, vehicle repossessions, interest rate benefits, and default judgments, among others. We appreciate your efforts in ensuring compliance with this new provision of the SCRA that is designed to support military families.¹²

Additional Resources

You can find additional information about the SCRA, professional licensure, and interstate licensure compacts through the following links:

- *Justice Department's Servicemembers & Veterans Initiative* – www.servicemembers.gov
- *Resource on Licenses Sponsored by the Department of Labor* – [License Finder | CareerOneStop](#)
- *Department of Defense Resource on Interstate Licensure Compacts & Other Issues* – [About Defense-State Liaison Office | Military State Policy \(militaryonesource.mil\)](#)

In addition, you can refer servicemembers and their families seeking information about their rights under this new law (or any section of the SCRA) to the follow resources:

- *Justice Department's Servicemembers & Veterans Initiative* – www.servicemembers.gov
- *Military Legal Assistance* – <http://legalassistance.law.af.mil/>

¹¹ See 50 U.S.C. § 4041(a).

¹² This notification letter is intended to inform State Licensing Authorities about the enactment of this new SCRA provision. The contents of this document do not have the force and effect of law and are not meant to bind the public or State Licensing Authorities in any way or to create any enforceable legal rights. This notification letter does not determine the outcome in any particular case or set of facts. In any investigation under the SCRA, the Civil Rights Division makes enforcement decisions based on the facts of that particular case.

Professional License Portability for Servicemembers and Their Spouses

If servicemembers or their spouses are not eligible for military legal assistance services, they may request that the Justice Department review their claim by submitting a complaint through <https://civilrights.justice.gov/link/4025A>.

Conclusion

The SCRA provides important legal protections for our military families who do so much for our country. We hope that this new law eases some of the significant burden that constant moves around the country can create. The Justice Department appreciates your assistance in ensuring that the rights of our Nation's servicemembers and their families are safeguarded.

Sincerely,



Kristen Clarke
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice