H.R. 1540 – FY12 NATIONAL DEFENSE AUTHORIZATION BILL

SUBCOMMITTEE ON MILITARY PERSONNEL

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SUMMARY OF BILL LANGUAGE

Titles 4, 5, 6, 7, & 14

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

Section 401—End Strengths for Active Forces

This section would authorize the following end strengths for Active Duty personnel of the Armed Forces as of September 30, 2012:

	FY 2011	FY 2012		Change from	
Service	Authorized	Request	Committee Recommendation	FY 2012 Request	FY 2011 Authorized
Army	569,400	562,000	562,000	0	-7,400
Navy	328,700	325,700	325,739	39	-2,961
USMC	202,100	202,100	202,100	0	0
Air Force	332,200	332,800	332,800	0	600
DOD	1,432,400	1,422,600	1,422,639	39	-9,761

Section 402—Revision in Permanent Active Duty End Strength Minimum Levels

This section would establish new minimum Active Duty end strengths for the Army, Navy, Marine Corps, and Air Force as of September 30, 2012. The committee recommends 562,000 as the minimum Active Duty end strength for the Army, 325,739 as the minimum Active Duty end strength for the Navy, 202,100 as the minimum Active Duty end strength for the Marine Corps, and 332,800 as the minimum Active Duty end strength for the Air Force.

SUBTITLE B—RESERVE FORCES

Section 411—End Strengths for Selected Reserve

This section would authorize the following end strengths for Selected Reserve personnel, including the end strength for Reserves on Active Duty in support of the Reserves, as of September 30, 2012:

	FY 2011	FY 2012		Change from	
Service	Authorized	Request	Committee Recommendation	FY 2012 Request	FY 2011 Authorized
Army National Guard	358,200	358,200	358,200	0	0
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	65,500	66,200	66,200	0	700
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,700	106,700	106,700	0	0
Air Force Reserve	71,200	71,400	71,400	0	200
DOD Total	846,200	847,100	847,100	0	900
Coast Guard Reserve	10,000	10,000	10,000	0	0

Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves

This section would authorize the following end strengths for Reserves on Active Duty in support of the Reserves as of September 30, 2012:

	FY 2011	FY 2012		Change from	
Service	Authorized	Request	Committee Recommendation	FY 2012 Request	FY 2011 Authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,261	16,261	16,261	0	0
Naval Reserve	10,688	10,377	10,377	0	-311
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,584	14,833	14,833	0	249
Air Force Reserve	2,992	2,662	2,662	0	-330
DOD Total	78,846	78,454	78,454	0	-392

Section 413—End Strengths for Military Technicians (Dual Status)

This section would authorize the following end strengths for military technicians (dual status) as of September 30, 2012:

	FY 2011	FY 2012		Change from	
Service	Authorized	Request	Committee Recommendation	FY 2012 Request	FY 2011 Authorized
Army Reserve	8,395	8,395	8,395	0	0
Army National Guard	27,210	27,210	27,210	0	0
Air Force Reserve	10,720	10,777	10,777	0	57
Air National Guard	22,394	22,509	22,509	0	115
DOD Total	68,719	68,891	68,891	0	172

Section 414—Fiscal Year 2012 Limitation on Number of Non-Dual Status Technicians

This section would establish the maximum end strengths for the Reserve Components of the Army and Air Force for non-dual status technicians as of September 30, 2012:

	FY 2011	FY 2012		Change from	
Service	Authorized	Request	Committee Recommendation	FY 2012 Request	FY 2011 Authorized
Army National Guard	1,600	1,600	1,600	0	0
Air National Guard	350	350	350	0	0
Army Reserve	595	595	595	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	2,635	2,635	0	0

Section 415—Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support

This section would authorize, as required by section 115(b) of title 10, United States Code, the maximum number of Reserve Component personnel who may be on Active Duty or full-time National Guard duty during fiscal year 2012 to provide operational support. The personnel authorized here do not count against the end strengths authorized by section 401 or section 412 of this Act unless the duration on Active Duty exceeds the limitations in section 115(b)(2) of title 10, United States Code.

	FY 2011	FY 2012		Change from	
Service	Authorized	Request	Committee Recommendation	FY 2012 Request	FY 2011 Authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Naval Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

Section 421—Military Personnel

This section would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of division D of this Act.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY GENERALLY

Section 501—Increase in Authorized Strengths for Marine Corps Officers on Active Duty in Grades of Major, Lieutenant Colonel, and Colonel

This section would increase the grade table allowance for Marine Corps officers serving on active duty in grades major, lieutenant colonel, and colonel. For example, with an officer strength of 17,500, the Marine Corps could promote 485 additional officers to the grade of major, 286 additional officers to the grade of lieutenant colonel, and 37 additional officers to the grade of colonel.

Section 502—General Officer and Flag Officer Reform

This section would eliminate 14 authorizations for general and flag officers in joint duty assignments and add up to 7 officers serving in intelligence positions to count against the joint duty assignment limit. This section would also eliminate 11 Air Force general officer authorizations and would require that the superintendents of the service academies be counted against their respective service's general and flag officer limits. This section would require that the directed changes take place between January 1, 2012, and October 1, 2013. The committee applauds the efforts of the Secretary of Defense to reduce the number of general and flag officers on active duty, which numbered 967 as of July 2010, by 102 over the next 2 years. However, the committee was disappointed that the Secretary made no substantial proposal in the budget request to reduce the statutory limits imposed not only on the number of general and flag officers on active duty, but also on the statutory limits on the number of general and flag officers serving in each grade. For example, at present, the military services are statutorily authorized to have as many as 658 general and flag officers on active duty to meet in-service requirements, as well as up to another 324 general and flag officers for joint duty assignments. In addition, the numbers of general and flag officers actually on active duty are increased because several are excluded from counting against the statutory limits. Such exemptions include the superintendents of the military service academies, the general and flag officers assigned to the Defense Intelligence Agency, the Central Intelligence Agency, the Office of the Director of National Intelligence, and the Attending Physician to Congress. The effect of allowing the statutory limits and exemptions to remain in place would be to create what the committee believes is excessive room for the military services and the joint commands to generate future increases in the number of general and flag officers on active duty, notwithstanding the policy controls that the Secretary of Defense intends to impose to limit future growth.

SUBTITLE B—RESERVE COMPONENT MANAGEMENT

Section 511—Leadership of National Guard Bureau

This section would establish the position of and criteria for the Vice Chief of the National Guard Bureau, with the officer holding that position, following appointment by the President and with the advice and consent of the Senate, to serve in the grade of lieutenant general. This section would require that both the Chief and Vice Chief of the National Guard Bureau be designated by the Secretary of Defense as general officers to be counted against the pool of general and flag officers in joint duty assignments established by section 526(b) of title 10, United States Code. This section would also establish a chain of succession for both the Chief and Vice Chief of the National Guard Bureau should either or both be absent or disabled. Finally, this section would authorize the incumbent holding the position of Director of the Joint Staff of the National Guard Bureau to continue to serve in the current grade of major general as the acting vice chief until the appointment of an officer to be the vice chief.

Section 512—Preseparation Counseling for Members of the Reserve Components

This section would amend section 1142 of title 10, United States Code, to require individual preseparation counseling be made available to members of the Reserve Component. This service is currently available for service members whose discharge from active duty is anticipated as of a specific date. This section would also clarify the 90-day requirement for preseparation counseling for Reserve Component members who have less than 90-days before release from active duty due to operational requirements. This allows preseparation counseling to begin as soon as possible within the remaining period of service.

Section 513—Clarification of Applicability of Authority for Deferral of Mandatory Separation of Military Technicians (Dual Status) until Age 60

This section would amend section 10216(f) of title 10, United States Code, to clarify that the Secretary of the Army and the Secretary of the Air Force may each implement policies to allow military technicians (dual status) who reach their mandatory separation date before age 60 the ability to apply for continued service. This section would also amend section 10218(a)(3)(A)(i) of title 10, United States Code, to clarify that if a military technician (dual status) is given the opportunity to apply for continued service and is found to be qualified, the Secretary concerned may appoint the technician to another position as a military technician (dual status).

Section 514—Modification of Eligibility for Consideration for Promotion for Reserve Officers Employed as Military Technicians (Dual Status)

This section would remove from promotion eligibility those Reserve officers of the Army and Air Force employed as dual status military technicians who had been retained on the Reserve Active-status list beyond the mandatory removal date normally required after reaching their maximum number of years of service.

SUBTITLE C—GENERAL SERVICE AUTHORITIES

Section 521—Findings regarding Unique Nature, Demands, and Hardships of Military Service

This section would state the findings of Congress with regard to the nature, demands, and hardships of military service. This section would state that there is no constitutional right to serve in the military; military operations often require extraordinary sacrifices, to include the ultimate sacrifice; successful units are characterized by high morale, good order and discipline, and unit cohesion; military living and working conditions are often spartan and primitive characterized by forced intimacy and little privacy; and the Armed Forces must maintain policies that allow for recruiting of persons who can be expected to maintain the high standards for morale, good order and discipline, and unit cohesion.

Section 522—Policy Addressing Dwell Time and Measurement and Data Collection regarding Unit Operating Tempo and Personnel Tempo

This section would amend section 991 of title 10, United States Code, to require the Secretary of Defense to prescribe a policy that addresses dwell time for members of the Armed Forces. This section would also require the Secretary of Defense to establish a system for tracking and recording the number of days each member of the Armed Forces is deployed, prescribe policies and procedures for measuring operating tempo and personnel tempo, and maintain a central data collection repository to provide information for research, analysis, interagency reporting, and evaluation of programs and policies. This section would define the term "dwell time".

Section 523—Extension of Authority To Conduct Programs on Career Flexibility To Enhance Retention of Members of the Armed Forces

This section would extend from December 31, 2012, to December 31, 2015, the authority for the Secretaries of the military departments to inactivate service members from active duty in order to allow them to meet personal or professional needs and return them to active duty following the period of inactivation.

Section 524—Policy on Military Recruitment and Enlistment of Graduates of Secondary Schools

This section would require a secretary of the military department to treat persons who receive a diploma from a legally operating secondary school or otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides the same as a person who receives a diploma from a secondary school, as defined by section 7801 of title 20, United States Code. This section would also require the Secretary of Defense to prescribe a policy on recruitment and enlistment that incorporates following: (1) Means for identifying qualified persons to enlist; (2) Means for assessing how qualified persons fulfill their enlistment obligation; and (3) Means for maintaining data by each diploma source which can be used to analyze attrition rates. As a part of the policy, this section would require the Secretary of each military department to develop a recruitment plan that includes a marketing strategy for potential recruits with all types of secondary educations credentials, and to develop a communication plan to ensure the policy and recruitment plan are understood by military recruiters.

The committee understands the Department of Defense's current recruiting policy is based on attrition data rather than secondary education diploma source. The committee believes the current policy needs to be revised to account for both the increasing numbers and the quality of alternative delivery methods of secondary education content, such as charter schools, online high schools, homeschooling, and hybrid schools. The committee also recognizes and encourages the Department of Defense, as well as the military services to continue to develop assessments and tools to better predict performance, behaviors, and attitudes in order to minimize attrition.

SUBTITLE D—MILITARY JUSTICE, VOTING, AND LEGAL MATTERS

Section 531—Procedures for Judicial Review of Military Personnel Decisions Relating To Correction of Military Records

This section would establish guidelines for judicial review of decisions by the boards for correction of military records operated by the Secretaries of the military departments. The guidelines would ensure that boards for correction of military records issue concise written statements consist of the factual and legal basis for decisions that deny requested actions, along with a statement of the procedures and timing associated with seeking a judicial review. Further, the guidelines would require that judicial review be pursued within 1 year of a final decision by a board for correction of military records. The guidelines would also ensure that service members seek review of their issues in the most efficient manner possible that reduces costs for both the individual and the Government.

Section 532—Clarification of Application and Extent of Direct Acceptance of Gifts Authority

This section would expand the eligibility of members of the Armed Forces and Department of Defense to receive gifts from non-profit organizations, private parties, and other sources outside the Department of Defense. The expansion would make eligible all members of the Armed Forces serving in a combat operation or a combat zone designated by the Secretary of Defense. Under current law, only those persons with a combat-related injury are eligible. This section would also require that the regulations prescribed by the Secretary of Defense would apply retroactively to injuries and illnesses incurred on or after September 11, 2001.

SUBTITLE E—MEMBER EDUCATION AND TRAINING OPPORTUNITIES AND ADMINISTRATION

Section 541—Improved Access to Apprenticeship Programs for Members of the Armed Forces who Are Being Separated from Active Duty or Retired

This section would amend section 1144 of title 10, United States Code, to allow the secretary concerned to permit a member of the Armed Forces to participate in an apprenticeship program that provides employment skills training and assists them in transitioning into new careers in civilian life.

Section 542—Expansion of Reserve Health Professionals Stipend Program To Include Students in Mental Health Degree Programs in Critical Wartime Specialties

This section would expand the categories of health professional students eligible to receive a stipend to include students enrolled in an institution in a course of study that results in a degree in clinical psychology or social work.

Section 543—Temporary Authority To Wave Maximum Age Limitation on Admission to United States Military Academy, United States Naval Academy, and United States Air Force Academy

This section would authorize the secretary of a military department to waive the maximum age limitation for admission to a military service academy from 23 to 26 for an otherwise qualified candidate. The candidate must be either (a) an enlisted member of the Armed Forces who was prevented from being admitted to a military service academy before they reached the maximum age as a result of service in a theater of operation for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn; or (b) a candidate who possess an exceptional record that sets them apart from other candidates, as determined by the secretary concerned. This section would limit the number of candidates admitted to each academy under this waiver authority to five per academic year. The Secretary of each military department shall track the number of graduates using this waiver authority who remain in the Armed Forces beyond the active duty service obligation. This section would require the secretary concerned is required to submit

a report to the congressional defense committees by April 1, 2016, that displays the number of applications for waivers, the number of waivers granted by the secretary, the number admitted to the academy utilizing the waiver, and the number of graduates who were enlisted prior to admission to an academy that have remained in the service past their active duty service obligation, beginning with the class of 2009.

SUBTITLE F—ARMY NATIONAL MILITARY CEMETERIES

Section 551—Army National Military Cemeteries

This section would establish the general authority of the Secretary of the Army to develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries, consisting of Arlington National Cemetery, Virginia, and the U.S. Soldiers' and Airmen's Home National Cemetery, District of Columbia, in a manner and to standards that fully honor the service and sacrifices of the deceased members of the Armed Forces whose last resting places are in the respective cemeteries. This section would require the Secretary to promulgate regulations and policies for the Army National Military Cemeteries, to include eligibility for interment and inurnment, and mandate that annual budget requests for the cemeteries be provided to the congressional defense committees, the Senate Committee on Veterans' Affairs, and the House Committee on Veterans' Affairs. In promulgating eligibility regulations for interments and inurnments, the Secretary should ensure that they are consistent with the relevant provisions of title 38, United States Code. This section would place the cemeteries under the direct jurisdiction of Headquarters, Department of the Army, and authorize the position and set forth the responsibilities of the Executive Director of the cemeteries, who would report directly to the Secretary of the Army. This section would also specify the qualifications, duties, and supervisory chain for the superintendents of the respective cemeteries. Additionally, this section would require the Secretary of the Army to appoint an Advisory Committee on Arlington National Cemetery to provide periodic consultation and advice on the administration of Arlington National Cemetery, as well as on the erection of memorials and master planning for the cemetery. The committee urges the Secretary to include a representative from the National Cemetery Administration, Department of Veterans Affairs, as a member of the Advisory Committee to facilitate consistency and enable best practices to be interchanged. Finally, this section would require not only the Secretary of the Army to periodically inspect the cemeteries, but would also direct the Inspector General of the Department of Defense to inspect the cemeteries during fiscal years 2012 and 2014. The Secretary would be required to provide the congressional defense committees a plan for corrective actions not later than 120 days following any inspection directed by the Secretary or conducted by the Inspector General.

Section 552—Inspector General of the Department of Defense Inspection of Military Cemeteries

This section would require the Inspector General of the Department of Defense to inspect the cemeteries at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy to determine: the adequacy of and adherence to the statutes, policies, and regulations governing those cemeteries; the adequacy of the system employed to fully account for and accurately identify the remains interred or inurned in each; the history and adequacy of the oversight efforts of the Secretaries of the military departments who have jurisdiction for these cemeteries; and other matters. This section would also require the Inspector General to follow-up on that part of the 2010 report of the special inspection of Arlington National Cemetery pertaining to the Soldiers' and Airmen's National Cemetery. The follow-up inspection would be to determine whether the Secretary of the Army has fully and completely addressed the issues raised and the recommendations made in the 2010 report. This section would require the Secretaries of the military departments to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services by March 31, 2012, on the findings and recommendations of the inspection of their respective cemeteries, together with a plan for corrective action. Finally, this section would require the Inspector General of the Department of Defense to inspect a statistically valid sample of the other cemeteries, both inside and outside the United States, that are under the jurisdiction of the Secretaries of the military departments. The purpose would be to assess the adequacy of and adherence to the statutes, policies, and regulations governing the management, oversight, operations, and interments and inurnments by those cemeteries. This section would also require the Inspector General to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services by December 31, 2012, on the findings of these inspections, and then the Secretaries of the military services would be required to submit a plan for corrective actions to the same committees by April 1, 2013.

SUBTITLE G—ARMED FORCES RETIREMENT HOME

Section 561—Control and Administration by Secretary of Defense

This section would establish that the administration of the Armed Forces Retirement Home, to include the provision of health care and medical care for the residents, is a responsibility of the Secretary of Defense.

Section 562—Senior Medical Advisor Oversight of Health Care Provided to Residents of Armed Forces Retirement Home

This section would clarify the oversight responsibilities and reporting requirements of the Senior Medical Advisor with regard to the health care provided to the residents of the Armed Forces Retirement Home.

Section 563—Establishment of the Armed Forces Retirement Home Advisory Council and Resident Advisory Committees

This section would establish one Armed Forces Retirement Home Advisory Council, replacing the local boards established for each of the two facilities of the Armed Forces Retirement Home. This section would specify the required expertise of the members of the advisory council and require the Secretary of Defense to designate a member to be the chairperson of the advisory council, who would be responsible for the operation of the council. This section also would require resident advisory committees at each facility of the Armed Forces Retirement Home. These committees, consisting of residents elected by the residents of each facility, would serve as a forum for ideas, recommendations, and issues to be discussed with the management of each facility.

Section 564—Administrators, Ombudsmen, and Staff of Facilities

This section would eliminate the positions of deputy director and associate director in each facility and establish the position of ombudsman. The ombudsman of each facility would have the authority to communicate with the administrator of the facility, the Chief Operating Officer of the Retirement Home, the Senior Medical Advisor, the Inspector General of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness. This section also would make a technical change in the title of the person responsible for the operations of each facility of the Armed Forces Retirement Home from "Director" to "Administrator".

Section 565—Revision of Fee Requirements

This section would repeal the obsolete transitional fee requirements for the Armed Forces Retirement Home and establish permanent fee requirements.

Section 566—Revision of Inspection Requirements

This section would revise the interval of inspections that the Inspector General of the Department of Defense would be required to make of each facility of the Armed Forces Retirement Home from annually to not less often than every 3 years. This section also would clarify requirements for reporting and corrective actions.

Section 567—Repeal of Obsolete Transitional Provisions, Inclusion of the Coast Guard, and Technical, Conforming, and Clerical Amendments

This section would clarify that former members of the Coast Guard are eligible to be residents of the Armed Forces Retirement Home and that senior personnel officer and senior enlisted members of the Coast Guard are eligible to serve on the Armed Forces Retirement Home Advisory Council. This section also would repeal obsolete transitional provisions enacted as part of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), and make technical, conforming and clerical amendments.

SUBTITLE H—MILITARY FAMILY READINESS MATTERS

Section 571—Revision to Membership of Department of Defense Military Family Readiness Council

This section would clarify the appointment options for family member representatives serving on the Department of Defense Military Family Readiness Council to include parents of members of the military services and would further designate Reserve Component representation on the council.

Section 572—Continuation of Authority To Assist Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees

This section would provide $30.0 million for assistance to local educational agencies that have military dependent students comprising at least 20 percent of the students in average daily attendance per year. The section would also provide $10.0 million for assistance to local educational agencies that experience significant increases and decreases in the average daily attendance of military dependent students due to the military force structure changes, the relocation of military forces from one base to another, and from base closures and realignments.

Section 573—Protection of Child Custody Arrangements for Parents who Are Members of the Armed Forces

This section would amend title 2 of the Service Members Civil Relief Act (50 U.S.C. app. 521) to require a court that issued a temporary custody order based solely on a service member being deployed or anticipating deployment to reinstate the custody order that was in effect immediately preceding the temporary order unless the court finds reinstatement is not in the best interest of the child. This section would also prohibit courts from using deployment or the possibility of deployment against a service member when determining the best interest of a child.

SUBTITLE I—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

Section 581—Director of Sexual Assault Prevention and Response Office

This section would require that the director of the Sexual Assault Prevention and Response Office be a general or flag officer or an employee of the Department of Defense in a comparable senior executive service position.

Section 582—Sexual Assault Victims Access to Legal Counsel and Services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

This section would entitle a member of the Armed Forces who is the victim of a sexual assault to legal assistance provided by a military legal assistance counsel who is certified as competent to provide such duties and assistance provided by a qualified Sexual Assault Victim Advocate. This section would also entitle a dependent of a member of the Armed Forces who is the victim of a sexual assault and resides on or in the vicinity of a military installation, to the extent practicable, legal assistance provided by a military legal assistance counsel who is certified as competent to provide such duties as well as assistance provided by a qualified Sexual Assault Victim Advocate. This section would also require the Secretary of Defense to implement a Sexual Assault Response Coordinator-led process by which a member or dependent who is the victim of a sexual assault may decline to participate in the investigation of the sexual assault.

Section 583—Expedited Consideration and Priority for Application for Consideration of a Permanent Change of Station or Unit Transfer Based on Humanitarian Conditions for Victim of Sexual Assault

This section would require the secretary concerned to expedite the consideration and approval of an application for a permanent change of station or unit transfer submitted by a member of the Armed Forces who is a victim of sexual assault.

SUBTITLE J—OTHER MATTERS

Section 591—Limitations on Authority To Provide Support and Services for Certain Organizations and Activities outside Department of Defense

This section would amend section 2012 of title 10, United States Code, to require the service secretary concerned to request funds for projects under this authority in the annual budget submission to Congress. This section also would limit the annual obligation of funds to $10.0 million, beginning in fiscal year 2012. The heavy reliance on the Reserve Component over the past 10 years has reduced the need for sustainment training requirements of the Reserve Component.

Section 592—Military Adaptive Sports Program

This section would authorize the Secretary of Defense to establish a military adaptive sports program to provide adaptive sports programs to eligible wounded and injured members of the Armed Forces.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SUBTITLE A—PAY AND ALLOWANCES

Section 601—Fiscal Year 2012 Increase in Military Basic Pay

This section would increase basic pay for members of the uniform services by 1.6 percent, effective January 1, 2012. This raise would match the pay raise rate in the private sector as measured by the Employment Cost Index.

Section 602—Resumption of Authority to Provide Temporary Increase in Rates of Basic Allowance for Housing under Certain Circumstances

This section would extend the authority for the Secretary of Defense to temporarily increase the basic allowance for housing rates in an area where the housing market has been disrupted by one or more bases experiencing significant growth in assigned military personnel or a major disaster until December 31, 2012.

Section 603—Lodging Accommodations for Members Assigned to Duty in Connection with Commissioning or Fitting Out of a Ship

This section would expand the authority of the Secretary of the Navy to provide lodging or compensation for housing to enlisted service members when such members are deprived of their quarters onboard ships that are under construction or repair. This section would provide the Secretary special authority for compensation of service members deprived of their quarters onboard a ship under construction at shipyards affected by the Base Realignment and Closure 2005 activities, specifying the shipyard at Pascagoula, Mississippi, and Bath, Maine.

SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

Section 611—One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces

This section would extend the authority for the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, and income replacement payments for Reserve Component members experiencing extended and frequent mobilization for active duty service until December 31, 2012.

Section 612—One-Year Extension of Certain Bonus and Special Pay Authorities for Health Care Professionals

This section would extend the authority for the nurse officer candidate accession program, repayment of educational loans for certain health professionals who serve in the Selected Reserve, the accession and retention bonuses for psychologists, the accession bonus for registered nurses, the incentive special pay for nurse anesthetists, the special pay for Selected Reserve health care professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties until December 31, 2012.

Section 613—One-Year Extension of Special Pay and Bonus Authorities for Nuclear Officers

This section would extend the authority for the special pay for nuclear-qualified officers extending a period of active service, nuclear career accession bonus, and the nuclear career annual incentive bonus until December 31, 2012.

Section 614—One-Year Extension of Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities

This section would extend the authority for the general bonus authority for enlisted members, the general bonus authority for officers, the special bonus and incentive pay authority for nuclear officers, special aviation incentive pay and bonus authorities, the special health professions incentive pay and bonus authorities, hazardous duty pay, assignment pay or special duty pay, skill incentive pay or proficiency bonus, and the retention bonus for members with critical military skills or assigned to high-priority units until December 31, 2012.

Section 615—One-Year Extension of Authorities Relating to Payment of Other Title 37 Bonuses and Special Pays

This section would extend the authority for the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus for active members, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between Armed Forces, and the accession bonus for officer candidates until December 31, 2012.

Section 616—One-Year Extension of Authorities Relating to Payment of Referral Bonuses

This section would extend the authority for the health professions referral bonus and the Army referral bonus until December 31, 2012.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY

Section 621—One-Year Extension of Authority To Reimburse Travel Expenses for Inactive-Duty Training outside of Normal Commuting Distance

This section would extend the authority for the secretary concerned to reimburse members of the Selected Reserve for travel expenses resulting from inactive-duty training when the location of the training is outside normal commuting distance from the member's permanent residence until December 31, 2012.

SUBTITLE D—CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES

Section 631—Purpose

This section would define the purpose of this subtitle is to consolidate and reform travel and transportation authorities in chapter 8 of title 37, United States Code, as required to address the complexities and changing nature of travel. This section would state that this initiative would meet mission needs and the needs of the members of the uniformed services by providing the Secretary of Defense and the secretaries concerned the authority to prescribe and implement travel and transportation policy that is simple, efficient, relevant, and flexible.

Section 632—Consolidation and Reform of Travel and Transportation Authorities of the Uniformed Services

This section would provide the definitions, the general authorities, and, where required, more specific authorities that would be the guidelines used by the Secretary of Defense and the secretaries concerned to prescribe travel and transportation programs. This section would also authorize the Secretary of Defense to conduct pilot programs to test alternative methods for performing and reimbursing travel, for limiting the need for travel, and for reducing the environmental impact of travel. This section would also provide administrative guidelines for implementing the reform initiative, to include the need to issue regulations.

Section 633—Old-Law Travel and Transportation Authorities Transition Expiration Date and Transfer of Current Sections

This section would transfer 32 existing travel and transportation authorities from chapter 7 of Title 37, United States Code, to chapter 8 of title 37, and redesignate each section with a new number.

Section 634—Addition of Sunset Provision to Old-Law Travel and Transportation Authorities

This section would amend each of the redesignated sections that would be installed in chapter 8 of title 37, United States Code, to reflect the existence of a transition expiration date by which the Secretary of Defense would be required to terminate use of the authorities provided within those sections.

Section 635—Techical and Clerical Amendments

This section would make the technical and clerical amendments necessary to facilitate the transfer of the redesignated sections from chapter 7 of title 37, United States Code to chapter 8 of title 37.

Section 636—Transition Provisions

This section would require the Secretary of Defense to develop a plan to transition all travel and transportation programs to operate under the authorities provided in the consolidation and reform authorities provided in subchapter I and subchapter II of chapter 8 of title 37, United States Code. This section would also provide the Secretary of Defense and the secretaries concerned the authority to modify current law to facilitate the transition process. Finally, this section would establish a transition period termination date as the end of a 10-year period beginning on the first day of the first month beginning after the date of enactment of this Act.

SUBTITLE E—COMMISSARY AND NONAPPROPRIATED FUND INSTRUMENTALITY BENEFITS AND OPERATIONS

Section 641—Expansion of Use of Uniform Funding Authority To Include Permanent Change of Station and Temporary Duty Lodging Programs Operated through Nonappropriated Fund Instrumentalities

This section would expand the use of the uniform funding authority authorized for morale, welfare, and recreation programs operated through nonappropriated fund instrumentalities to include permanent change of station and temporary duty lodging programs. This would allow the lodging facilities to consolidate and simplify their business practices and accounting systems by managing appropriated funds in accordance with the procedures, policy, and laws applicable to the expenditure of nonappropriated funds.

Section 642—Contracting Authority for Nonapproriated Fund Instrumentalities To Provide and Obtain Goods and Services

This section would clarify that nonappropriated fund instrumentalities may enter into single-year or multi-year contracts with another element of the Department of Defense, another Federal agency, or a private-sector agency to provide or obtain goods and services beneficial to the military community and the effective management of such instrumentalities. This section also would authorize nonappropriated fund instrumentalities to participate in partnerships with private entities to provide programs at no cost to the Government on military installations using Government facilities and other Government support resources.

Section 643—Designation of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base as a Fisher House

This section would deem that the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, shall be considered a Fisher House for all other purposes established in law with regard to Fisher Houses and Fisher Suites.

Section 644—Discretion of the Secretary of the Navy To Select Categories of Merchandise To Be Sold by Ship Stores Afloat

This section would grant the Secretary of the Navy the authority to use his discretion in determining what products will be sold by Navy ship stores.

SUBTITLE F—OTHER MATTERS

Section 651—Reimbursement of American National Red Cross for Humanitarian Support and Other Services Provided to Members of the Armed Forces and Their Dependents

This section would authorize the Secretary of Defense or the Secretary of a military department to reimburse the American National Red Cross for humanitarian support or other services approved by the Secretary that are provided to members of the Army, Navy, Air Force, and Marine Corps and their dependents.

TITLE VII—HEALTH CARE PROVISIONS

SUBTITLE A—IMPROVEMENTS TO HEALTH BENEFITS

Section 701—One-Year Prohibition on Increases in Certain Health Care Costs

This section would prohibit the Department of Defense from increasing the enrollment fee for TRICARE Prime until September 30, 2012.

Section 702—Provision of Food to Certain Members and Dependents Not Receiving Inpatient Care in Military Medical Treatment Facilities

This section would authorize the Secretary of Defense to provide food and beverages at no cost to certain individuals receiving outpatient medical care at a military treatment facility, or is a family member providing care to an infant receiving inpatient medical care at a military treatment facility.

Section 703—Behavioral Health Support for Members of the Reserve Components of the Armed Forces

This section would require the Secretary of Defense to provide access to mental health assessments to members of the Reserve Components during scheduled unit training and assemblies. In addition, the Secretary would be required to provide psychological health programs and training on suicide prevention and post-suicide response

SUBTITLE B—HEALTH CARE ADMINISTRATION

Section 711—Unified Medical Command

This section would require the Secretary of Defense to establish a unified medical command to provide medical services to the Armed Forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of title 10, United States Code. This section would require also the Secretary to develop a comprehensive plan to establish a unified medical command.

Section 712—Limitation on Availability of Funds for the Future Electronic Health Records Program

This section would limit the amount of funds the Secretary of Defense may obligate or expend for future electronic health programs until 30 days after the date that the Secretary submits a report to the congressional defense committees that addresses: the architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable;

a process for selecting investments in information technology; the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383); and the effectiveness of the Interagency Program Office.

SUBTITLE C—OTHER MATTERS

Section 721—Review of Women-Specific Health Services and Treatment for Female Members of the Armed Forces

This section would require the Secretary of Defense to conduct a comprehensive review on the availability, efficacy, and adequacy of health care services for female members of the Armed Forces. The results of the review shall be submitted to the congressional defense committees by March 31, 2012.

Section 722—Comptroller General Reviews of Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Project

This section would reduce the frequency of reviews conducted by the Comptroller General of the United States as required by section 1701 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Section 723—Comptroller General Report on Contracted Health Care Staffing for Military Medical Treatment Facilities

This section would require the Comptroller General of the United States to conduct a review of the contracting practices used by the military departments to provide health care professional services to members of the Armed Forces, dependents, and retirees. The Comptroller General is required to submit the findings of this review to the Senate Committee on Armed Services and the House Committee on Armed Services by March 31, 2013.

TITLE XIV—OTHER AUTHORIZATIONS

SUBTITLE A—MILITARY PROGRAMS

Section 1407—Defense Health Program

This section would authorize appropriations for the Defense Health Program at the levels identified in section 4501 of division D of this Act.

SUBTITLE D—OTHER MATTERS

Section 1431—Authorization of Appropriations for Armed Forces Retirement Home

This section would authorize $67.7 million to be appropriated for the operation of the Armed Forces Retirement Home during fiscal year 2012.

Section 1432—Authority for Transfer of Funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois

This section would authorize the Secretary of Defense to transfer funds from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

BILL LANGUAGE

Titles 4, 5, 6, 7, & 14

1 # TITLE IV—MILITARY
2 # PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. [log #1]End strengths for active forces.
Sec. 402. [log #2]Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. [log #3]End strengths for Selected Reserve.
Sec. 412. [log #4]End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. [log #132]End strengths for military technicians (dual status).
Sec. 414. [log #133]Fiscal year 2012 limitation on number of non-dual status technicians.
Sec. 415. [log #5]Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. [log #6]Military personnel.

3 ## Subtitle A—Active Forces

4 **SEC. 401. [LOG #1]END STRENGTHS FOR ACTIVE FORCES.**

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2012, as follows:

7 (1) The Army, 562,000.

8 (2) The Navy, 325,739.

9 (3) The Marine Corps, 202,100.

10 (4) The Air Force, 332,800.

1 **SEC. 402. [LOG #2]REVISION IN PERMANENT ACTIVE DUTY**

2 **END STRENGTH MINIMUM LEVELS.**

3 Section 691(b) of title 10, United States Code, is

4 amended by striking paragraphs (1) through (4) and in-

5 serting the following new paragraphs:

6 "(1) For the Army, 562,000.

7 "(2) For the Navy, 325,739.

8 "(3) For the Marine Corps, 202,100.

9 "(4) For the Air Force, 332,800.".

Subtitle B—Reserve Forces

SEC. 411. [LOG #3]END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2012, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,200.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 71,400.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected

1 Reserve of such component who are on active duty
2 (other than for training or for unsatisfactory partici-
3 pation in training) without their consent at the end
4 of the fiscal year.

5 (c) END STRENGTH INCREASES.—Whenever units or
6 individual members of the Selected Reserve of any reserve
7 component are released from active duty during any fiscal
8 year, the end strength prescribed for such fiscal year for
9 the Selected Reserve of such reserve component shall be
10 increased proportionately by the total authorized strengths
11 of such units and by the total number of such individual
12 members.

1 **SEC. 412. [LOG #4]END STRENGTHS FOR RESERVES ON AC-**
2 **TIVE DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 2012, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:
10 (1) The Army National Guard of the United
11 States, 32,060.
12 (2) The Army Reserve, 16,261.
13 (3) The Navy Reserve, 10,377.
14 (4) The Marine Corps Reserve, 2,261.
15 (5) The Air National Guard of the United
16 States, 14,833.
17 (6) The Air Force Reserve, 2,662.

1 **SEC. 413. [LOG #132]END STRENGTHS FOR MILITARY TECH-**
2 **NICIANS (DUAL STATUS).**

3 The minimum number of military technicians (dual
4 status) as of the last day of fiscal year 2012 for the re-
5 serve components of the Army and the Air Force (notwith-
6 standing section 129 of title 10, United States Code) shall
7 be the following:

8 (1) For the Army Reserve, 8,395.

9 (2) For the Army National Guard of the United
10 States, 27,210.

11 (3) For the Air Force Reserve, 10,777.

12 (4) For the Air National Guard of the United
13 States, 22,509.

1 **SEC. 414. [LOG #133]FISCAL YEAR 2012 LIMITATION ON NUM-**
2 **BER OF NON-DUAL STATUS TECHNICIANS.**

3 (a) LIMITATIONS.—

4 (1) NATIONAL GUARD.—Within the limitation
5 provided in section 10217(c)(2) of title 10, United
6 States Code, the number of non-dual status techni-
7 cians employed by the National Guard as of Sep-
8 tember 30, 2012, may not exceed the following:

9 (A) For the Army National Guard of the
10 United States, 1,600.

11 (B) For the Air National Guard of the
12 United States, 350.

13 (2) ARMY RESERVE.—The number of non-dual
14 status technicians employed by the Army Reserve as
15 of September 30, 2012, may not exceed 595.

16 (3) AIR FORCE RESERVE.—The number of non-
17 dual status technicians employed by the Air Force
18 Reserve as of September 30, 2012, may not exceed
19 90.

20 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
21 this section, the term "non-dual status technician" has the
22 meaning given that term in section 10217(a) of title 10,
23 United States Code.

1 **SEC. 415. [LOG #5]MAXIMUM NUMBER OF RESERVE PER-**
2 **SONNEL AUTHORIZED TO BE ON ACTIVE**
3 **DUTY FOR OPERATIONAL SUPPORT.**

4 During fiscal year 2012, the maximum number of
5 members of the reserve components of the Armed Forces
6 who may be serving at any time on full-time operational
7 support duty under section 115(b) of title 10, United
8 States Code, is the following:

9 (1) The Army National Guard of the United
10 States, 17,000.

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

13 (4) The Marine Corps Reserve, 3,000.

14 (5) The Air National Guard of the United
15 States, 16,000.

16 (6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. [LOG #6]MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

1 # TITLE V—MILITARY PERSONNEL
2 # POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. [log# 352-sec523]Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel.
Sec. 502. [log# 350-sec525]General officer and flag officer reform.

Subtitle B—Reserve Component Management

Sec. 511. [log# 144-sec10505]Leadership of National Guard Bureau.
Sec. 512. [log# 7-sec1142]Preseparation counseling for members of the reserve components.
Sec. 513. [log# 135-dod512]Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 514. [log# 136-dod501]Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).

Subtitle C—General Service Authorities

Sec. 521. [log# 353-milserv]Findings regarding unique nature, demands, and hardships of military service.
Sec. 522. [log# 354-sec991]Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.
Sec. 523. [log# 8-sec533]Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 524. [log# 355-recruiting]Policy on military recruitment and enlistment of graduates of secondary schools.

Subtitle D—Military Justice, Voting, and Legal Matters

Sec. 531. [log# 356-dod531]Procedures for judicial review of military personnel decisions relating to correction of military records.
Sec. 532. [log# 346-sec2601a]Clarification of application and extent of direct acceptance of gifts authority.

Subtitle E—Member Education and Training Opportunities and Administration

Sec. 541. [log# 12-apprent]Improved access to apprenticeship programs for members of the Armed Forces who are being separated from active duty or retired.
Sec. 542. [log# 139-dod701]Expansion of reserve health professionals stipend program to include students in mental health degree programs in critical wartime specialties.

Sec. 543. [log# 137-academy]Temporary authority to waive maximum age limitation on admission to United States Military Academy, United States Naval Academy, and United States Air Force Academy.

Subtitle F—Army National Military Cemeteries

Sec. 551. [log# 349-cemetchap]Army National Military Cemeteries.
Sec. 552. [log# 345-inspect]Inspector General of the Department of Defense inspection of military cemeteries.

Subtitle G—Armed Forces Retirement Home

Sec. 561. [log# 145-afrh]Control and administration by Secretary of Defense.
Sec. 562. [log# 146-afrh]Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home.
Sec. 563. [log# 147-afrh]Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees.
Sec. 564. [log# 148-afrh]Administrators, Ombudsmen, and staff of facilities.
Sec. 565. [log# 357-afrh]Revision of fee requirements.
Sec. 566. [log# 149-afrh]Revision of inspection requirements.
Sec. 567. [log# 150-afrh]Repeal of obsolete transitional provisions and technical, conforming, and clerical amendments.

Subtitle H—Military Family Readiness Matters

Sec. 571. [log #446-dodsec541]Revision to membership of Department of Defense Military Family Readiness Council.
Sec. 572. [log# 347-impactaid]Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 573. [log #451-child-custody]Protection of child custody arrangements for parents who are members of the Armed Forces.

Subtitle I—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 581. [log #452]Director of Sexual Assault Prevention and Response Office.
Sec. 582. [log #453]Sexual assault victims access to legal counsel and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 583. [log #454]Expedited consideration and priority for application for consideration of a permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault.

Subtitle J—Other Matters

Sec. 591. [log# 141-sec2012]Limitations on authority to provide support and services for certain organizations and activities outside Department of Defense.
Sec. 592. [log# 143-adapted_jj1]Military adaptive sports program.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. [LOG# 352-SEC523]INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL.

The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by striking the items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving on active duty in the Marine Corps in the grades of major, lieutenant colonel, and colonel, respectively, and inserting the following new items:

"10,000	2,802	1,615	633
12,500	3,247	1,768	658
15,000	3,691	1,922	684
17,500	4,135	2,076	710
20,000	4,579	2,230	736
22,500	5,024	2,383	762
25,000	5,468	2,537	787".

SEC. 502. [LOG# 350-SEC525]GENERAL OFFICER AND FLAG OFFICER REFORM.

(a) REMOVAL OF CERTAIN POSITIONS FROM EXCEPTION TO DISTRIBUTION LIMITS.—

(1) REMOVAL OF POSITIONS.—Subsection (b) of section 525 of title 10, United States Code, is amended to read as follows:

"(b) The limitations of subsection (a) do not include the following:

1 "(1) An officer released from a joint duty as-
2 signment, but only during the 60-day period begin-
3 ning on the date the officer departs the joint duty
4 assignment, except that the Secretary of Defense
5 may authorize the Secretary of a military depart-
6 ment to extend the 60-day period by an additional
7 120 days, but no more than three officers from each
8 armed forces may be on active duty who are ex-
9 cluded under this paragraph.

10 "(2) The number of officers required to serve in
11 joint duty assignments as authorized by the Sec-
12 retary of Defense under section 526(b) for each mili-
13 tary service.".

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall take effect on January 1,
16 2012.

17 (b) LIMITATION ON NUMBER OF AIR FORCE GEN-
18 ERAL OFFICERS ON ACTIVE DUTY.—

19 (1) LIMITATION; EXCLUSION FOR JOINT DUTY
20 REQUIREMENTS.—Section 526 of such title is
21 amended—

22 (A) in subsection (a)(3), by striking "208"
23 and inserting "197"; and

24 (B) in subsection (b)(2)(C), by striking
25 "76" and inserting "73".

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect on October 1,
3 2013.
4 (c) LIMITED EXCLUSION FOR JOINT DUTY ASSIGN-
5 MENTS FROM AUTHORIZED STRENGTH LIMITATION.—
6 (1) EXCLUSION.—Subsection (b) of section 526
7 of such title is amended by striking "324" and in-
8 serting "310".
9 (2) EFFECTIVE DATE.—The amendment made
10 by paragraph (1) shall take effect on January 1,
11 2012.
12 (d) ELIMINATION OF COMPLETE EXCLUSION FOR
13 OFFICERS SERVING IN CERTAIN INTELLIGENCE POSI-
14 TIONS.—
15 (1) ELIMINATION OF CURRENT BROAD EXCLU-
16 SION.—Section 528 of such title is amended by
17 striking subsections (b), (c), and (d) and inserting
18 the following new subsections:
19 "(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—
20 When the position of Director or Deputy Director of the
21 Central Intelligence Agency is held by an officer of the
22 armed forces, the position, so long as the officer serves
23 in the position, shall be designated, pursuant to subsection
24 (b) of section 526 of this title, as one of the general officer

1 and flag officer positions to be excluded from the limita-
2 tions in subsection (a) of such section.

3 "(c) ASSOCIATE DIRECTOR OF MILITARY AFFAIRS,
4 CIA.—When the position of Associate Director of Military
5 Affairs, Central Intelligence Agency, or any successor po-
6 sition, is held by an officer of the armed forces, the posi-
7 tion, so long as the officer serves in the position, shall
8 be designated, pursuant to subsection (b) of section 526
9 of this title, as one of the general officer and flag officer
10 positions to be excluded from the limitations in subsection
11 (a) of such section.

12 "(d) OFFICERS SERVING IN OFFICE OF DNI.—When
13 a position in the Office of the Director of National Intel-
14 ligence designated by agreement between the Secretary of
15 Defense and the Director of National Intelligence is held
16 by a general officer or flag officer of the armed forces,
17 the position, so long as the officer serves in the position,
18 shall be designated, pursuant to subsection (b) of section
19 526 of this title, as one of the general officer and flag
20 officer positions to be excluded from the limitations in sub-
21 section (a) of such section. However, not more than five
22 of such positions may be included among the excluded po-
23 sitions at any time.".

24 (2) CLERICAL AMENDMENTS.—

1 (A) SECTION HEADING.—The heading of
2 such section is amended to read as follows:
3 **"§ 528. Officers serving in certain intelligence posi-**
4 **tions: military status; application of dis-**
5 **tribution and strength limitations; pay**
6 **and allowances".**
7 (B) TABLE OF SECTIONS.—The table of
8 sections at the beginning of chapter 32 of such
9 title is amended by striking the item relating to
10 section 528 and inserting the following new
11 item:

"528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.".

12 **Subtitle B—Reserve Component**
13 **Management**

14 **SEC. 511. [LOG# 144-SEC10505]LEADERSHIP OF NATIONAL**
15 **GUARD BUREAU.**

16 (a) CHIEF OF THE NATIONAL GUARD BUREAU.—
17 (1) GRADE AND EXCLUSION FROM GENERAL
18 AND FLAG OFFICER AUTHORIZED STRENGTH.—Sub-
19 section (d) of section 10502 of title 10, United
20 States Code, is amended to read as follows:
21 "(d) GRADE AND EXCLUSION FROM GENERAL AND
22 FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Chief
23 of the National Guard Bureau shall be appointed to serve
24 in the grade of general.

1 "(2) The Secretary of Defense shall designate, pursu-
2 ant to subsection (b) of section 526 of this title, the posi-
3 tion of Chief of the National Guard Bureau as one of the
4 general officer and flag officer positions to be excluded
5 from the limitations in subsection (a) of such section.".
6 (2) SUCCESSION.—Subsection (e) of such sec-
7 tion is amended to read as follows:
8 "(e) SUCCESSION.—(1) When there is a vacancy in
9 the office of the Chief of the National Guard Bureau or
10 in the absence or disability of the Chief, the Vice Chief
11 of the National Guard Bureau acts as Chief and performs
12 the duties of the Chief until a successor is appointed or
13 the absence or disability ceases.
14 "(2) When there is a vacancy in the offices of both
15 the Chief and the Vice Chief of the National Guard Bu-
16 reau or in the absence or disability of both the Chief and
17 the Vice Chief of the National Guard Bureau, or when
18 there is a vacancy in one such office and in the absence
19 or disability of the officer holding the other, the senior
20 officer of the Army National Guard of the United States
21 or the Air National Guard of the United States on duty
22 with the National Guard Bureau shall perform the duties
23 of the Chief until a successor to the Chief or Vice Chief
24 is appointed or the absence or disability of the Chief or
25 Vice Chief ceases, as the case may be.".

1 (3) EXCLUSION FOR CHIEF OF NATIONAL
2 GUARD BUREAU FROM GENERAL OFFICER DISTRIBU-
3 TION LIMITATIONS.—Section 525 of such title is
4 amended—
5 (A) in subsection (b)(1), by striking sub-
6 paragraph (D); and
7 (B) in subsection (g)—
8 (i) by striking paragraph (2); and
9 (ii) by redesignating paragraph (3) as
10 paragraph (2).
11 (b) VICE CHIEF OF THE NATIONAL GUARD BU-
12 REAU.—
13 (1) REDESIGNATION OF DIRECTOR OF THE
14 JOINT STAFF OF THE NATIONAL GUARD BUREAU.—
15 Subsection (a)(1) of section 10505 of such title is
16 amended by striking "Director of the Joint Staff of
17 the National Guard Bureau, selected by the Sec-
18 retary of Defense from" and inserting "Vice Chief of
19 the National Guard Bureau, appointed by the Presi-
20 dent, by and with the advice and consent of the Sen-
21 ate. The appointment shall be made from".
22 (2) ELIGIBILITY REQUIREMENTS.—Subsection
23 (a)(1) of such section is further amended—
24 (A) in subparagraph (A), by striking "rec-
25 ommended" and inserting "nominated";

1 (B) by redesignating subparagraphs (B)
2 and (C) as subparagraphs (D) and (E), respec-
3 tively;
4 (C) in subparagraph (E), as so redesig-
5 nated, by striking "colonel" and inserting
6 "brigadier general"; and
7 (D) by inserting after subparagraph (A)
8 the following new subparagraphs:
9 "(B) are recommended by the Secretary of the
10 Army, in the case of officers of the Army National
11 Guard of the United States, or by the Secretary of
12 the Air Force, in the case of officers of the Air Na-
13 tional Guard of the United States, and by the Sec-
14 retary of Defense;
15 "(C) are determined by the Chairman of the
16 Joint Chiefs of Staff, in accordance with criteria and
17 as a result of a process established by the Chairman,
18 to have significant joint duty experience;".
19 (3) GRADE AND EXCLUSION FROM GENERAL
20 AND FLAG OFFICER AUTHORIZED STRENGTH.—Sub-
21 section (c) of such section is amended to read as fol-
22 lows:
23 "(c) GRADE AND EXCLUSION FROM GENERAL AND
24 FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Vice

1 Chief of the National Guard Bureau shall be appointed
2 to serve in the grade of lieutenant general.
3 "(2) The Secretary of Defense shall designate, pursu-
4 ant to subsection (b) of section 526 of this title, the posi-
5 tion of Vice Chief of the National Guard Bureau as one
6 of the general officer and flag officer positions to be ex-
7 cluded from the limitations in subsection (a) of such sec-
8 tion.".
9 (c) CONFORMING AMENDMENTS REGARDING REF-
10 ERENCES TO DIRECTOR.—
11 (1) CROSS REFERENCES IN SECTION 10505.—
12 Section 10505 of such title is further amended—
13 (A) in subsection (a)—
14 (i) in paragraphs (2), (3), and (4), by
15 striking "Director of the Joint Staff" each
16 place in appears and inserting "Vice
17 Chief"; and
18 (ii) in paragraph (3)(B), by striking
19 "as the Director" and inserting "as the
20 Vice Chief"; and
21 (B) in subsection (b), by striking "Director
22 of the Joint Staff" and inserting "Vice Chief".
23 (2) CROSS REFERENCES IN SECTION 10506.—
24 Section 10506(a)(1) of such title is amended by
25 striking "Chief of the National Guard Bureau and

1 the Director of the Joint Staff" and inserting "Chief
2 and Vice Chief".
3 (3) OTHER REFERENCES.—Any reference in
4 any law, regulation, document, paper, or other
5 record of the United States to the Director of the
6 Joint Staff of the National Guard Bureau shall be
7 deemed to be a reference to the Vice Chief of the
8 National Guard Bureau.
9 (d) CLERICAL AMENDMENTS.—
10 (1) SECTION HEADING.—The heading for sec-
11 tion 10505 of such title is amended to read as fol-
12 lows:
13 **"§ 10505. Vice Chief of the National Guard Bureau".**
14 (2) TABLE OF SECTIONS.—The item relating to
15 such section in the table of sections at the beginning
16 of chapter 1011 of such title is amended to read as
17 follows:

"10505. Vice Chief of the National Guard Bureau.".

18 (e) TREATMENT OF CURRENT DIRECTOR OF THE
19 JOINT STAFF OF THE NATIONAL GUARD BUREAU.—The
20 officer who is serving as Director of the Joint Staff of
21 the National Guard Bureau on the date of the enactment
22 of this Act shall serve, in the grade of major general, as
23 acting Vice Chief of the National Guard Bureau until the
24 appointment of a Vice Chief of the National Guard Bu-
25 reau in accordance with subsection (a) of section 10505

1 of title 10, United States Code, as amended by subsection
2 (b). Notwithstanding the amendment made by subsection
3 (b)(3), the acting Vice Chief of the National Guard Bu-
4 reau shall not be excluded from the limitations in section
5 526(a) of such title.

6 **SEC. 512. [LOG# 7-SEC1142]PRESEPARATION COUNSELING**
7 **FOR MEMBERS OF THE RESERVE COMPO-**
8 **NENTS.**

9 (a) REQUIREMENT; EXCEPTION.—Subsection (a)(1)
10 of section 1142 of title 10, United States Code, is amend-
11 ed—
12 (1) in the first sentence—
13 (A) by striking "Within" and inserting
14 "(A) Within"; and
15 (B) by striking "of each member" and all
16 that follows through the period at the end of
17 the sentence and inserting the following: "of—
18 "(i) each member of the armed forces whose
19 discharge or release from active duty is anticipated
20 as of a specific date; and
21 "(ii) each member of a reserve component not
22 covered by clause (i) whose discharge or release from
23 service is anticipated as of a specific date."; and

1 (2) in the second sentence, by striking "A nota-
2 tion of the provision of such counseling" and insert-
3 ing the following:
4 "(B) A notation of the provision of preseparation
5 counseling".
6 (b) MODIFICATION OF TIME PERIOD IN WHICH
7 PRESEPARATION COUNSELING MUST BE PROVIDED.—
8 Subsection (a)(3) of such section is amended—
9 (1) in subparagraph (A), by striking "subpara-
10 graph (B)" and inserting "subparagraphs (B) and
11 (C)"; and
12 (2) by adding at the end the following new sub-
13 paragraph:
14 "(C) In the event that a member of a reserve compo-
15 nent is being released from active duty for a period of
16 more than 30 days under circumstances in which the Sec-
17 retary concerned determines operational requirements
18 make compliance with the 90-day requirement under sub-
19 paragraph (A) unfeasible, preseparation counseling shall
20 begin as soon as possible within the remaining period of
21 service.".
22 (c) CONFORMING AMENDMENT REGARDING COV-
23 ERED MATTERS.—Subsection (b)(7) of such section is
24 amended by striking "from active duty".

1 **SEC. 513. [LOG# 135-DOD512]CLARIFICATION OF APPLICA-**
2 **BILITY OF AUTHORITY FOR DEFERRAL OF**
3 **MANDATORY SEPARATION OF MILITARY**
4 **TECHNICIANS (DUAL STATUS) UNTIL AGE 60.**

5 (a) DISCRETIONARY DEFERRAL OF MANDATORY
6 SEPARATION.—Section 10216(f) of title 10, United States
7 Code, is amended—

8 (1) in the subsection heading, by inserting "AU-
9 THORITY FOR" before "DEFERRAL OF MANDATORY
10 SEPARATION";

11 (2) by striking "shall implement" and inserting
12 "may each implement";

13 (3) by inserting ", at the discretion of the Sec-
14 retary concerned," after "so as to allow"; and

15 (4) by striking "for officers".

16 (b) CONFORMING AMENDMENT.—Section
17 10218(a)(3)(A)(i) of such title is amended by striking "if
18 qualified be appointed" and inserting "if qualified may be
19 appointed".

20 **SEC. 514. [LOG# 136-DOD501]MODIFICATION OF ELIGIBILITY**
21 **FOR CONSIDERATION FOR PROMOTION FOR**
22 **RESERVE OFFICERS EMPLOYED AS MILITARY**
23 **TECHNICIANS (DUAL STATUS).**

24 Section 14301 of title 10, United States Code, is
25 amended by adding at the end the following new para-
26 graph:

1 "(i) RESERVE OFFICERS EMPLOYED AS MILITARY
2 TECHNICIAN (DUAL STATUS).—A reserve officer of the
3 Army or Air Force employed as a military technician (dual
4 status) under section 10216 of this title who has been re-
5 tained beyond the mandatory removal date for years of
6 service pursuant to subsection (f) of such section or sec-
7 tion 14702(a)(2) of this title is not eligible for consider-
8 ation for promotion by a mandatory promotion board con-
9 vened under section 14101(a) of this title.".

10 Subtitle C—General Service
11 Authorities

12 **SEC. 521. [LOG# 353-MILSERV]FINDINGS REGARDING**
13 **UNIQUE NATURE, DEMANDS, AND HARDSHIPS**
14 **OF MILITARY SERVICE.**

15 (a) CODIFICATION.—Chapter 37 of title 10, United
16 States Code, is amended by inserting before section 651
17 the following new section:

18 **"§ 650. Findings regarding unique nature, demands,**
19 **and hardships of service in the armed**
20 **forces**

21 "Congress makes the following findings:
22 "(1) Section 8 (clauses 12, 13, and 14) of Arti-
23 cle I of the Constitution of the United States com-
24 mits exclusively to Congress the powers to raise and
25 support armies, provide and maintain a Navy, and

1 make rules for the government and regulation of the
2 land and naval forces.
3 "(2) There is no constitutional right to serve in
4 the armed forces.
5 "(3) Pursuant to the powers conferred by sec-
6 tion 8 of article I of the Constitution of the United
7 States, it lies within the discretion of the Congress
8 to establish qualifications for and conditions of serv-
9 ice in the armed forces.
10 "(4) The primary purpose of the armed forces
11 is to prepare for and to prevail in combat should the
12 need arise.
13 "(5) The conduct of military operations re-
14 quires members of the armed forces to make ex-
15 traordinary sacrifices, including the ultimate sac-
16 rifice, in order to provide for the common defense.
17 "(6) Success in combat requires military units
18 that are characterized by high morale, good order
19 and discipline, and unit cohesion.
20 "(7) One of the most critical elements in com-
21 bat capability is unit cohesion, that is, the bonds of
22 trust among individual service members that make
23 the combat effectiveness of a military unit greater
24 than the sum of the combat effectiveness of the indi-
25 vidual unit members.

1 "(8) Military life is fundamentally different
2 from civilian life in that—
3 "(A) the extraordinary responsibilities of
4 the armed forces, the unique conditions of mili-
5 tary service, and the critical role of unit cohe-
6 sion, require that the military community, while
7 subject to civilian control, exist as a specialized
8 society; and
9 "(B) the military society is characterized
10 by its own laws, rules, customs, and traditions,
11 including numerous restrictions on personal be-
12 havior, that would not be acceptable in civilian
13 society.
14 "(9) The standards of conduct for members of
15 the armed forces regulate a member's life for 24
16 hours each day beginning at the moment the mem-
17 ber enters military status and not ending until that
18 person is discharged or otherwise separated from the
19 armed forces.
20 "(10) Those standards of conduct, including the
21 Uniform Code of Military Justice, apply to a mem-
22 ber of the armed forces at all times that the member
23 has a military status, whether the member is on
24 base or off base, and whether the member is on duty
25 or off duty.

1 "(11) The pervasive application of the stand-
2 ards of conduct is necessary because members of the
3 armed forces must be ready at all times for world-
4 wide deployment to a combat environment.
5 "(12) The worldwide deployment of United
6 States military forces, the international responsibil-
7 ities of the United States, and the potential for in-
8 volvement of the armed forces in actual combat rou-
9 tinely make it necessary for members of the armed
10 forces involuntarily to accept living conditions and
11 working conditions that are often spartan, primitive,
12 and characterized by forced intimacy with little or
13 no privacy.
14 "(13) The armed forces must maintain per-
15 sonnel policies that are intended to recruit and re-
16 tain only those persons whose presence in the armed
17 forces serve the needs of the armed forces, con-
18 tribute to the accomplishment of the missions of the
19 armed forces, and maintain the armed forces' high
20 standards of morale, good order and discipline, and
21 unit cohesion that are the essence of military capa-
22 bility.".
23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by inserting

1 before the item relating to section 651 the following new
2 item:

"650. Findings regarding unique nature, demands, and hardships of service in the armed forces.".

3 **SEC. 522. [LOG# 354-SEC991]POLICY ADDRESSING DWELL**
4 **TIME AND MEASUREMENT AND DATA COL-**
5 **LECTION REGARDING UNIT OPERATING**
6 **TEMPO AND PERSONNEL TEMPO.**

7 (a) POLICY ADDRESSING DWELL TIME.—Subsection
8 (a) of section 991 of title 10, United States Code, is
9 amended by adding at the end the following new para-
10 graph:

11 "(4) The Secretary of Defense shall prescribe a policy
12 that addresses the amount of dwell time a member of the
13 armed forces or unit remains at the member's or unit's
14 permanent duty station or home port, as the case may
15 be, between deployments.".

16 (b) UNIT OPERATING TEMPO AND PERSONNEL
17 TEMPO RECORDKEEPING.—Subsection (c) of such section
18 is amended to read as follows:

19 "(c) RECORDKEEPING.—(1) The Secretary of De-
20 fense shall—

21 "(A) establish a system for tracking and re-
22 cording the number of days that each member of the
23 armed forces is deployed;

1 "(B) prescribe policies and procedures for
2 measuring operating tempo and personnel tempo;
3 and
4 "(C) maintain a central data collection reposi-
5 tory to provide information for research, actuarial
6 analysis, interagency reporting and evaluation of De-
7 partment of Defense programs and policies.
8 "(2) The data collection repository shall be able to
9 identify—
10 "(A) the active and reserve component units of
11 the armed forces that are participating at the bat-
12 talion, squadron, or an equivalent level (or a higher
13 level) in contingency operations, major training
14 events, and other exercises and contingencies of such
15 a scale that the exercises and contingencies receive
16 an official designation; and
17 "(B) the duration of their participation.
18 "(3) For each of the armed forces, the data collection
19 repository shall be able to indicate, for a fiscal year—
20 "(A) the number of members who received the
21 high-deployment allowance under section 436 of title
22 37 (or who would have been eligible to receive the
23 allowance if the duty assignment was not excluded
24 by the Secretary of Defense);

1 "(B) the number of members who received each
2 rate of allowance paid (estimated in the case of
3 members described in the parenthetical phrase in
4 subparagraph (A));
5 "(C) the number of months each member re-
6 ceived the allowance (or would have received it in the
7 case of members described in the parenthetical
8 phrase in subparagraph (A)); and
9 "(D) the total amount expended on the allow-
10 ance.
11 "(4) For each of the armed forces, the data collection
12 repository shall be able to indicate, for a fiscal year, the
13 number of days that high demand, low density units (as
14 defined by the Chairman of the Joint Chiefs of Staff) were
15 deployed, and whether these units met the force goals for
16 limiting deployments, as described in the personnel tempo
17 policies applicable to that armed force.".
18 (c) DEFINITIONS.—Such section is further amended
19 by adding at the end the following new subsection:
20 "(f) OTHER DEFINITIONS.—In this section:
21 "(1)(A) Subject to subparagraph (B), the term
22 'dwell time' means the time a member of the armed
23 forces or a unit spends at the permanent duty sta-
24 tion or home port after returning from a deploy-
25 ment.

1 "(B) The Secretary of Defense may modify the
2 definition of dwell time specified in subparagraph
3 (A). If the Secretary establishes a different defini-
4 tion of such term, the Secretary shall transmit the
5 new definition to Congress.
6 "(2) The term 'operating tempo' means the rate
7 at which units of the armed forces are involved in
8 all military activities, including contingency oper-
9 ations, exercises, and training deployments.
10 "(3) The term 'personnel tempo' means the
11 amount of time members of the armed forces are en-
12 gaged in their official duties at a location or under
13 circumstances that make it infeasible for a member
14 to spend off-duty time in the housing in which the
15 member resides.".
16 (d) CLERICAL AMENDMENTS.—
17 (1) SECTION HEADING.—The heading of section
18 991 of such title is amended to read as follows:
19 **"§ 991. Management of deployments of members and**
20 **measurement and data collection of unit**
21 **operating and personnel tempo".**
22 (2) TABLE OF SECTIONS.—The table of sections
23 at the beginning of chapter 50 of such title is
24 amended by striking the item relating to section 991
25 and inserting the following new item:

"991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo.".

SEC. 523. [LOG# 8-SEC533]EXTENSION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) DURATION OF PROGRAM AUTHORITY.—Subsection (l) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 701 note) is amended to read as follows:

"(l) DURATION OF PROGRAM AUTHORITY.—No member of the Armed Forces may be released from active duty under a pilot program conducted under this section after December 31, 2015.".

(b) CONTINUATION OF ANNUAL LIMITATION ON SELECTION OF PARTICIPANTS.—Subsection (c) of such section is amended by striking "each of calendar years 2009 through 2012" and inserting "a calendar year".

(c) ADDITIONAL REPORTS REQUIRED.—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking "June 1, 2011, and June 1, 2013" and inserting "June 1 of 2011, 2013, 2015, and 2017"; and

(2) in paragraph (2), by striking "March 1, 2016" and inserting "March 1, 2019".

1 **SEC. 524. [LOG# 355-RECRUITING]POLICY ON MILITARY RE-**
2 **CRUITMENT AND ENLISTMENT OF GRAD-**
3 **UATES OF SECONDARY SCHOOLS.**

4 (a) EQUAL TREATMENT FOR SECONDARY SCHOOL
5 GRADUATES.—

6 (1) EQUAL TREATMENT.—For the purposes of
7 recruitment and enlistment in the Armed Forces, the
8 Secretary of a military department shall treat a
9 graduate described in paragraph (2) in the same
10 manner as a graduate of a secondary school (as de-
11 fined in section 9101(38) of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C.
13 7801(38)).

14 (2) COVERED GRADUATES.—Paragraph (1) ap-
15 plies with respect to person who—

16 (A) receives a diploma from a secondary
17 school that is legally operating; or

18 (B) otherwise completes a program of sec-
19 ondary education in compliance with the edu-
20 cation laws of the State in which the person re-
21 sides.

22 (b) POLICY ON RECRUITMENT AND ENLISTMENT.—
23 Not later than 180 days after the date of the enactment
24 of this Act, the Secretary of Defense shall prescribe a pol-
25 icy on recruitment and enlistment that incorporates the
26 following:

1 (1) Means for identifying persons described in
2 subsection (a)(2) who are qualified recruitment and
3 enlistment in the Armed Forces, which may include
4 the use of a non-cognitive aptitude test, adaptive
5 personality assessment, or other operational attrition
6 screening tool to predict performance, behaviors, and
7 attitudes of potential recruits that influence attrition
8 and the ability to adapt to a regimented life in the
9 Armed Forces.
10 (2) Means for assessing how qualified persons
11 fulfill their enlistment obligation.
12 (3) Means for maintaining data, by each di-
13 ploma source, which can be used to analyze attrition
14 rates among qualified persons.
15 (c) RECRUITMENT PLAN.—As part of the policy re-
16 quired by subsection (b), the Secretary of each of the mili-
17 tary departments shall develop a recruitment plan that in-
18 cludes a marketing strategy for targeting various seg-
19 ments of potential recruits with all types of secondary edu-
20 cation credentials.
21 (d) COMMUNICATION PLAN.—The Secretary of each
22 of the military departments shall develop a communication
23 plan to ensure that the policy and recruitment plan are
24 understood by military recruiters.

Subtitle D—Military Justice, Voting, and Legal Matters

SEC. 531. [LOG# 356-DOD531]PROCEDURES FOR JUDICIAL REVIEW OF MILITARY PERSONNEL DECISIONS RELATING TO CORRECTION OF MILITARY RECORDS.

(a) JUDICIAL REVIEW PROCEDURES.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1558 the following new section:

"§ 1558a. Judicial review of certain decisions relating to correction of military records

"(a) AVAILABILITY OF JUDICIAL REVIEW.—After a final decision is issued by the Secretary concerned pursuant to section 1552 of this title or by the Secretary of Homeland Security or the Secretary of Defense pursuant to subsections (f) or (g) of section 1034 of this title, any person aggrieved by such a decision may obtain judicial review of the decision.

"(b) BASIS TO SET-ASIDE DECISION.—In exercising its authority under this section, the reviewing court shall review the record of the decision and may hold unlawful and set aside any decision demonstrated by the petitioner in the record to be—

"(1) arbitrary or capricious;

1 "(2) not based on substantial evidence;

2 "(3) a result of material error of fact or mate-
3 rial administrative error, but only if the petitioner
4 identified to the correction board how the failure to
5 follow such procedures substantially prejudiced the
6 petitioner's right to relief, and shows to the review-
7 ing court by a preponderance of the evidence that
8 the error was harmful; or

9 "(4) otherwise contrary to law.

10 "(c) RELIEF.—In exercising its authority under this
11 section, the reviewing court shall affirm, modify, vacate,
12 or reverse the decision, or remand the matter, as appro-
13 priate.

14 "(d) MATTERS MUST BE JUSTICIABLE.—Notwith-
15 standing subsections (a), (b), and (c), the reviewing court
16 does not have jurisdiction to entertain any matter or issue
17 raised in a petition of review that is not justiciable.

18 "(e) DECISION MUST BE FINAL.—(1) No judicial re-
19 view may be made under this section unless the petitioner
20 shall first have requested a correction under section 1552
21 of this title, and the Secretary concerned shall have ren-
22 dered a final decision denying that correction in whole or
23 in part. In a case in which the final decision of the Sec-
24 retary concerned is subject to review by the Secretary of
25 Defense under section 1034(g) of this title, the petitioner

1 is not required to seek such review by the Secretary of
2 Defense before obtaining judicial review under this sec-
3 tion. If the petitioner seeks review by the Secretary of De-
4 fense under section 1034(g) of this title, no judicial review
5 may be made until the Secretary of Defense shall have
6 rendered a final decision denying that request in whole
7 or in part.

8 "(2) In the case of a final decision described in sub-
9 section (a) made after the end of the one-year period be-
10 ginning on the date of the enactment of the National De-
11 fense Authorization Act for Fiscal Year 2012, a petition
12 for judicial review under this section must be filed within
13 one year after the date of that final decision.

14 "(f) EXCEPTIONS.—(1) A decision by a board estab-
15 lished under section 1552(a)(1) of this title declining to
16 excuse the untimely filing of a request for correction of
17 military records is not subject to judicial review under this
18 section or otherwise subject to review in any court.

19 "(2) A decision by a board established under section
20 1552(a)(1) of this title declining to reconsider or reopen
21 a previous denial or partial denial of a request for correc-
22 tion of military records is not subject to judicial review
23 under this section or otherwise subject to review in any
24 court.

1 "(3) Notwithstanding subsection (e)(2), a decision by
2 a board established under section 1552(a)(1) of this title
3 that results in denial, in whole or in part, of any request
4 for correction of military records that is received by the
5 board more than six years after the date of discharge, re-
6 tirement, release from active duty, or death while on active
7 duty of the person whose military records are the subject
8 of the correction request is not subject to judicial review
9 under this section or otherwise subject to review in any
10 court.

11 "(g) SOLE BASIS FOR JUDICIAL REVIEW.—(1) In the
12 case of a cause of action arising after the end of the one-
13 year period beginning on the date of the enactment of the
14 National Defense Authorization Act for Fiscal Year 2012,
15 no court shall have jurisdiction to entertain any request
16 for correction of records cognizable under subsection (f)
17 or (g) of section 1034 or section 1552 of this title except
18 as provided in this section.

19 "(2) In the case of a cause of action arising after
20 the end of such one-year period, except as provided by
21 chapter 153 of title 28 and chapter 79 of this title, no
22 court shall have jurisdiction over any civil action or claim
23 seeking, in whole or in part, to challenge any decision for
24 which administrative review is available under section
25 1552 of this title.".

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by inserting after the item relating to section 1558
4 the following new item:

"1558a. Judicial review of certain decisions relating to correction of military records.".

5 (b) EFFECT OF DENIAL OF REQUEST FOR CORREC-
6 TION OF RECORDS WHEN PROHIBITED PERSONNEL AC-
7 TION ALLEGED.—
8 (1) NOTICE OF DENIAL; PROCEDURES FOR JU-
9 DICIAL REVIEW.—Subsection (f) of section 1034 of
10 title 10, United States Code, is amended by adding
11 at the end the following new paragraph:
12 "(7) In any case in which the final decision of the
13 Secretary concerned results in denial, in whole or in part,
14 of any requested correction of the record of the member
15 or former member, the Secretary concerned shall provide
16 the member or former member a concise written statement
17 of the factual and legal basis for the decision, together
18 with a statement of the procedure and time for obtaining
19 review of the decision pursuant to section 1558a of this
20 title.".
21 (2) SECRETARY OF DEFENSE REVIEW; NOTICE
22 OF DENIAL.—Subsection (g) of such section is
23 amended—

1 (A) by inserting "(1)" before "Upon the
2 completion of all"; and
3 (B) by adding at the end the following new
4 paragraph:
5 "(2) The submittal of a matter to the Secretary of
6 Defense by the member or former member under para-
7 graph (1) must be made within 90 days of the receipt by
8 the member or former member of the final decision of the
9 Secretary of the military department concerned in the
10 matter. In any case in which the final decision of the Sec-
11 retary of Defense results in denial, in whole or in part,
12 of any requested correction of the record of the member
13 or former member, the Secretary of Defense shall provide
14 the member or former member a concise written statement
15 of the basis for the decision, together with a statement
16 of the procedure and time for obtaining review of the deci-
17 sion pursuant to section 1558a of this title.".
18 (3) SOLE BASIS FOR JUDICIAL REVIEW.—Such
19 section is further amended—
20 (A) by redesignating subsections (h) and
21 (i) as subsections (i) and (j), respectively; and
22 (B) by inserting after subsection (g) the
23 following new subsection (h):
24 "(h) JUDICIAL REVIEW.—(1) A decision of the Sec-
25 retary of Defense under subsection (g) shall be subject to

1 judicial review only as provided in section 1558a of this
2 title.

3 "(2) In a case in which review by the Secretary of
4 Defense under subsection (g) was not sought, a decision
5 of the Secretary of a military department under subsection
6 (f) shall be subject to judicial review only as provided in
7 section 1558a of this title.

8 "(3) A decision of the Secretary of Homeland Secu-
9 rity under subsection (f) shall be subject to judicial review
10 only as provided in section 1558a of this title.".

11 (c) EFFECT OF DENIAL OF OTHER REQUESTS FOR
12 CORRECTION OF MILITARY RECORDS.—Section 1552 of
13 such title is amended by adding at the end the following
14 new subsections:

15 "(h) In any case in which the final decision of the
16 Secretary concerned results in denial, in whole or in part,
17 of any requested correction, the Secretary concerned shall
18 provide the claimant a concise written statement of the
19 factual and legal basis for the decision, together with a
20 statement of the procedure and time for obtaining review
21 of the decision pursuant to section 1558a of this title.

22 "(i) A decision by the Secretary concerned under this
23 section shall be subject to judicial review only as provided
24 in section 1558a of this title.".

1 (d) EFFECTIVE DATE AND RETROACTIVE APPLICA-
2 TION.—
3 (1) EFFECTIVE DATE.—The amendments made
4 by this section shall take effect one year after the
5 date of the enactment of this Act.
6 (2) RETROACTIVE APPLICATION.—The amend-
7 ments made by this section shall apply to all final
8 decisions of the Secretary of Defense under section
9 1034(g) of title 10, United States Code, and of the
10 Secretary of a military department or the Secretary
11 of Homeland Security under sections 1034(f) or
12 1552 of such title, whether rendered before, on, or
13 after the date of the enactment of this Act.
14 (3) TRANSITION.—During the period between
15 the date of the enactment of this Act and the effec-
16 tive date specified in paragraph (1), in any case in
17 which the final decision of the Secretary of Defense
18 under section 1034 of title 10, United States Code,
19 or the Secretary concerned under section 1552 of
20 title 10, United States Code, results in denial, in
21 whole or in part, of any requested correction of the
22 record of a member or former member of the Armed
23 Forces or the record of a claimant under such sec-
24 tion 1552, the individual shall be informed in writ-
25 ing of the time for obtaining review of the decision

1 pursuant to section 1558a of such title as provided
2 therein.
3 (4) IMPLEMENTATION.—The Secretaries con-
4 cerned may prescribe appropriate regulations, and
5 interim guidance before prescribing such regulations,
6 to implement the amendments made by this section.
7 In the case of the Secretary of a military depart-
8 ment, such regulations may not take effect until ap-
9 proved by the Secretary of Defense.
10 (5) CONSTRUCTION.—This section and the
11 amendments made by this section do not affect the
12 authority of any court to exercise jurisdiction over
13 any case that was properly before the court before
14 the effective date specified in paragraph (1).
15 (6) SECRETARY CONCERNED.—In this sub-
16 section, the term "Secretary concerned" has the
17 meaning given that term in section 101(a)(9) of title
18 10, United States Code.

19 **SEC. 532. [LOG# 346-SEC2601A]CLARIFICATION OF APPLICA-**
20 **TION AND EXTENT OF DIRECT ACCEPTANCE**
21 **OF GIFTS AUTHORITY.**

22 Section 2601a of title 10, United States Code, is
23 amended—
24 (1) in subsection (b)—

1 (A) by striking "or" at the end of para-
2 graph (1);
3 (B) by redesignating paragraph (2) as
4 paragraph (3); and
5 (C) by inserting after paragraph (1) the
6 following new paragraph:
7 "(2) in an operation or area designated as a
8 combat operation or a combat zone, respectively, by
9 the Secretary of Defense in accordance with the reg-
10 ulations prescribed under subsection (a); or";
11 (2) in subsection (c), by striking "paragraph
12 (1) or (2) of subsection (c)" and inserting "para-
13 graph (1), (2) or (3) of subsection (b)"; and
14 (3) by adding at the end the following new sub-
15 section:
16 "(e) RETROACTIVE APPLICATION OF REGULA-
17 TIONS.—To the extent provided in the regulations issued
18 under subsection (a), the regulations shall also apply to
19 the acceptance of gifts for injuries or illnesses incurred
20 on or after September 11, 2001, through the effective date
21 of the regulations.".

1 **Subtitle E—Member Education and**
2 **Training Opportunities and Ad-**
3 **ministration**

4 **SEC. 541. [LOG# 12-APPRENT]IMPROVED ACCESS TO AP-**
5 **PRENTICESHIP PROGRAMS FOR MEMBERS**
6 **OF THE ARMED FORCES WHO ARE BEING**
7 **SEPARATED FROM ACTIVE DUTY OR RE-**
8 **TIRED.**

9 Section 1144 of title 10, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 "(e) PARTICIPATION IN APPRENTICESHIP PRO-
13 GRAMS.—As part of the program carried out under this
14 section, the Secretary concerned may permit a member of
15 the armed forces eligible for assistance under the program
16 to participate in an apprenticeship program that provides
17 employment skills training and assists members in
18 transitioning into new careers in civilian life.".

1 **SEC. 542. [LOG# 139-DOD701]EXPANSION OF RESERVE**
2 **HEALTH PROFESSIONALS STIPEND PROGRAM**
3 **TO INCLUDE STUDENTS IN MENTAL HEALTH**
4 **DEGREE PROGRAMS IN CRITICAL WARTIME**
5 **SPECIALTIES.**

6 (a) RESERVE COMPONENT MENTAL HEALTH STU-
7 DENT STIPEND.—Section 16201 of title 10, United States
8 Code, is amended—

9 (1) by redesignating subsection (f) as sub-
10 section (g); and

11 (2) by inserting after subsection (e) the fol-
12 lowing new subsection (f):

13 "(f) MENTAL HEALTH STUDENTS IN CRITICAL WAR-
14 TIME SPECIALTIES.—(1) Under the stipend program
15 under this chapter, the Secretary of the military depart-
16 ment concerned may enter into an agreement with a per-
17 son who—

18 "(A) is eligible to be appointed as an officer in
19 a reserve component;

20 "(B) is enrolled or has been accepted for enroll-
21 ment in an institution in a course of study that re-
22 sults in a degree in clinical psychology or social
23 work;

24 "(C) signs an agreement that, unless sooner
25 separated, the person will—

1 "(i) complete the educational phase of the
2 program;
3 "(ii) accept a reappointment or redesigna-
4 tion within the person's reserve component, if
5 tendered, based upon the person's health pro-
6 fession, following satisfactory completion of the
7 educational and intern programs; and
8 "(iii) participate in a residency program if
9 required for clinical licensure.
10 "(2) Under the agreement—
11 "(A) the Secretary of the military department
12 concerned shall agree to pay the participant a sti-
13 pend, in an amount determined under subsection
14 (g), for the period or the remainder of the period
15 that the student is satisfactorily progressing toward
16 a degree in clinical psychology or social work while
17 enrolled in a school accredited in the designated
18 mental health discipline;
19 "(B) the participant shall not be eligible to re-
20 ceive such stipend before appointment, designation,
21 or assignment as an officer for service in the Ready
22 Reserve;
23 "(C) the participant shall be subject to such ac-
24 tive duty requirements as may be specified in the
25 agreement and to active duty in time of war or na-

1 tional emergency as provided by law for members of
2 the Ready Reserve; and
3 "(D) the participant shall agree to serve, upon
4 successful completion of the program, one year in
5 the Ready Reserve for each six months, or part
6 thereof, for which the stipend is provided, to be
7 served in the Selected Reserve or in the Individual
8 Ready Reserve as specified in the agreement.".
9 (b) CROSS-REFERENCE AMENDMENTS.—Such section
10 is further amended—
11 (1) by striking "subsection (f)" in subsections
12 (b)(2)(A), (c)(2)(A), and (d)(2)(A) and inserting
13 "subsection (g)"; and
14 (2) in subsection (g), as redesignated by sub-
15 section (a)(1), by striking "subsection (b) or (c)"
16 and inserting "subsection (b), (c), (d), or (f)".
17 **SEC. 543. [LOG# 137-ACADEMY]TEMPORARY AUTHORITY TO**
18 **WAIVE MAXIMUM AGE LIMITATION ON ADMIS-**
19 **SION TO UNITED STATES MILITARY ACAD-**
20 **EMY, UNITED STATES NAVAL ACADEMY, AND**
21 **UNITED STATES AIR FORCE ACADEMY.**
22 (a) WAIVER FOR CERTAIN ENLISTED MEMBERS.—
23 The Secretary of the military department concerned may
24 waive the maximum age limitation specified in section
25 4346(a), 6958(a)(1), or 9346(a) of title 10, United States

1 Code, for the admission of an enlisted member of the
2 Armed Forces to the United States Military Academy, the
3 United States Naval Academy, or the United States Air
4 Force Academy if the member—

5 (1) satisfies the eligibility requirements for ad-
6 mission to that academy (other than the maximum
7 age limitation); and

8 (2) was or is prevented from being admitted to
9 a military service academy before the member
10 reached the maximum age specified in such sections
11 as a result of service on active duty in a theater of
12 operations for Operation Iraqi Freedom, Operation
13 Enduring Freedom, or Operation New Dawn.

14 (b) WAIVER FOR EXCEPTIONAL CANDIDATES.—The
15 Secretary of the military department concerned may waive
16 the maximum age limitation specified in such sections for
17 the admission of a candidate to the United States Military
18 Academy, the United States Naval Academy, or the
19 United States Air Force Academy if the candidate—

20 (1) satisfies the eligibility requirements for ad-
21 mission to that academy (other than the maximum
22 age limitation); and

23 (2) possesses an exceptional overall record that
24 the Secretary concerned determines sets the can-
25 didate apart from all other candidates.

1 (c) MAXIMUM AGE FOR RECEIPT OF WAIVER.—A
2 waiver may not be granted under this section if the can-
3 didate would pass the candidate's twenty-sixth birthday by
4 July 1 of the year in which the candidate would enter the
5 military service academy.

6 (d) LIMITATION ON NUMBER ADMITTED USING
7 WAIVER.—No more than five candidates may be admitted
8 to each of the military service academies for an academic
9 year pursuant to a waiver granted under this section.

10 (e) RECORD KEEPING REQUIREMENT.—The Sec-
11 retary of each military department shall maintain records
12 on the number of graduates of the military service acad-
13 emy under the jurisdiction of the Secretary who are admit-
14 ted pursuant to a waiver granted under this section and
15 who remain in the Armed Forces beyond the active duty
16 service obligation assumed upon graduation. The Sec-
17 retary shall compare their retention rate to the retention
18 rate of graduates of that academy generally.

19 (f) REPORTING REQUIREMENT.—Not later than
20 April 1, 2016, the Secretary of each military department
21 shall submit to the Committees on Armed Services of the
22 Senate and the House of Representatives a report speci-
23 fying—

1 (1) the number of applications for waivers re-
2 ceived by the Secretary under subsection (a) and
3 under subsection (b);
4 (2) the number of waivers granted by the Sec-
5 retary, including whether the waiver was granted
6 under subsection (a) or (b);
7 (3) the number of candidates actually admitted
8 to the military service academy under the jurisdic-
9 tion of the Secretary pursuant to a waiver granted
10 by the Secretary under this section; and
11 (4) beginning with the class of 2009, the num-
12 ber of graduates of the military service academy
13 under the jurisdiction of the Secretary who, before
14 admission to that academy, were enlisted members
15 of the Armed Forces and who remain in the Armed
16 Forces beyond the active duty service obligation as-
17 sumed upon graduation.
18 (g) DURATION OF WAIVER AUTHORITY.—The au-
19 thority to grant a waiver under this section expires on
20 September 30, 2016.

Subtitle F—Army National Military Cemeteries

SEC. 551. [LOG# 349-CEMETCHAP]ARMY NATIONAL MILITARY CEMETERIES.

(a) MANAGEMENT RESPONSIBILITIES AND OVERSIGHT.—Title 10, United States Code, is amended by inserting after chapter 445 the following new chapter:

"CHAPTER 446—ARMY NATIONAL MILITARY CEMETERIES

"Sec.
"4721. Authority and responsibilities of the Secretary of the Army.
"4722. Interment and inurnment policy.
"4723. Advisory committee on Arlington National Cemetery.
"4724. Executive Director.
"4725. Superintendents.
"4726. Oversight and inspections.

"§ 4721. Authority and responsibilities of the Secretary of the Army

"(a) GENERAL AUTHORITY.—The Secretary of the Army shall develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries specified in subsection (b) in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces buried or inurned in the Cemeteries.

"(b) ARMY NATIONAL MILITARY CEMETERIES.—The Army National Military Cemeteries (in this chapter referred to as the 'Cemeteries') consist of the following:

"(1) Arlington National Cemetery in Arlington, Virginia.

1 "(2) The United States Soldiers' and Airmen's
2 Home National Cemetery in the District of Colom-
3 bia.
4 "(c) ADMINISTRATIVE JURISDICTION.—The Ceme-
5 teries shall be under the jurisdiction of Headquarters, De-
6 partment of the Army.
7 "(d) REGULATIONS AND OTHER POLICIES.—The
8 Secretary of the Army shall prescribe such regulations and
9 policies as may be necessary administer the Cemeteries.
10 "(e) BUDGETARY AND REPORTING REQUIRE-
11 MENTS.—The Secretary of the Army shall submit to the
12 congressional defense committees and the Committees on
13 Veterans' Affairs of the Senate and House of Representa-
14 tives an annual budget request (and detailed justifications
15 for the amount of the request) to fund administration, op-
16 eration and maintenance, and construction related to the
17 Cemeteries. The Secretary may include, as necessary, pro-
18 posals for new or amended statutory authority related to
19 the Cemeteries.
20 **"§ 4722. Interment and inurnment policy**
21 "(a) ELIGIBILITY DETERMINATIONS GENERALLY.—
22 The Secretary of the Army, with the approval of the Sec-
23 retary of Defense, shall determine eligibility for interment
24 or inurnment in the Cemeteries.

1 "(b) REMOVAL OF REMAINS.—Under such regula-
2 tions as the Secretary of the Army may prescribe under
3 section 4721(d) of this title, the Secretary of Defense may
4 authorize the removal of the remains of a person described
5 in subsection (c) from one of the Cemeteries for re-inter-
6 ment or re-inurnment if, upon the death of the primary
7 person eligible for interment or inurnment in the Ceme-
8 teries, the deceased primary eligible person will not be bur-
9 ied in the same or an adjoining grave.

10 "(c) COVERED PERSONS.—Except as provided in
11 subsection (d), the persons whose remains may be removed
12 pursuant to subsection (b) are the deceased spouse, a
13 minor child, and, in the discretion of the Secretary of the
14 Army, an unmarried adult child of a member eligible for
15 interment or inurnment in the Cemeteries.

16 "(d) EXCEPTIONS.—The remains of a person de-
17 scribed in subsection (c) may not be removed from one
18 of the Cemeteries under subsection (b) if the primary per-
19 son eligible for burial in the Cemeteries is a person—

20 "(1) who is missing in action;

21 "(2) whose remains have not been recovered or
22 identified;

23 "(3) whose remains were buried at sea, whether
24 by the choice of the person or otherwise;

25 "(4) whose remains were donated to science; or

1 "(5) whose remains were cremated and whose
2 ashes were scattered without internment of any por-
3 tion of the ashes.

4 **"§ 4723. Advisory committee on Arlington National**
5 **Cemetery**

6 "(a) APPOINTMENT.—The Secretary of the Army
7 shall appoint an advisory committee on Arlington National
8 Cemetery.

9 "(b) ROLE.—The Secretary of the Army shall advise
10 and consult with the advisory committee with respect to
11 the administration of Arlington National Cemetery, the
12 erection of memorials at the cemetery, and master plan-
13 ning for the cemetery.

14 "(c) REPORTS AND RECOMMENDATIONS.—The advi-
15 sory committee shall make periodic reports and rec-
16 ommendations to the Secretary of the Army.

17 **"§ 4724. Executive Director**

18 "(a) APPOINTMENT AND QUALIFICATIONS.—(1)
19 There shall be an Executive Director of the Army National
20 Military Cemeteries who shall meet such professional
21 qualifications as may be established by the Secretary of
22 the Army.

23 "(2) The Executive Director reports directly to the
24 Secretary.

1 "(b) RESPONSIBILITIES.—The Executive Director is
2 responsible for the following:
3 "(1) Exercising authority, direction and control
4 over all aspects of the Cemeteries.
5 "(2) Establishing and maintaining full account-
6 ability for all gravesites and inurnment niches in the
7 Cemeteries.
8 "(3) Oversight of the construction, operation
9 and maintenance, and repair of the buildings, struc-
10 tures, and utilities of the Cemeteries.
11 "(4) Acquisition and maintenance of real prop-
12 erty and interests in real property for theCeme-
13 teries.
14 "(5) Planning and conducting private cere-
15 monies at the Cemeteries, including funeral and me-
16 morial services for interment and inurnment, and
17 planning and conducting public ceremonies, as di-
18 rected by the Secretary of the Army.
19 "(6) Formulating, promulgating, administering,
20 and overseeing policies and addressing proposals for
21 the placement of memorials and monuments in the
22 Cemeteries.
23 "(7) Formulating and implementing a master
24 plan for Arlington National Cemetery that, at a min-
25 imum, addresses interment and inurnment capacity,

1 visitor accommodation, operation and maintenance,
2 capital requirements, preservation of the cemetery's
3 special features, and other matters the Executive Di-
4 rector considers appropriate.
5 "(8) Overseeing the programming, planning,
6 budgeting, and execution of funds authorized and
7 appropriated for the Cemeteries.
8 "(9) Supervising the superintendents of the
9 Cemeteries.
10 **"§ 4725. Superintendents**
11 "(a) APPOINTMENT AND QUALIFICATIONS.—An indi-
12 vidual serving as the superintendent of one of the Ceme-
13 teries should be a retired or former member of the armed
14 forces who served honorably and who—
15 "(1) has experience in the administration, man-
16 agement, and operation of cemeteries under the ju-
17 risdiction of the National Cemeteries System admin-
18 istered by the Department of Veterans Affairs; or
19 "(2) as determined by the Secretary of the
20 Army, has experience in the administration, manage-
21 ment, and operation of large civilian cemeteries
22 equivalent to the experience described in paragraph
23 (1).
24 "(b) DUTIES.—The superintendents of the Ceme-
25 teries report directly to the Executive Director and per-

1 forms such duties and responsibilities as the Executive Di-
2 rector prescribes.

3 **"§ 4726. Oversight and inspections**

4 "(a) INSPECTIONS REQUIRED.—(1) The Secretary of
5 the Army shall provide for the oversight of the Cemeteries
6 to ensure the highest quality standards are maintained by
7 providing for the periodic inspection of the administration,
8 operation and maintenance, and construction elements ap-
9 plicable to the Cemeteries. Except as provided in para-
10 graph (2), the inspections shall be conducted by personnel
11 of the Department of the Army with the assistance, as
12 the Secretary considers appropriate, of personnel from
13 other Federal agencies and civilian experts.

14 "(2) The Inspector General of the Department of De-
15 fense shall conduct an inspection of the Cemeteries during
16 fiscal years 2012 and 2014.

17 "(b) SUBMISSION OF RESULTS.—Not later than 120
18 days after the completion of an inspection conducted
19 under subsection (a), the Secretary of the Army shall sub-
20 mit to the congressional defense committees a report con-
21 taining the results of the inspection and recommendations
22 and a plan for corrective actions to be taken in response
23 to the inspection.".

24 (b) TABLE OF CHAPTERS.—The table of chapters at
25 the beginning of subtitle B of such title and at the begin-

1 ning of part IV of such subtitle are amended by inserting
2 after the item relating to chapter 445 the following new
3 item:

"446. Army National Military Cemeteries ..... 4721".

4 **SEC. 552. [LOG# 345-INSPECT]INSPECTOR GENERAL OF THE**
5 **DEPARTMENT OF DEFENSE INSPECTION OF**
6 **MILITARY CEMETERIES.**

7 (a) INSPECTION AND RECOMMENDATIONS RE-
8 QUIRED.—The Inspector General of the Department of
9 Defense shall conduct an inspection of each military ceme-
10 tery and, based on the findings of those inspections, make
11 recommendations for the regulation, management, over-
12 sight, and operation of the military cemeteries.

13 (b) ELEMENTS OF INSPECTION.—Subject to sub-
14 section (c), the inspection of the military cemeteries under
15 subsection (a) shall include an assessment of the following:

16 (1) The adequacy of the statutes, policies, and
17 regulations governing the management, oversight,
18 operations, and interments or inurnments (or both)
19 by the military cemeteries and the adherence of each
20 military cemetery to such statutes, policies, and reg-
21 ulations.

22 (2) The system employed to fully account for
23 and accurately identify the remains interred or
24 inurned in the military cemeteries.

1 (3) The contracts and contracting processes
2 and oversight of those contracts and processes with
3 regard to compliance with Department of Defense
4 and military department guidelines.
5 (4) The history and adequacy of the oversight
6 conducted by the Secretaries of the military depart-
7 ments over the military cemeteries under their juris-
8 diction and the adequacy of corrective actions taken
9 as a result of that oversight.
10 (5) The statutory and policy guidance gov-
11 erning the authorization for the Secretaries of the
12 military departments to operate the militaryceme-
13 teries and an assessment of the budget and appro-
14 priations structure and history of each military cem-
15 etery.
16 (6) Such other matters as the Inspector Gen-
17 eral of the Department of Defense considers to be
18 appropriate.
19 (c) SPECIAL CONSIDERATIONS.—The inspection
20 under subsection (a) of the cemetery at the Armed Forces
21 Retirement Home–Washington shall focus primarily on—
22 (1) the assessment required by subsection
23 (b)(5); and
24 (2) whether the Secretary of the Army has fully
25 and completely addressed issues raised by, and the

1 recommendations made with regard to, such ceme-
2 tery in the Inspector General of the Department of
3 Defense 2010 report of the Special Inspection of Ar-
4 lington National Cemetery.
5 (d) INSPECTION OF ADDITIONAL CEMETERIES.—
6 (1) INSPECTION REQUIRED.—In addition to the
7 inspection required by subsection (a), the Inspector
8 General of the Department of Defense shall conduct
9 an inspection of a statistically valid sample of ceme-
10 teries located at current or former military installa-
11 tions inside and outside the United States that are
12 under the jurisdiction of the military departments
13 for the purpose of obtaining an assessment of the
14 adequacy of and adherence to the statutes, policies,
15 and regulations governing the management, over-
16 sight, operations, and interments or inurnments (or
17 both) by those cemeteries.
18 (2) EXCLUSION.—Paragraph (1) does not apply
19 to the cemeteries maintained by the American Battle
20 Monuments Commission and the military cemeteries
21 identified in subsection (f).
22 (e) SUBMISSION OF INSPECTION RESULTS AND COR-
23 RECTIVE ACTION PLANS.—
24 (1) MILITARY CEMETERY INSPECTIONS.—Not
25 later than March 31, 2012, the Secretaries of the

1 military departments shall submit to the Committees
2 on Armed Services of the Senate and the House of
3 Representatives a report containing—
4 (A) the findings of the inspections of the
5 military cemeteries conducted under subsection
6 (a);
7 (B) the recommendations of the Inspector
8 General of the Department of Defense based on
9 such inspections; and
10 (C) a plan for corrective action.
11 (2) INSPECTION OF ADDITIONAL CEME-
12 TERIES.—Not later than December 31, 2012, the
13 Inspector General of the Department of Defense
14 shall submit to the Committees on Armed Services
15 of the Senate and the House of Representatives a
16 report containing the findings of the inspections con-
17 ducted under subsection (d) and the recommenda-
18 tions of the Inspector General based on such inspec-
19 tions. Not later than April 1, 2013, the Secretaries
20 of the military departments shall submit to such
21 committees a plan for corrective action.
22 (f) MILITARY CEMETERY DEFINED.—In subsection
23 (a), the term "military cemetery" means the cemeteries
24 that are under the jurisdiction of a Secretary of a military
25 department at each of the following locations:

1 (1) The Armed Forces Retirement Home–
2 Washington.
3 (2) The United States Military Academy.
4 (3) The United States Naval Academy.
5 (4) The United States Air Force Academy.

6 Subtitle G—Armed Forces
7 Retirement Home

8 **SEC. 561. [LOG# 145-AFRH]CONTROL AND ADMINISTRATION**
9 **BY SECRETARY OF DEFENSE.**

10 Section 1511(d) of the Armed Forces Retirement
11 Home Act of 1991 (24 U.S.C. 411(d)) is amended by add-
12 ing at the end the following new paragraph:
13 "(3) The administration of the Retirement Home, in-
14 cluding administration for the provision of health care and
15 medical care for residents, shall remain under the control
16 and administration of the Secretary of Defense.".

17 **SEC. 562. [LOG# 146-AFRH]SENIOR MEDICAL ADVISOR**
18 **OVERSIGHT OF HEALTH CARE PROVIDED TO**
19 **RESIDENTS OF ARMED FORCES RETIREMENT**
20 **HOME.**

21 (a) ADVISORY RESPONSIBILITIES OF SENIOR MED-
22 ICAL ADVISOR.—Subsection (b) of section 1513A of the
23 Armed Forces Retirement Home Act of 1991 (24 U.S.C.
24 413a) is amended—
25 (1) by striking "(1) The"; and inserting "The";

1 (2) by striking paragraph (2); and

2 (3) by striking "and the Chief Operating Offi-
3 cer" and all that follows through the period at the
4 end and inserting the following: "the Chief Oper-
5 ating Officer, and the Advisory Council regarding
6 the direction and oversight of—

7 "(1) medical administrative matters at each fa-
8 cility of the Retirement Home; and

9 "(2) the provision of medical care, preventive
10 mental health, and dental care services at each facil-
11 ity of the Retirement Home.".

12 (b) RELATED DUTIES.—Subsection (c) of such sec-
13 tion is amended by striking paragraphs (3), (4), and (5)
14 and inserting the following new paragraphs:

15 "(3) Periodically visit each facility of the Re-
16 tirement Home to review—

17 "(A) the medical facilities, medical oper-
18 ations, medical records and reports, and the
19 quality of care provided to residents; and

20 "(B) inspections and audits to ensure that
21 appropriate follow-up regarding issues and rec-
22 ommendations raised by such inspections and
23 audits has occurred.

24 "(4) Report on the findings and recommenda-
25 tions developed as a result of each review conducted

1 under paragraph (3) to the Chief Operating Officer,
2 the Advisory Council, and the Under Secretary of
3 Defense for Personnel and Readiness.".

4 **SEC. 563. [LOG# 147-AFRH]ESTABLISHMENT OF ARMED**
5 **FORCES RETIREMENT HOME ADVISORY**
6 **COUNCIL AND RESIDENT ADVISORY COMMIT-**
7 **TEES.**

8 (a) REPLACEMENT OF LOCAL BOARDS OF TRUST-
9 EES.—The Armed Forces Retirement Home Act of 1991
10 (24 U.S.C. 416) is amended by striking section 1516 and
11 inserting the following new sections:

12 **"SEC. 1516. ADVISORY COUNCIL.**

13 "(a) ESTABLISHMENT.—The Retirement Home shall
14 have an Advisory Council, to be known as the 'Armed
15 Forces Retirement Home Advisory Council'. The Advisory
16 Council shall serve the interests of both facilities of the
17 Retirement Home.

18 "(b) DUTIES.—(1) The Advisory Council shall pro-
19 vide to the Chief Operating Officer and the Administrator
20 of each facility such guidance and recommendations on the
21 operation and administration of the Retirement Home and
22 the quality of care provided to residents as the Advisory
23 Council considers appropriate.

24 "(2) Not less often than annually, the Advisory Coun-
25 cil shall submit to the Secretary of Defense a report sum-

1 marizing its activities during the preceding year and pro-
2 viding such observations and recommendations with re-
3 spect to the Retirement Home as the Advisory Council
4 considers appropriate.

5 "(3) In carrying out its functions, the Advisory Coun-
6 cil shall—

7 "(A) provide for participation in its activities by
8 a representative of the Resident Advisory Committee
9 of each facility of the Retirement Home; and

10 "(B) make recommendations to the Inspector
11 General of the Department of Defense regarding
12 issues that the Inspector General should investigate.

13 "(c) COMPOSITION.—(1) The Advisory Council shall
14 consist of at least 15 members, each of whom shall be a
15 full or part-time Federal employee or a member of the
16 Armed Forces.

17 "(2) Members of the Advisory Council shall be des-
18 ignated by the Secretary of Defense, except that an indi-
19 vidual who is not an employee of the Department of De-
20 fense shall be designated, in consultation with the Sec-
21 retary of Defense, by the head of the Federal department
22 or agency that employs the individual.

23 "(3) The Advisory Council shall include the following
24 members:

1 "(A) One member who is an expert in nursing
2 home or retirement home administration and financ-
3 ing.
4 "(B) One member who is an expert in geron-
5 tology.
6 "(C) One member who is an expert in financial
7 management.
8 "(D) Two representatives of the Department of
9 Veterans Affairs, one to be designated from each of
10 the regional offices nearest in proximity to the facili-
11 ties of the Retirement Home.
12 "(E) The Chairpersons of the Resident Advi-
13 sory Committees.
14 "(F) One enlisted representative of the Serv-
15 ices' Retiree Advisory Council.
16 "(G) The senior noncommissioned officer of one
17 of the Armed Forces.
18 "(H) Two senior representatives of military
19 medical treatment facilities, one to be designated
20 from each of the military hospitals nearest in prox-
21 imity to the facilities of the Retirement Home.
22 "(I) One senior judge advocate from one of the
23 Armed Forces.
24 "(J) One senior representative of one of the
25 chief personnel officers of the Armed Forces.

1 "(K) Such other members as the Secretary of
2 Defense may designate.
3 "(4) The Administrator of the each facility of the Re-
4 tirement Home shall be a nonvoting member of the Advi-
5 sory Council.
6 "(5) The Secretary of Defense shall designate one
7 member of the Advisory Council to serve as the Chair-
8 person of the Advisory Council. The Chairperson shall
9 conduct the meetings of the Advisory Council and be re-
10 sponsible for the operation of the Advisory Council
11 "(d) TERM OF SERVICE.—(1) Except as provided in
12 paragraphs (2), (3), and (4), the term of service of a mem-
13 ber of the Advisory Council shall be two years. The Sec-
14 retary of Defense may designate a member to serve one
15 additional term.
16 "(2) Unless earlier terminated by the Secretary of
17 Defense, a person may continue to serve as a member of
18 the Advisory Council after the expiration of the member's
19 term until a successor is designated.
20 "(3) The Secretary of Defense may terminate the
21 term of service of a member of the Advisory Council before
22 the expiration of the member's term.
23 "(4) A member of the Advisory Council serves as a
24 member of the Advisory Council only for as long as the
25 member is assigned to or serving in a position for which

1 the duties include the duty to serve as a member of the
2 Advisory Council.
3 "(e) VACANCIES.—A vacancy in the Advisory Council
4 shall be filled in the manner in which the original designa-
5 tion was made. A member designated to fill a vacancy oc-
6 curring before the end of the term of the predecessor shall
7 be designated for the remainder of the term of the prede-
8 cessor. A vacancy in the Advisory Council shall not affect
9 its authority to perform its duties.
10 "(f) COMPENSATION.—(1) Except as provided in
11 paragraph (2), a member of the Advisory Council shall—
12 "(A) be provided a stipend consistent with the
13 daily government consultant fee for each day on
14 which the member is engaged in the performance of
15 services for the Advisory Council; and
16 "(B) while away from home or regular place of
17 business in the performance of services for the Advi-
18 sory Council, be allowed travel expenses (including
19 per diem in lieu of subsistence) in the same manner
20 as a person employed intermittently in Government
21 under sections 5701 through 5707 of title 5, United
22 States Code.
23 "(2) A member of the Advisory Council who is a
24 member of the Armed Forces on active duty or a full-time
25 officer or employee of the United States shall receive no

1 additional pay by reason of serving as a member of the
2 Advisory Council.

3 **"SEC. 1516A. RESIDENT ADVISORY COMMITTEES.**

4 "(a) ESTABLISHMENT AND PURPOSE.—(1) A Resi-
5 dent Advisory Committee is an elected body of residents
6 at each facility of the Retirement Home established to pro-
7 vide a forum for all residents to express their needs, ideas,
8 and interests through elected representatives of their re-
9 spective floor or area.

10 "(2) A Resident Advisory Committee—

11 "(A) serves as a forum for ideas, recommenda-
12 tions, and representation to management of that fa-
13 cility of the Retirement Home to enhance the mo-
14 rale, safety, health, and well-being of residents; and

15 "(B) provides a means to communicate policy
16 and general information between residents and man-
17 agement.

18 "(b) ELECTION PROCESS.—The election process for
19 the Resident Advisory Committee at a facility of the Re-
20 tirement Home shall be coordinated by the facility Om-
21 budsman.

22 "(c) CHAIRPERSON.—(1) The Chairperson of a Resi-
23 dent Advisory Committee shall be elected at large and
24 serve a two-year term.

1 "(2) Chairpersons serve as a liaison to the Adminis-
2 trator and are voting members of the Advisory Council.
3 Chairpersons shall create meeting agendas, conduct the
4 meetings, and provide a copy of the minutes to the Admin-
5 istrator, who will forward the copy to the Chief Operating
6 Officer for approval.
7 "(d) MEETINGS.—At a minimum, meetings of a Resi-
8 dent Advisory Committee shall be conducted quarterly.".
9 (b) CONFORMING AMENDMENTS.—
10 (1) DEFINITIONS.—Section 1502 of such Act
11 (24 U.S.C. 401) is amended—
12 (A) by striking paragraph (2);
13 (B) by redesignating paragraph (3) as
14 paragraph (2); and
15 (C) by inserting after paragraph (2) (as so
16 redesignated) the following new paragraphs:
17 "(3) The term 'Advisory Council' means the
18 Armed Forces Retirement Home Advisory Council
19 established under section 1516.
20 "(4) The term 'Resident Advisory Committee'
21 means an elected body of residents at a facility of
22 the Retirement Home established under section
23 1516A.".
24 (2) RESPONSIBILITIES OF CHIEF OPERATING
25 OFFICER.—Section 1515(c)(2) of such Act (24

1 U.S.C. 415(c)(2)) is amended by striking ", includ-
2 ing the Local Boards of those facilities".
3 (3) INSPECTION OF RETIREMENT HOME.—Sec-
4 tion 1518 of such Act (24 U.S.C. 418) is amend-
5 ed—
6 (A) in subsection (b)—
7 (i) in paragraph (1), by striking
8 "Local Board for the facility or the resi-
9 dent advisory committee or council" and
10 inserting "Advisory Council or the Resi-
11 dent Advisory Committee"; and
12 (ii) in paragraph (3), by striking
13 "Local Board for the facility, the resident
14 advisory committee or council" and insert-
15 ing "Advisory Council, the Resident Advi-
16 sory Committee";
17 (B) in subsection (c)(1), by striking "Local
18 Board for the facility" and inserting "Advisory
19 Council"; and
20 (C) in subsection (e)(1), by striking "Local
21 Board for the facility" and inserting "Advisory
22 Council".

1 **SEC. 564. [LOG# 148-AFRH]ADMINISTRATORS, OMBUDSMEN,**
2 **AND STAFF OF FACILITIES.**

3 (a) LEADERSHIP OF FACILITIES OF THE RETIRE-
4 MENT HOME.—Section 1517 of the Armed Forces Retire-
5 ment Home Act of 1991 (24 U.S.C. 417) is amended—
6 (1) in subsection (a), by striking "a Director, a
7 Deputy Director, and an Associate Director" and in-
8 serting "an Administrator and an Ombudsman";
9 (2) in subsections (b) and (c)—
10 (A) by striking "DIRECTOR" in each sub-
11 section heading and inserting "ADMINIS-
12 TRATOR"; and
13 (B) by striking "Director" each place it
14 appears and inserting "Administrator";
15 (3) by striking subsections (d) and (e) and re-
16 designating subsections (f), (g), (h), and (i) as sub-
17 sections (d), (e), (f), and (g), respectively;
18 (4) in subsection (d), as so redesignated—
19 (A) by striking "ASSOCIATE DIRECTOR" in
20 the subsection heading and inserting "OMBUDS-
21 MAN"; and
22 (B) by striking "Associate Director" in
23 paragraphs (1) and (2) and inserting "Ombuds-
24 man";
25 (5) in subsection (e), as so redesignated—

1 (A) by striking "ASSOCIATE DIRECTOR.—
2 " in the subsection heading and inserting "OM-
3 BUDSMAN.—(1)";
4 (B) by striking "Associate Director" and
5 inserting "Ombudsman";
6 (C) by striking "Director and Deputy Di-
7 rector" and inserting "Administrator";
8 (D) by striking "Director may" and insert-
9 ing "Administrator may"; and
10 (E) by adding at the end the following new
11 paragraph:
12 "(2) The Ombudsman may provide information to the
13 Administrator, the Chief Operating Officer, the Senior
14 Medical Advisor, the Inspector General of the Department
15 of Defense, and the Under Secretary of Defense for Per-
16 sonnel and Readiness.";
17 (6) in subsection (f), as so redesignated, by
18 striking "Director" each place it appears and insert-
19 ing "Administrator"; and
20 (7) in subsection (g), as so redesignated—
21 (A) by striking "DIRECTORS" in the sub-
22 section heading and inserting "ADMINISTRA-
23 TORS";
24 (B) in paragraph (1), by striking "Direc-
25 tors" and inserting "Administrators"; and

1 (C) in paragraph (2), by striking "a Direc-
2 tor" and inserting "an Administrator".
3 (b) CONFORMING AMENDMENTS.—
4 (1) REFERENCES TO DIRECTOR.—Sections
5 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c),
6 1518(d)(2), 1520, 1522, and 1523(b) of such Act
7 are amended by striking "Director" each place it ap-
8 pears and inserting "Administrator".
9 (2) REFERENCES TO DIRECTORS.—Sections
10 1514(b) and 1520(c) of such Act (24 U.S.C. 414(b),
11 420(c)) are amended by striking "Directors" and in-
12 serting "Administrators".

13 **SEC. 565. [LOG# 357-AFRH]REVISION OF FEE REQUIRE-**
14 **MENTS.**

15 (a) FIXING FEES.—Subsection (c) of section 1514 of
16 the Armed Forces Retirement Home Act of 1991 (24
17 U.S.C. 414) is amended—
18 (1) in paragraph (3), by striking the last sen-
19 tence; and
20 (2) by adding at the end the following new
21 paragraph:
22 "(4) Until different fees are prescribed and take ef-
23 fect under this subsection and subject to any fee adjust-
24 ment that the Secretary of Defense determines appro-
25 priate, the percentages and limitations on maximum

1 monthly amount that are applicable to fees charged to
2 residents for months beginning after December 31, 2011,
3 are as follows:

4 "(A) For independent living residents, 35 per-
5 cent of total current income, but not to exceed
6 $1,238 each month.

7 "(B) For assisted living residents, 40 percent of
8 total current income, but not to exceed $1,856 each
9 month.

10 "(C) For long-term care residents, 65 percent
11 of total current income, but not to exceed $3,094
12 each month.".

13 (b) REPEAL OF FORMER TRANSITIONAL FEE STRUC-
14 TURES.—Such section is further amended by striking sub-
15 section (d).

16 **SEC. 566. [LOG# 149-AFRH]REVISION OF INSPECTION RE-**
17 **QUIREMENTS.**

18 Section 1518 of the Armed Forces Retirement Home
19 Act of 1991 (24 U.S.C. 418) is amended—

20 (1) in subsection (b)(1)—

21 (A) by striking "In any year in which a fa-
22 cility of the Retirement Home is not inspected
23 by a nationally recognized civilian accrediting
24 organization," and inserting "Not less often
25 than once every three years,";

1 (B) by striking "of that facility" and in-
2 serting "of each facility of the Retirement
3 Home"; and
4 (C) by inserting "long-term care," after
5 "assisted living,";
6 (2) in subsection (c)—
7 (A) in paragraph (1), by striking "45
8 days" and inserting "90 days"; and
9 (B) by striking paragraph (2) and insert-
10 ing the following new paragraph:
11 "(2) A report submitted under paragraph (1) shall
12 include a plan by the Chief Operating Officer to address
13 the recommendations and other matters contained in the
14 report."; and
15 (3) in subsection (e)(1)—
16 (A) by striking "45 days" and inserting
17 "60 days"; and
18 (B) by striking "Director of the facility
19 concerned shall submit to the Under Secretary
20 of Defense for Personnel and Readiness, the
21 Chief Operating Officer" and inserting "Chief
22 Operating Officer shall submit to the Under
23 Secretary of Defense for Personnel and Readi-
24 ness, the Senior Medical Advisor".

1 **SEC. 567. [LOG# 150-AFRH]REPEAL OF OBSOLETE TRANSI-**
2 **TIONAL PROVISIONS AND TECHNICAL, CON-**
3 **FORMING, AND CLERICAL AMENDMENTS.**

4 (a) REPEAL OF TRANSITIONAL PROVISIONS.—Part B
5 of the Armed Forces Retirement Home Act of 1991, relat-
6 ing to transitional provisions for the Armed Forces Retire-
7 ment Home Board and the Directors and Deputy Direc-
8 tors of the facilities of the Armed Forces Retirement
9 Home, is repealed.

10 (b) CORRECTION OF OBSOLETE REFERENCES TO RE-
11 TIREMENT HOME BOARD.—

12 (1) ARMED FORCES RETIREMENT HOME ACT.—
13 Section 1519(a)(2) of the Armed Forces Retirement
14 Home Act of 1991 (24 U.S.C. 419(a)(2)) is amend-
15 ed by striking "Retirement Home Board" and in-
16 serting "Chief Operating Officer".

17 (2) TITLE 10, U.S.C..—

18 (A) DEFENSE OF CERTAIN SUITS.—Sec-
19 tion 1089(g)(3) of title 10, United States Code,
20 is amended by striking "Armed Forces Retire-
21 ment Home Board" and inserting "Chief Oper-
22 ating Officer of the Armed Forces Retirement
23 Home".

24 (B) FINES AND FORFEITURES.—Section
25 2772(b) of title 10, United States Code, is
26 amended by striking "Armed Forces Retire-

1 ment Home Board" and inserting "Chief Oper-
2 ating Officer of the Armed Forces Retirement
3 Home".
4 (c) SECTION HEADINGS.—
5 (1) SECTION 1501.—The heading of section
6 1501 of the Armed Forces Retirement Home Act of
7 1991 (24 U.S.C. is amended to read as follows:
8 **"SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.".**
9 (2) SECTION 1513.—The heading of section
10 1513 of such Act is amended to read as follows:
11 **"SEC. 1513. SERVICES PROVIDED TO RESIDENTS.".**
12 (3) SECTION 1513A.—The heading of section
13 1513A of such Act is amended to read as follows:
14 **"SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO**
15 **RESIDENTS.".**
16 (4) SECTION 1517.—The heading of section
17 1517 of such Act is amended to read as follows:
18 **"SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF**
19 **FACILITIES.".**
20 (5) SECTION 1518.—The heading of section
21 1518 of such Act is amended to read as follows:

1 **"SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME**
2 **FACILITIES BY DEPARTMENT OF DEFENSE**
3 **INSPECTOR GENERAL AND OUTSIDE INSPEC-**
4 **TORS.".**

5 (6) PUNCTUATION.—The headings of sections
6 1512 and 1520 of such Act are amended by adding
7 a period at the end.

8 (d) PART A HEADER.—The heading for part A is re-
9 pealed.

10 (e) TABLE OF CONTENTS.—The table of contents in
11 section 1501(b) of such Act is amended—

12 (1) by striking the item relating to the heading
13 for part A;

14 (2) by striking the items relating to sections
15 1513 and 1513A and inserting the following new
16 items:

"Sec. 1513. Services provided to residents.
"Sec. 1513A. Oversight of health care provided to residents.";

17 (3) by striking the items relating to sections
18 1516, 1517, and 1518 and inserting the following:

"Sec. 1516. Advisory Council.
"Sec. 1516A. Resident Advisory Committees.
"Sec. 1517. Administrators, Ombudsmen, and staff of facilities.
"Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors."; and

19 (4) by striking the items relating to part B (in-
20 cluding the items relating to sections 1531, 1532,
21 and 1533).

Subtitle H—Military Family Readiness Matters

SEC. 571. [LOG #446-DODSEC541]REVISION TO MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Section 1781a(b) of title 10, United States Code, is amended to read as follows:

"(b) MEMBERS.—(1) The Council shall consist of the following members:

"(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council and who may designate a representative to chair the council in the Under Secretary's absence.

"(B) The following persons, who shall be appointed or designated by the Secretary of Defense:

"(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom shall be a member of the armed force to be represented.

"(ii) One representative of the Army National Guard or the Air National Guard, who may be a member of the National Guard.

"(iii) One spouse or parent of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse or par-

1 ent of an active component member and two of
2 whom shall be the spouse or parent of a reserve
3 component member.
4 "(C) Three individuals appointed by the Sec-
5 retary of Defense from among representatives of
6 military family organizations, including military
7 family organizations of families of members of the
8 regular components and of families of members of
9 the reserve components.
10 "(D) The senior enlisted advisor from each of
11 the Army, Navy, Marine Corps, and Air Force, ex-
12 cept that two of these members may instead be se-
13 lected from among the spouses of the senior enlisted
14 advisors.
15 "(E) The Director of the Office of Community
16 Support for Military Families with Special Needs.
17 "(2)(A) The term on the Council of the members ap-
18 pointed or designated under clauses (i) and (iii) of sub-
19 paragraph (B) of paragraph (1) shall be two years and
20 may be renewed by the Secretary of Defense. Representa-
21 tion on the Council under clause (ii) of that subparagraph
22 shall rotate between the Army National Guard and Air
23 National Guard every two years on a calendar year basis.

1 "(B) The term on the Council of the members ap-
2 pointed under subparagraph (C) of paragraph (1) shall be
3 three years.".

4 **SEC. 572. [LOG# 347-IMPACTAID]CONTINUATION OF AU-**
5 **THORITY TO ASSIST LOCAL EDUCATIONAL**
6 **AGENCIES THAT BENEFIT DEPENDENTS OF**
7 **MEMBERS OF THE ARMED FORCES AND DE-**
8 **PARTMENT OF DEFENSE CIVILIAN EMPLOY-**
9 **EES.**

10 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
11 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
12 amount authorized to be appropriated for fiscal year 2012
13 by section 301 and available for operation and mainte-
14 nance for Defense-wide activities as specified in the fund-
15 ing table in section 4301, $30,000,000 shall be available
16 only for the purpose of providing assistance to local edu-
17 cational agencies under subsection (a) of section 572 of
18 the National Defense Authorization Act for Fiscal Year
19 2006 (Public Law 109–163; 20 U.S.C. 7703b).

20 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
21 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
22 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
23 thorized to be appropriated for fiscal year 2012 by section
24 301 and available for operation and maintenance for De-
25 fense-wide activities as specified in the funding table in

1 section 4301, $10,000,000 shall be available only for the
2 purpose of providing assistance to local educational agen-
3 cies under subsection (b) of section 572 of the National
4 Defense Authorization Act for Fiscal Year 2006 (Public
5 Law 109–163; 20 U.S.C. 7703b).

6 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
7 this section, the term "local educational agency" has the
8 meaning given that term in section 8013(9) of the Ele-
9 mentary and Secondary Education Act of 1965 (20 U.S.C.
10 7713(9)).

11 **SEC. 573. [LOG #451-CHILD-CUSTODY]PROTECTION OF**
12 **CHILD CUSTODY ARRANGEMENTS FOR PAR-**
13 **ENTS WHO ARE MEMBERS OF THE ARMED**
14 **FORCES.**

15 (a) CHILD CUSTODY PROTECTION.—Title II of the
16 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et
17 seq.) is amended by adding at the end the following new
18 section:

19 **"SEC. 208. CHILD CUSTODY PROTECTION.**

20 "(a) RESTRICTION ON TEMPORARY CUSTODY
21 ORDER.—If a court renders a temporary order for custo-
22 dial responsibility for a child based solely on a deployment
23 or anticipated deployment of a parent who is
24 servicemember, then the court shall require that upon the
25 return of the servicemember from deployment, the custody

1 order that was in effect immediately preceding the tem-
2 porary order shall be reinstated, unless the court finds
3 that such a reinstatement is not in the best interest of
4 the child, except that any such finding shall be subject
5 to subsection (b).

6 "(b) EXCLUSION OF MILITARY SERVICE FROM DE-
7 TERMINATION OF CHILD'S BEST INTEREST.—If a motion
8 or a petition is filed seeking a permanent order to modify
9 the custody of the child of a servicemember, no court may
10 consider the absence of the servicemember by reason of
11 deployment, or the possibility of deployment, in deter-
12 mining the best interest of the child.

13 "(c) NO FEDERAL RIGHT OF ACTION.—Nothing in
14 this section shall create a Federal right of action.

15 "(d) PREEMPTION.—Preemption- In any case where
16 State law applicable to a child custody proceeding involv-
17 ing a temporary order as contemplated in this section pro-
18 vides a higher standard of protection to the rights of the
19 parent who is a deploying servicemember than the rights
20 provided under this section with respect to such temporary
21 order, the appropriate court shall apply the higher State
22 standard.

23 "(e) DEPLOYMENT DEFINED.—In this section, the
24 term 'deployment' means the movement or mobilization of
25 a servicemember to a location for a period of longer than

1 60 days and not longer than 18 months pursuant to tem-
2 porary or permanent official orders—
3 "(1) that are designated as unaccompanied;
4 "(2) for which dependent travel is not author-
5 ized; or
6 "(3) that otherwise do not permit the move-
7 ment of family members to that location.".
8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of such Act is amended by adding at the
10 end of the items relating to title II the following new item:
"208. Child custody protection.".

11 Subtitle I—Improved Sexual As-
12 sault Prevention and Response
13 in the Armed Forces

14 **SEC. 581. [LOG #452]DIRECTOR OF SEXUAL ASSAULT PRE-**
15 **VENTION AND RESPONSE OFFICE.**

16 Section 1611(a) of the Ike Skelton National Defense
17 Authorization Act for Fiscal Year 2011 (Public Law 111–
18 383; 10 U.S.C. 1561 note) is amended by adding before
19 the period at the end of the first sentence the following:
20 ", who shall be appointed from among general or flag offi-
21 cers of the Armed Forces or employees of the Department
22 of Defense in a comparable Senior Executive Service posi-
23 tion".

1 **SEC. 582. [LOG #453]SEXUAL ASSAULT VICTIMS ACCESS TO**
2 **LEGAL COUNSEL AND SERVICES OF SEXUAL**
3 **ASSAULT RESPONSE COORDINATORS AND**
4 **SEXUAL ASSAULT VICTIM ADVOCATES.**

5 (a) ACCESS.—Chapter 53 of title 10, United States
6 Code, is amended by inserting after section 1044d the fol-
7 lowing new section:

8 **"§ 1044e. Victims of sexual assault: access to legal as-**
9 **sistance and services of Sexual Assault**
10 **Response Coordinators and Sexual As-**
11 **sault Victim Advocates**

12 "(a) AVAILABILITY OF LEGAL ASSISTANCE AND VIC-
13 TIM ADVOCATE SERVICES.—

14 "(1) MEMBERS.—A member of the armed
15 forces or a dependent of a member of the armed
16 forces who is the victim of a sexual assault is enti-
17 tled to—

18 "(A) legal assistance provided by a mili-
19 tary legal assistance counsel certified as com-
20 petent to provide such assistance;

21 "(B) assistance provided by a qualified
22 Sexual Assault Response Coordinator; and

23 "(C) assistance provided by a qualified
24 Sexual Assault Victim Advocate.

25 "(2) DEPENDENTS.—To the extent practicable,
26 the Secretary of a military department shall make

1 the assistance described in paragraph (1) available
2 to dependent of a member of the armed forces who
3 is the victim of a sexual assault and resides on or
4 in the vicinity of a military installation. The Sec-
5 retary concerned shall define the term 'vicinity' for
6 purposes of this paragraph.

7 "(3) NOTICE OF AVAILABILITY OF ASSISTANCE;
8 OPT OUT.—The member or dependent shall be in-
9 formed of the availability of assistance under this
10 subsection as soon as the member or dependent
11 seeks assistance from a Sexual Assault Response Co-
12 ordinator or any other responsible member of the
13 armed forces or Department of Defense civilian em-
14 ployee. The victim shall also be informed that the
15 legal assistance and services of a Sexual Assault Re-
16 sponse Coordinator and Sexual Assault Victim Advo-
17 cate are optional and these services may be declined,
18 in whole or in part, at any time.

19 "(4) NATURE OF REPORTING IMMATERIAL.—In
20 the case of a member of the armed forces, access to
21 legal assistance and the services of Sexual Assault
22 Response Coordinators and Sexual Assault Victim
23 Advocates are available regardless of whether the
24 member elects unrestricted or restricted (confiden-
25 tial) reporting of the sexual assault.

1 "(b) RESTRICTED REPORTING OPTION.—

2 "(1) AVAILABILITY OF RESTRICTED REPORT-
3 ING.—A member of the armed forces who is the vic-
4 tim of a sexual assault may confidentially disclose
5 the details of the assault to an individual specified
6 in paragraph (2) and receive medical treatment,
7 legal assistance, or counseling, without triggering an
8 official investigation of the allegations.

9 "(2) PERSONS COVERED BY RESTRICTED RE-
10 PORTING.—Individuals covered by paragraph (1) are
11 the following:

12 "(A) Military legal assistance counsel.

13 "(B) Sexual Assault Response Coordi-
14 nator.

15 "(C) Sexual Assault Victim Advocate.

16 "(D) Personnel staffing the DOD Safe
17 Helpline or successor operation.

18 "(E) Healthcare personnel.

19 "(F) Chaplain.

20 "(c) DEFINITIONS.—In this section:

21 "(1) The term 'sexual assault' includes any of
22 the offenses covered by section 920 of this title (arti-
23 cle 120).

24 "(2) The term 'military legal assistance counsel'
25 means a judge advocate who—

1 "(A) is a graduate of an accredited law
2 school or is a member of the bar of a Federal
3 court or of the highest court of a State; and
4 "(B) is certified as competent to provide
5 legal assistance by the Judge Advocate General
6 of the armed force of which the judge advocate
7 is a member.".

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 1044d the following new
11 item:

"1044e. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.".

12 (c) CONFORMING AMENDMENT REGARDING PROVI-
13 SION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of
14 such title is amended by striking "sections 1044a, 1044b,
15 1044c, and 1044d" and inserting "sections 1044a through
16 1044e".

1 **SEC. 583. [LOG #454]EXPEDITED CONSIDERATION AND PRI-**
2 **ORITY FOR APPLICATION FOR CONSIDER-**
3 **ATION OF A PERMANENT CHANGE OF STA-**
4 **TION OR UNIT TRANSFER BASED ON HUMANI-**
5 **TARIAN CONDITIONS FOR VICTIM OF SEXUAL**
6 **ASSAULT.**

7 (a) IN GENERAL.—Chapter 39 of title 10, United
8 States Code, is amended by inserting after section 672 the
9 following new section:

10 **"§ 673. Consideration of application for permanent**
11 **change of station or unit transfer for**
12 **members on active duty who are the vic-**
13 **tim of a sexual assault**

14 "(a) EXPEDITED CONSIDERATION AND PRIORITY
15 FOR APPROVAL.—To the maximum extent practicable, the
16 Secretary concerned shall provide for the expedited consid-
17 eration and approval of an application for consideration
18 of a permanent change of station or unit transfer sub-
19 mitted by a member of the armed forces serving on active
20 duty who was a victim of a sexual assault or other offense
21 covered by section 920 of this title (article 120) so as to
22 reduce the possibility of retaliation against the member
23 for reporting the sexual assault.

24 "(b) REGULATIONS.—The Secretaries of the military
25 departments shall issue regulations to carry out this sec-

1 tion, within guidelines provided by the Secretary of De-
2 fense.".

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 672 the following new
6 item:

"673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault.".

7 Subtitle J—Other Matters

**8 SEC. 591. [LOG# 141-SEC2012]LIMITATIONS ON AUTHORITY
9 TO PROVIDE SUPPORT AND SERVICES FOR
10 CERTAIN ORGANIZATIONS AND ACTIVITIES
11 OUTSIDE DEPARTMENT OF DEFENSE.**

12 (a) NOTICE OF USE OF AUTHORITY IN CONNECTION
13 WITH TRAINING.—Subsection (a)(2) of section 2012 of
14 title 10, United States Code, is amended by inserting be-
15 fore the period at the end the following: ", funding for
16 such training was requested in the most recent budget
17 submission for the military department of that Secretary,
18 and no additional funding for such training is provided
19 by the Secretary of Defense".

20 (b) TERMINATION OF MILITARY MANPOWER EXCEP-
21 TION.—Subsection (d)(2) of such section is amended by
22 striking "Subparagraph (A)(i) of paragraph (1) does not
23 apply in a case in which" and inserting "After September

1 30, 2011, subparagraph (A)(i) of paragraph (1) applies
2 even though".

3 (c) IMPROVED OVERSIGHT AND COST ACCOUNT-
4 ING.—Subsection (j) of such section is amended—

5 (1) in the matter preceding paragraph (1), by
6 inserting "requested by the Secretary of a military
7 department and" after "training projects"; and

8 (2) by striking paragraph (1) and inserting the
9 following new paragraph (1):

10 "(1) Ensure that each project that is proposed
11 to be conducted in accordance with this section is re-
12 quested in writing, reviewed for full compliance with
13 this section, and approved in advance of initiation by
14 the Secretary of the military department con-
15 cerned.".

16 (d) ANNUAL FUNDING LIMITATION.—Such section is
17 further amended by adding at the end the following new
18 subsection:

19 "(k) LIMITATION ON ANNUAL OBLIGATION OF
20 FUNDS.—Not more than $10,000,000 may be obligated
21 during fiscal year 2012 or any fiscal year thereafter to
22 provide support and services to non-Department of De-
23 fense organizations and activities under this section.".

1 **SEC. 592. [LOG# 143-ADAPTED_JJ1]MILITARY ADAPTIVE**
2 **SPORTS PROGRAM.**

3 (a) PROGRAM AUTHORIZED.—Chapter 152 of title
4 10, United States Code, is amended by inserting after sec-
5 tion 2564 the following new section:

6 **"§ 2564a. Provision of assistance for adaptive sports**
7 **programs for members of the armed**
8 **forces**

9 "(a) PROGRAM AUTHORIZED.—The Secretary of De-
10 fense may establish a military adaptive sports program to
11 support the provision of adaptive sports programming for
12 members of the armed forces who are eligible to partici-
13 pate in adaptive sports because of an injury or wound in-
14 curred in the line of duty in the armed forces.

15 "(b) PROVISION OF ASSISTANCE; PURPOSE.—(1)
16 Under such criteria as the Secretary of Defense may es-
17 tablish under the military adaptive sports program, the
18 Secretary may award grants to, or enter into contracts
19 and cooperative agreements with, entities for the purpose
20 of planning, developing, managing, and implementing
21 adaptive sports programming for members described in
22 subsection (a).

23 "(2) The Secretary of Defense shall use competitive
24 procedures to award any grant or to enter into any con-
25 tract or cooperative agreement under this subsection.

1 "(c) USE OF ASSISTANCE.—Assistance provided
2 under the military adaptive sports program shall be
3 used—
4 "(1) for the purposes specified in subsection
5 (b); and
6 "(2) for such related activities and expenses as
7 the Secretary of Defense may authorize.
8 "(d) INAPPLICABILITY TO COAST GUARD.—In this
9 section, the term 'armed forces' does not include the Coast
10 Guard when it is not operating as a service in the Depart-
11 ment of the Navy.".
12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 717 the following new
15 item:

"2564a. Provision of assistance for adaptive sports programs for members of the armed forces.".

1 # TITLE VI—COMPENSATION AND
2 # OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. [log# 13-sec601]Fiscal year 2012 increase in military basic pay.
Sec. 602. [log# 152-sec403(b)]Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
Sec. 603. [log# 358-sec7572]Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. [log# 14-extenders]One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. [log# 15-extenders]One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. [log# 16-extenders]One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. [log# 17-extenders]One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. [log# 18-extenders]One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. [log# 19-extenders]One-year extension of authorities relating to payment of referral bonuses.

Subtitle C—Travel and Transportation Allowances Generally

Sec. 621. [log# 153-sec408a]One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance.

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

Sec. 631. [log# 359-traveltrans]Purpose.
Sec. 632. [log# 360-traveltrans]Consolidation and reform of travel and transportation authorities of the uniformed services.
Sec. 633. [log# 361-traveltrans]Old-law travel and transportation authorities transition expiration date and transfer of current sections.
Sec. 634. [log# 362-traveltrans]Addition of sunset provision to old-law travel and transportation authorities.
Sec. 635. [log# 363-traveltrans]Technical and clerical amendments.
Sec. 636. [log# 364-traveltrans]Transition provisions.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 641. [log# 365-sec2491]Expansion of use of uniform funding authority to include permanent change of station and temporary duty lodging programs operated through nonappropriated fund instrumentalities.

Sec. 642. [log# 366-sec2492]Contracting authority for nonappropriated fund instrumentalities to provide and obtain goods and services.

Sec. 643. [log# 9-sec2493]Designation of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base as a Fisher House.

Sec. 644. [log# 20-sec7604__dw1]Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat.

Subtitle F—Other Matters

Sec. 651. [log# 10-sec2602]Reimbursement of American National Red Cross for humanitarian support and other services provided to members of the Armed Forces and their dependents.

Subtitle A—Pay and Allowances

SEC. 601. [LOG# 13-SEC601]FISCAL YEAR 2012 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2012 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2012, the rates of monthly basic pay for members of the uniformed services are increased by 1.6 percent.

1 **SEC. 602. [LOG# 152-SEC403(B)]RESUMPTION OF AUTHORITY**
2 **TO PROVIDE TEMPORARY INCREASE IN**
3 **RATES OF BASIC ALLOWANCE FOR HOUSING**
4 **UNDER CERTAIN CIRCUMSTANCES.**

5 Effective October 1, 2011, section 403(b)(7)(E) of
6 title 37, United States Code, is amended by striking "De-
7 cember 31, 2009" and inserting "December 31, 2012".

8 **SEC. 603. [LOG# 358-SEC7572]LODGING ACCOMMODATIONS**
9 **FOR MEMBERS ASSIGNED TO DUTY IN CON-**
10 **NECTION WITH COMMISSIONING OR FITTING**
11 **OUT OF A SHIP.**

12 (a) EXTENSION TO PRECOMMISSIONING UNIT SAIL-
13 ORS.—Subsection (a) of section 7572 of title 10, United
14 States Code, is amended—

15 (1) by inserting "or assigned to duty in connec-
16 tion with commissioning or fitting out of a ship"
17 after "sea duty"; and

18 (2) by inserting ", because the ship is under
19 construction and is not yet habitable," after "be-
20 cause of repairs,".

21 (b) EXTENSION TO ENLISTED MEMBERS.—Sub-
22 section (d) of such section is amended—

23 (1) in paragraph (1)—

24 (A) by striking "After the expiration of the
25 authority provided in subsection (b), an officer"
26 and inserting "A member";

1 (B) by striking "officer's quarters" and in-
2 serting "member's quarters";
3 (C) by striking "obtaining quarters" and
4 inserting "obtaining housing"; and
5 (D) by striking "the officer" and inserting
6 "the member";
7 (2) in paragraph (2)—
8 (A) by striking "an officer" both places it
9 appears and inserting "a member";
10 (B) by striking "quarters" and inserting
11 "housing"; and
12 (C) by striking "officer's grade" and in-
13 serting "member's grade"; and
14 (3) in paragraph (3)—
15 (A) by striking "an officer" and inserting
16 "a member"; and
17 (B) by striking "quarters" and inserting
18 "housing".
19 (c) SHIPYARDS AFFECTED BY BRAC 2005.—Such
20 section is further amended by adding at the end the fol-
21 lowing new subsection:
22 "(e)(1) The Secretary may reimburse a member of
23 the naval service assigned to duty in connection with com-
24 missioning or fitting out of a ship in Pascagoula, Mis-
25 sissippi, or Bath, Maine, who is deprived of quarters on

1 board a ship because the ship is under construction and
2 is not yet habitable, or because of other conditions that
3 make the member's quarters uninhabitable, for expenses
4 incurred in obtaining housing, but only when the Navy is
5 unable to furnish the member with lodging accommoda-
6 tions under subsection (a).

7 "(2) The total amount that a member may be reim-
8 bursed under this subsection may not exceed an amount
9 equal to the basic allowance for housing of a member with-
10 out dependents of that member's grade.

11 "(3) A member without dependents, or a member who
12 resides with dependents while assigned to duty in connec-
13 tion with commissioning or fitting out of a ship at one
14 of the locations specified in paragraph (1), may not be
15 reimbursed under this subsection.

16 "(4) The Secretary may prescribe regulations to
17 carry out this subsection.".

18 (d) CONFORMING AMENDMENTS.—

19 (1) SECTION HEADING.—The heading of such
20 section is amended to read as follows:

1 **"§ 7572. Quarters: accommodations in place for mem-**
2 **bers on sea duty or assigned to duty in**
3 **connection with commissioning or fitting**
4 **out of a ship".**

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 649 of such title
7 is amended by striking the item relating to section
8 7572 and inserting the following new item:

"7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship.".

9 Subtitle B—Bonuses and Special
10 and Incentive Pays

11 **SEC. 611. [LOG# 14-EXTENDERS]ONE-YEAR EXTENSION OF**
12 **CERTAIN BONUS AND SPECIAL PAY AUTHORI-**
13 **TIES FOR RESERVE FORCES.**

14 The following sections of title 37, United States
15 Code, are amended by striking "December 31, 2011" and
16 inserting "December 31, 2012":

17 (1) Section 308b(g), relating to Selected Re-
18 serve reenlistment bonus.

19 (2) Section 308c(i), relating to Selected Reserve
20 affiliation or enlistment bonus.

21 (3) Section 308d(c), relating to special pay for
22 enlisted members assigned to certain high-priority
23 units.

1 (4) Section 308g(f)(2), relating to Ready Re-
2 serve enlistment bonus for persons without prior
3 service.
4 (5) Section 308h(e), relating to Ready Reserve
5 enlistment and reenlistment bonus for persons with
6 prior service.
7 (6) Section 308i(f), relating to Selected Reserve
8 enlistment and reenlistment bonus for persons with
9 prior service.
10 (7) Section 910(g), relating to income replace-
11 ment payments for reserve component members ex-
12 periencing extended and frequent mobilization for
13 active duty service.

14 **SEC. 612. [LOG# 15-EXTENDERS]ONE-YEAR EXTENSION OF**
15 **CERTAIN BONUS AND SPECIAL PAY AUTHORI-**
16 **TIES FOR HEALTH CARE PROFESSIONALS.**

17 (a) TITLE 10 AUTHORITIES.—The following sections
18 of title 10, United States Code, are amended by striking
19 "December 31, 2011" and inserting "December 31,
20 2012":
21 (1) Section 2130a(a)(1), relating to nurse offi-
22 cer candidate accession program.
23 (2) Section 16302(d), relating to repayment of
24 education loans for certain health professionals who
25 serve in the Selected Reserve.

1 (b) TITLE 37 AUTHORITIES.—The following sections
2 of title 37, United States Code, are amended by striking
3 "December 31, 2011" and inserting "December 31,
4 2012":
5 (1) Section 302c–1(f), relating to accession and
6 retention bonuses for psychologists.
7 (2) Section 302d(a)(1), relating to accession
8 bonus for registered nurses.
9 (3) Section 302e(a)(1), relating to incentive
10 special pay for nurse anesthetists.
11 (4) Section 302g(e), relating to special pay for
12 Selected Reserve health professionals in critically
13 short wartime specialties.
14 (5) Section 302h(a)(1), relating to accession
15 bonus for dental officers.
16 (6) Section 302j(a), relating to accession bonus
17 for pharmacy officers.
18 (7) Section 302k(f), relating to accession bonus
19 for medical officers in critically short wartime spe-
20 cialties.
21 (8) Section 302l(g), relating to accession bonus
22 for dental specialist officers in critically short war-
23 time specialties.

1 **SEC. 613. [LOG# 16-EXTENDERS]ONE-YEAR EXTENSION OF**
2 **SPECIAL PAY AND BONUS AUTHORITIES FOR**
3 **NUCLEAR OFFICERS.**

4 The following sections of title 37, United States
5 Code, are amended by striking "December 31, 2011" and
6 inserting "December 31, 2012":

7 (1) Section 312(f), relating to special pay for
8 nuclear-qualified officers extending period of active
9 service.

10 (2) Section 312b(c), relating to nuclear career
11 accession bonus.

12 (3) Section 312c(d), relating to nuclear career
13 annual incentive bonus.

14 **SEC. 614. [LOG# 17-EXTENDERS]ONE-YEAR EXTENSION OF**
15 **AUTHORITIES RELATING TO TITLE 37 CON-**
16 **SOLIDATED SPECIAL PAY, INCENTIVE PAY,**
17 **AND BONUS AUTHORITIES.**

18 The following sections of title 37, United States
19 Code, are amended by striking "December 31, 2011" and
20 inserting "December 31, 2012":

21 (1) Section 331(h), relating to general bonus
22 authority for enlisted members.

23 (2) Section 332(g), relating to general bonus
24 authority for officers.

25 (3) Section 333(i), relating to special bonus and
26 incentive pay authorities for nuclear officers.

1 (4) Section 334(i), relating to special aviation
2 incentive pay and bonus authorities for officers.
3 (5) Section 335(k), relating to special bonus
4 and incentive pay authorities for officers in health
5 professions.
6 (6) Section 351(h), relating to hazardous duty
7 pay.
8 (7) Section 352(g), relating to assignment pay
9 or special duty pay.
10 (8) Section 353(i), relating to skill incentive
11 pay or proficiency bonus.
12 (9) Section 355(h), relating to retention incen-
13 tives for members qualified in critical military skills
14 or assigned to high priority units.

15 **SEC. 615. [LOG# 18-EXTENDERS]ONE-YEAR EXTENSION OF**
16 **AUTHORITIES RELATING TO PAYMENT OF**
17 **OTHER TITLE 37 BONUSES AND SPECIAL**
18 **PAYS.**

19 The following sections of title 37, United States
20 Code, are amended by striking "December 31, 2011" and
21 inserting "December 31, 2012":
22 (1) Section 301b(a), relating to aviation officer
23 retention bonus.
24 (2) Section 307a(g), relating to assignment in-
25 centive pay.

1 (3) Section 308(g), relating to reenlistment
2 bonus for active members.
3 (4) Section 309(e), relating to enlistment
4 bonus.
5 (5) Section 324(g), relating to accession bonus
6 for new officers in critical skills.
7 (6) Section 326(g), relating to incentive bonus
8 for conversion to military occupational specialty to
9 ease personnel shortage.
10 (7) Section 327(h), relating to incentive bonus
11 for transfer between armed forces.
12 (8) Section 330(f), relating to accession bonus
13 for officer candidates.

14 **SEC. 616. [LOG# 19-EXTENDERS]ONE-YEAR EXTENSION OF**
15 **AUTHORITIES RELATING TO PAYMENT OF RE-**
16 **FERRAL BONUSES.**

17 The following sections of title 10, United States
18 Code, are amended by striking "December 31, 2011" and
19 inserting "December 31, 2012":
20 (1) Section 1030(i), relating to health profes-
21 sions referral bonus.
22 (2) Section 3252(h), relating to Army referral
23 bonus.

Subtitle C—Travel and Transportation Allowances Generally

SEC. 621. [LOG# 153-SEC408A]ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE TRAVEL EXPENSES FOR INACTIVE-DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCE.

Section 408a(e) of title 37, United States Code, is amended by striking "December 31, 2011" and inserting "December 31, 2012".

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

SEC. 631. [LOG# 359-TRAVELTRANS]PURPOSE.

It is the purpose of this subtitle to establish general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this subtitle and the 10-year transition period provided by section 6__6 provide the Secretary of Defense and the Secretaries concerned (as defined in section 101(5) of title 37, United States Code) with the authority to prescribe and implement travel and transportation policy that is simple, efficient, relevant, and flexible and that meets mis-

1 sion needs and the needs of members of the uniformed
2 services.

3 **SEC. 632. [LOG# 360-TRAVELTRANS]CONSOLIDATION AND**
4 **REFORM OF TRAVEL AND TRANSPORTATION**
5 **AUTHORITIES OF THE UNIFORMED SERV-**
6 **ICES.**

7 Title 37, United States Code, is amended by inserting
8 after chapter 7 the following new chapter:

9 **"CHAPTER 8—TRAVEL AND**
10 **TRANSPORTATION ALLOWANCES**

"SUBCHAPTER I—TRAVEL AND TRANSPORTATION—NEW LAW

"Sec.
"451. Definitions.
"452. Allowable travel and transportation: general authorities.
"453. Allowable travel and transportation: specific authorities.
"454. Travel and transportation pilot programs.

"SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

"Sec.
"461. Relationship to other travel and transportation authorities.
"462. Travel and transportation expenses paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.
"463. Regulations.

11 "SUBCHAPTER I—TRAVEL AND
12 TRANSPORTATION—NEW LAW

13 **"§ 451. Definitions**

14 "(a) DEFINITIONS RELATING TO PERSONS.—In this
15 subchapter and subchapter II:

16 "(1) The term 'administering Secretary' or 'ad-
17 ministering Secretaries' means the following:

1 "(A) The Secretary of Defense, with re-
2 spect to the armed forces (including the Coast
3 Guard when it is operating as a service in the
4 Navy).
5 "(B) The Secretary of Homeland Security,
6 with respect to the Coast Guard when it is not
7 operating as a service in the Navy.
8 "(C) The Secretary of Commerce, with re-
9 spect to the National Oceanic and Atmospheric
10 Administration.
11 "(D) The Secretary of Health and Human
12 Services, with respect to the Public Health
13 Service.
14 "(2) The term 'authorized traveler' means a
15 person who is authorized travel and transportation
16 allowances when performing official travel ordered or
17 authorized by the administering Secretary. Such
18 term includes the following:
19 "(A) A member of the uniformed services.
20 "(B) A family member of a member of the
21 uniformed services.
22 "(C) A person acting as an escort or at-
23 tendant for a member or family member who is
24 traveling on official travel or is traveling with
25 the remains of a deceased member.

1 "(D) A person who participates in a mili-
2 tary funeral honors detail.
3 "(E) A Senior Reserve Officers' Training
4 Corps cadet or midshipman.
5 "(F) An applicant or rejected applicant for
6 enlistment.
7 "(G) Any other person whose employment
8 or service is considered directly related to a
9 Government official activity or function under
10 regulations prescribed section 463 of this title.
11 "(3) The term 'family member', with respect to
12 a member of the uniformed services, means the fol-
13 lowing:
14 "(A) A dependent, as defined in section
15 401(a) of this title.
16 "(B) A child, as defined in section
17 401(b)(1) of this title.
18 "(C) A parent, as defined in section
19 401(b)(2) of this title.
20 "(D) A sibling of the member.
21 "(E) A former spouse of the member.
22 "(F) Any person not covered by subpara-
23 graphs (A) through (E) who is in a category
24 specified in regulations under section 463 of
25 this title as having an association, connection,

1 or affiliation with a member of the uniformed
2 services or the family of such a member.
3 "(G) Any person not covered by subpara-
4 graphs (A) through (F) who is determined by
5 the administering Secretary under regulations
6 prescribed under section 463 of this title as
7 warranting the status of being a family member
8 for purposes of a particular travel incident.
9 "(b) DEFINITIONS RELATING TO TRAVEL AND
10 TRANSPORTATION ALLOWANCES.—In this subchapter and
11 subchapter II:
12 "(1) The term 'official travel' means the fol-
13 lowing:
14 "(A) Military duty or official business per-
15 formed by an authorized traveler away from a
16 duty assignment location or other authorized lo-
17 cation.
18 "(B) Travel performed by an authorized
19 traveler ordered to relocate from a permanent
20 duty station to another permanent duty station.
21 "(C) Travel performed by an authorized
22 traveler ordered to the first permanent duty
23 station, or separated or retired from uniformed
24 service.

1 "(D) Local travel in or around the tem-
2 porary duty or permanent duty station.
3 "(E) Other travel as authorized or ordered
4 by the administering Secretary.
5 "(2) The term 'actual and necessary expenses'
6 means expenses incurred in fact by a traveler as a
7 reasonable consequence of official travel.
8 "(3) The term 'travel allowances' means the
9 daily lodging, meals, and other related expenses, in-
10 cluding relocation expenses, incurred by an author-
11 ized traveler while on official travel.
12 "(4) The term 'transportation allowances'
13 means the costs of temporarily or permanently mov-
14 ing an authorized traveler, the personal property of
15 an authorized traveler, or a combination thereof.
16 "(5) The term 'transportation-, lodging-, or
17 meals-in-kind' means transportation, lodging, or
18 meals provided by the Government without cost to
19 the traveler.
20 "(6) The term 'miscellaneous expenses' mean
21 authorized expenses incurred in addition to author-
22 ized allowances during the performance of official
23 travel.
24 "(7) The term 'personal property', with respect
25 to transportation allowances, includes baggage, fur-

1 niture, and other household items, clothing, privately
2 owned vehicles, house trailers, mobile homes, and
3 any other personal item that would not otherwise be
4 prohibited by any other provision or law, or regula-
5 tion prescribed under section 463 of this title.

6 "(8) The term 'relocation allowances' means the
7 costs associated with relocating a member of the
8 uniformed services or other authorized traveler be-
9 tween an old and new temporary or permanent duty
10 assignment location or other authorized location.

11 "(9) The term 'dislocation allowances' means
12 the costs associated with relocation of the household
13 of a member of the uniformed services or other au-
14 thorized traveler in relation to a change in the mem-
15 ber's permanent duty assignment location ordered
16 for the convenience of the Government or incident to
17 an evacuation.

18 "(10) The term 'per diem' means an amount
19 established as a daily rate that is paid to an author-
20 ized traveler to cover lodging, meals, and other re-
21 lated travel expenses pursuant to regulations.

1 **"§ 452. Allowable travel and transportation: general**
2 **authorities**

3 "(a) IN GENERAL.—Except as otherwise prohibited
4 by law, a member of the uniformed services or other au-
5 thorized traveler—

6 "(1) shall be provided transportation-, lodging,
7 or meals-in-kind, or actual and necessary travel and
8 transportation expenses for, or in connection with,
9 official travel; or

10 "(2) may be provided transportation and travel
11 allowances under other circumstances as specified in
12 regulations prescribed under section 463 of this title.

13 "(b) SPECIFIC CIRCUMSTANCES.—The authority
14 under subsection (a) includes travel under or in connection
15 with, but not limited to, the following circumstances, to
16 the extent specified in regulations prescribed under section
17 463 of this title:

18 "(1) Temporary duty that requires en route
19 travel between a permanent duty assignment loca-
20 tion and another authorized temporary duty loca-
21 tion, and travel in or around the temporary duty lo-
22 cation.

23 "(2) Permanent change of station that requires
24 en route travel between an old and new temporary
25 or permanent duty assignment location or other au-
26 thorized location.

1 "(3) Temporary duty or assignment relocation
2 related to a consecutive overseas tour or in-place-
3 consecutive overseas tour.
4 "(4) Recruiting duties for the armed forces.
5 "(5) Assignment or detail to another Govern-
6 ment agency or department.
7 "(6) Rest and recuperative leave.
8 "(7) Convalescent leave.
9 "(8) Reenlistment leave.
10 "(9) Reserve component inactive-duty training
11 performed outside the normal commuting distance of
12 the member's permanent residence.
13 "(10) Ready Reserve muster duty.
14 "(11) Unusual, extraordinary, hardship, or
15 emergency circumstances.
16 "(12) Missing status, as determined by the Sec-
17 retary concerned under chapter 10 of this title.
18 "(13) Attendance at or participation in inter-
19 national sports competitions described under section
20 717 of title 10.
21 "(c) MATTERS INCLUDED.—Travel and transpor-
22 tation allowances which may be provided under subsection
23 (a) include the following:
24 "(1) Allowances for transportation, lodging, and
25 meals.

1 "(2) Dislocation or relocation allowance paid in
2 connection with a change in a member's temporary
3 or permanent duty assignment location.
4 "(3) Other related miscellaneous expenses.
5 "(d) MODE OF PROVIDING TRAVEL AND TRANSPOR-
6 TATION ALLOWANCES.—Any authorized travel and trans-
7 portation may be provided—
8 "(1) as an actual expense;
9 "(2) as an authorized allowance;
10 "(3) in-kind; or
11 "(4) using a combination of the authorities
12 under paragraphs (1), (2), and (3).
13 "(e) TRAVEL AND TRANSPORTATION ALLOWANCES
14 WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—A mem-
15 ber of a uniformed service or other authorized person
16 whose travel and transportation order or authorization is
17 canceled, revoked, or modified may be allowed actual and
18 necessary expenses or travel and transportation allow-
19 ances.
20 "(f) ADVANCE PAYMENTS.—A member of the uni-
21 formed services or other authorized person may be allowed
22 advance payments for authorized travel and transpor-
23 tation allowances.

1 "(g) RESPONSIBILITY FOR UNAUTHORIZED EX-
2 PENSES.—Any unauthorized travel or transportation ex-
3 pense is not the responsibility of the United States.
4 "(h) RELATIONSHIP TO OTHER AUTHORITIES.—The
5 administering Secretary may not provide payment under
6 this section for an expense for which payment may be pro-
7 vided from any other appropriate Government or non-Gov-
8 ernment entity.

9 **"§ 453. Allowable travel and transportation: specific**
10 **authorities**

11 "(a) IN GENERAL.—In addition to any other author-
12 ity for the provision of travel and transportation allow-
13 ances, the administering Secretaries may provide travel
14 expenses and transportation expenses under this sub-
15 chapter in accordance with this section:
16 "(b) AUTHORIZED ABSENCE FROM TEMPORARY
17 DUTY LOCATION.—A member of a uniformed service or
18 other authorized traveler may be allowed travel expenses
19 and transportation allowances incurred at a temporary
20 duty location during an authorized absence from that loca-
21 tion.
22 "(c) MOVEMENT OF PERSONAL PROPERTY.—
23 "(1) A member of a uniformed service or other
24 authorized person may be allowed moving expenses
25 and transportation allowances associated with the

1 movement of personal property and household goods,
2 including such expenses when associated with a self-
3 move.

4 "(2) The authority in paragraph (1) includes
5 the movement and temporary and non-temporary
6 storage of personal property, household goods, and
7 privately-owned vehicles in connection with the tem-
8 porary or permanent move between authorized loca-
9 tions.

10 "(3) For movement of household goods, the ad-
11 ministering Secretaries shall prescribe weight allow-
12 ances in regulations under section 463 of this title.
13 The prescribed weight allowances may not exceed
14 18,000 pounds (including packing, crating, and
15 household goods in temporary storage), except that
16 the administering Secretary may authorize addi-
17 tional weight allowances as necessary.

18 "(4) The administering Secretary may prescribe
19 the terms, rates, and conditions that authorize a
20 member of the uniformed services to ship or store a
21 privately owned vehicle.

22 "(5) No carrier, port agent, warehouseman,
23 freight forwarder, or other person involved in the
24 transportation of property may have any lien on, or
25 hold, impound, or otherwise interfere with, the move-

1 ment of baggage and household goods being trans-
2 ported under this section.
3 "(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—
4 A member of the uniformed services or other authorized
5 person may be provided travel and transportation allow-
6 ances under this section for unusual, extraordinary, hard-
7 ship, or emergency circumstances, including under cir-
8 cumstances warranting evacuation from a permanent duty
9 assignment location.
10 "(e) PARTICULAR SEPARATION PROVISIONS.—The
11 administering Secretary may provide travel and transpor-
12 tation in kind for the following persons in accordance with
13 regulations prescribed under section 463 of this title:
14 "(1) A member who is retired, or is placed on
15 the temporary disability retired list, under chapter
16 61 of title 10.
17 "(2) A member who is retired with pay under
18 any other law or who, immediately following at least
19 eight years of continuous active duty with no single
20 break therein of more than 90 days, is discharged
21 with separation pay or is involuntarily released from
22 active duty with separation pay or readjustment pay.
23 "(3) A member who is discharged under section
24 1173 of title 10.

1 "(f) ATTENDANCE AT MEMORIAL CEREMONIES AND
2 SERVICES.—A family member or member of the uni-
3 formed services who attends a deceased member's repatri-
4 ation, burial, or memorial ceremony or service may be pro-
5 vided travel and transportation allowances to the extent
6 provided in regulations prescribed under section 463 of
7 this title.

8 **"§ 454. Travel and transportation pilot programs**

9 "(a) PILOT PROGRAMS.—Except as otherwise prohib-
10 ited by law, the Secretary of Defense may conduct pilot
11 programs to evaluate alternative travel and transportation
12 programs, policies, and processes for Department of De-
13 fense authorized travelers. Such pilot programs shall be
14 conducted so as to evaluate one or more of the following:
15 "(1) Alternative methods for performing and
16 reimbursing travel.
17 "(2) Means for limiting the need for travel.
18 "(3) Means for reducing the environmental im-
19 pact of travel.
20 "(b) WAIVER AUTHORITY.—Subject to subsection
21 (c), the administering Secretary may waive any otherwise
22 applicable provision of law to the extent determined nec-
23 essary by the Secretary for the purposes of carrying out
24 a pilot program under subsection (a).

1 "(c) LIMITATION.—The authority to carry out a pro-
2 gram under subsection (a) is subject to the availability of
3 appropriated funds.

4 "SUBCHAPTER II—ADMINISTRATIVE
5 PROVISIONS

6 **"§ 461. Relationship to other travel and transpor-**
7 **tation authorities**

8 "A member of a uniformed service or other author-
9 ized traveler may not be paid travel and transportation
10 allowances or receive travel and transportation-in-kind, or
11 a combination thereof, under both subchapter I and sub-
12 chapter III for Government official travel and transpor-
13 tation performed under a single or related travel and
14 transportation order or authorization by the administering
15 Secretary.

16 **"§ 462. Travel and transportation expenses paid to**
17 **members that are unauthorized or in ex-**
18 **cess of authorized amounts: requirement**
19 **for repayment**

20 "(a) REPAYMENT REQUIRED.—Except as provided in
21 subsection (b), a member of the uniformed services or
22 other person who is paid travel and transportation allow-
23 ances under subchapter I shall repay to the United States
24 any amount of such payment that is determined to be un-

1 authorized or in excess of the applicable authorized
2 amount.

3 "(b) EXCEPTION.—The regulations prescribed to ad-
4 minister this subchapter shall specify procedures for deter-
5 mining the circumstances under which a repayment excep-
6 tion may be granted.

7 "(c) EFFECT OF BANKRUPTCY.—An obligation to
8 repay the United States under this section is, for all pur-
9 poses, a debt owed the United States. A discharge in bank-
10 ruptcy under title 11 does not discharge a person from
11 such debt if the discharge order is entered less than five
12 years after the date on which the debt was incurred.

13 **"§ 463. Regulations**

14 "This subchapter and subchapter I shall be adminis-
15 tered under terms, rates, conditions, and regulations pre-
16 scribed by the Secretary of Defense in consultation with
17 the other administering Secretaries for members of the
18 uniformed services. Such regulations shall be uniform for
19 the Department of Defense and shall be apply as uni-
20 formly as practicable to the uniformed services under the
21 jurisdiction of the other administering Secretaries.".

1 **SEC. 633. [LOG# 361-TRAVELTRANS]OLD-LAW TRAVEL AND**
2 **TRANSPORTATION AUTHORITIES TRANSI-**
3 **TION EXPIRATION DATE AND TRANSFER OF**
4 **CURRENT SECTIONS.**

5 (a) CREATION OF SUBCHAPTER III AND TRANSITION
6 EXPIRATION DATE.—Chapter 8 of title 37, United States
7 Code, as added by section 632, is amended by adding at
8 the end the following new subchapter:

9 "SUBCHAPTER III—TRAVEL AND
10 TRANSPORTATION AUTHORITIES—OLD LAW

11 **"§ 471. Travel authorities transition expiration date**

12 "In this subchapter, the term 'travel authorities tran-
13 sition expiration date' means the last day of the 10-year
14 period beginning on the first day of the first month begin-
15 ning after the date of the enactment of the National De-
16 fense Authorization Act for Fiscal Year 2012.

17 **"§ 472. Definitions and other incorporated provisions**
18 **of chapter 7**

19 "(a) DEFINITIONS.—The definitions contained in
20 section 401 of this title apply to this subchapter.

21 "(b) OTHER PROVISIONS.—Sections 421 and 423 of
22 this title apply to this subchapter.".

23 (b) TRANSFER OF SECTIONS.—

24 (1) TRANSFER TO SUBCHAPTER I.—Section 412
25 of title 37, United States Code, is transferred to
26 chapter 8 of such title, as added by section 632, in-

1 serted after section 454, and redesignated as section
2 455.
3 (2) TRANSFER OF CURRENT CHAPTER 7 AU-
4 THORITIES TO SUBCHAPTER III.—Sections 404,
5 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407,
6 408, 408a (as amended by section 621 of this Act),
7 409, 410, 411, 411a through 411k, 428 through
8 432, 434, and 435 of title 37, United States Code,
9 are transferred (in that order) to chapter 8 of such
10 title, as added by section 632 and amended by sub-
11 section (a), inserted after section 472, and redesig-
12 nated as follows:

Original section:	Redesignated section:
404	474
404a	474a
404b	474b
405	475
405a	475a
406	476
406a	476a
406b	476b
406c	476c
407	477
408	478
408a	478a
409	479
410	480
411	481
411a	481a
411b	481b
411c	481c
411d	481d
411e	481e
411f	481f
411g	481g
411h	481h
411i	481i
411j	481j
411k	481k
428	488

Original section:	Redesignated section:
429	489
430	490
430	491
432	492
434	494
435	495

1 (3) TRANSFER OF SECTION 554.—Section 554
2 of title 37, United States Code, is transferred to
3 chapter 8 of such title, as added by section 632 and
4 amended by subsection (a), inserted after section
5 481k (as transferred and redesignated by paragraph
6 (2)), and redesignated as section 484.

7 **SEC. 634. [LOG# 362-TRAVELTRANS]ADDITION OF SUNSET**
8 **PROVISION TO OLD-LAW TRAVEL AND TRANS-**
9 **PORTATION AUTHORITIES.**

10 Provisions of subchapter III of chapter 8 of title 37,
11 United States Code, as transferred and redesignated by
12 section 633(b), are amended as follows:
13 (1) Section 474 is amended by adding at the
14 end the following new subsection:
15 "(h) TERMINATION.—No travel and transportation
16 allowance or reimbursement may be provided under this
17 section for travel that begins after the travel authorities
18 transition expiration date.".
19 (2) Section 474a is amended by adding at the
20 end the following new subsection:

1 "(f) TERMINATION.—No payment or reimbursement
2 may be provided under this section with respect to a
3 change of permanent station for which orders are issued
4 after the travel authorities transition expiration date.".
5 (3) Section 474b is amended by adding at the
6 end the following new subsection:
7 "(e) TERMINATION.—No payment or reimbursement
8 may be provided under this section with respect to an au-
9 thorized absence that begins after the travel authorities
10 transition expiration date.".
11 (4) Section 475 is amended by adding at the
12 end the following new subsection:
13 "(f) TERMINATION.—During and after the travel au-
14 thorities expiration date, no per diem may be paid under
15 this section for any period.".
16 (5) Section 475a is amended by adding at the
17 end the following new subsection:
18 "(c) TERMINATION.—During and after the travel au-
19 thorities expiration date, no allowance under subsection
20 (a) or transportation or reimbursement under subsection
21 (b) may be provided with respect to an authority or order
22 to depart.".
23 (6) Section 476 is amended by adding at the
24 end the following new subsection:

1 "(n) TERMINATION.—No transportation, reimburse-
2 ment, allowance, or per diem may be provided under this
3 section—
4 "(1) with respect to a change of temporary or
5 permanent station for which orders are issued after
6 the travel authorities transition expiration date; or
7 "(2) in a case covered by this section when such
8 orders are not issued, with respect to a movement of
9 baggage or household effects that begins after such
10 date.".
11 (7) Section 476b is amended by adding at the
12 end the following new subsection:
13 "(e) TERMINATION.—No transportation or allowance
14 may be provided under this section for travel that begins
15 after the travel authorities transition expiration date.".
16 (8) Section 476c is amended by adding at the
17 end the following new subsection:
18 "(e) TERMINATION.—No transportation or allowance
19 may be provided under this section for travel that begins
20 after the travel authorities transition expiration date.".
21 (9) Section 477 is amended by adding at the
22 end the following new subsection:
23 "(i) TERMINATION.—No dislocation allowance may
24 be paid under this section for a move that begins after
25 the travel authorities transition expiration date.".

1 (10) Section 478 is amended by adding at the
2 end the following new subsection:
3 "(c) TERMINATION.—No travel and transportation
4 allowance, payment, or reimbursement may be provided
5 under this section for travel that begins after the travel
6 authorities transition expiration date.".
7 (11) Section 479 is amended by adding at the
8 end the following new subsection:
9 "(e) TERMINATION.—No transportation of a house
10 trailer or mobile home, or storage or payment in connec-
11 tion therewith, may be provided under this section for
12 transportation that begins after the travel authorities
13 transition expiration date.".
14 (12) Section 481 is amended by adding at the
15 end the following new subsection:
16 "(e) TERMINATION.—The regulations prescribed
17 under this section shall cease to be in effect as of the trav-
18 el authorities transition expiration date.".
19 (13) Section 481a is amended by adding at the
20 end the following new subsection:
21 "(c) TERMINATION.—No travel and transportation
22 allowance may be provided under this section for travel
23 that is authorized after the travel authorities transition
24 expiration date.".

1 (14) Section 481b is amended by adding at the
2 end the following new subsection:
3 "(h) TERMINATION.—No travel and transportation
4 allowance may be provided under this section for travel
5 that is authorized after the travel authorities transition
6 expiration date.".
7 (15) Section 481c is amended by adding at the
8 end the following new subsection:
9 "(c) TERMINATION.—No transportation may be pro-
10 vided under this section after the travel authorities transi-
11 tion expiration date, and no payment may be made under
12 this section for transportation that begins after that
13 date.".
14 (16) Section 481d is amended by adding at the
15 end the following new subsection:
16 "(d) TERMINATION.—No transportation may be pro-
17 vided under this section after the travel authorities transi-
18 tion expiration date.".
19 (17) Section 481e is amended by adding at the
20 end the following new subsection:
21 "(c) TERMINATION.—No travel and transportation
22 allowance or reimbursement may be provided under this
23 section for travel that begins after the travel authorities
24 transition expiration date.".

1 (18) Section 481f is amended by adding at the
2 end the following new subsection:
3 "(h) TERMINATION.—No travel and transportation
4 allowance or reimbursement may be provided under this
5 section for travel that begins after the travel authorities
6 transition expiration date.".
7 (19) Section 481h is amended by adding at the
8 end the following new subsection:
9 "(e) TERMINATION.—No transportation, allowance,
10 reimbursement, or per diem may be provided under this
11 section for travel that begins after the travel authorities
12 transition expiration date.".
13 (20) Section 481i is amended by adding at the
14 end the following new subsection:
15 "(c) TERMINATION.—No reimbursement may be pro-
16 vided under this section for expenses incurred after the
17 travel authorities transition expiration date.".
18 (21) Section 481j is amended by adding at the
19 end the following new subsection:
20 "(e) TERMINATION.—No transportation, allowance,
21 reimbursement, or per diem may be provided under this
22 section for travel that begins after the travel authorities
23 transition expiration date.".
24 (22) Section 481k is amended by adding at the
25 end the following new subsection:

1 "(e) TERMINATION.—No transportation, allowance,
2 or reimbursement may be provided under this section for
3 travel that begins after the travel authorities transition ex-
4 piration date.".

5 (23) Section 484 is amended by adding at the
6 end the following new subsection:

7 "(k) TERMINATION.—No transportation, allowance,
8 or reimbursement may be provided under this section for
9 a move that begins after the travel authorities transition
10 expiration date.".

11 (24) Section 488 is amended—

12 (A) by inserting "(a) AUTHORITY.—" be-
13 fore "In addition"; and

14 (B) by adding at the end the following new
15 subsection:

16 "(b) TERMINATION.—No reimbursement may be pro-
17 vided under this section for expenses incurred after the
18 travel authorities transition expiration date.".

19 (25) Section 489 is amended—

20 (A) by inserting "(a) AUTHORITY.—" be-
21 fore "In addition"; and

22 (B) by adding at the end the following new
23 subsection:

1 "(e) TERMINATION.—No transportation or allowance
2 may be provided under this section for travel that begins
3 after the travel authorities transition expiration date.".
4 (26) Section 490 is amended by adding at the
5 end the following new subsection:
6 "(g) TERMINATION.—No transportation, allowance,
7 reimbursement, or per diem may be provided under this
8 section for travel that begins after the travel authorities
9 transition expiration date.".
10 (27) Section 492 is amended by adding at the
11 end the following new subsection:
12 "(c) TERMINATION.—No transportation or allowance
13 may be provided under this section for travel that begins
14 after the travel authorities transition expiration date.".
15 (28) Section 494 is amended by adding at the
16 end the following new subsection:
17 "(d) TERMINATION.—No reimbursement may be pro-
18 vided under this section for expenses incurred after the
19 travel authorities transition expiration date.".
20 (29) Section 495 is amended by adding at the
21 end the following new subsection:
22 "(c) TERMINATION.—No allowance may be paid
23 under this section for any day after the travel authorities
24 transition expiration date.".

1 **SEC. 635. [LOG# 363-TRAVELTRANS]TECHNICAL AND CLER-**
2 **ICAL AMENDMENTS.**

3 (a) CHAPTER HEADING.—The heading of chapter 7
4 of title 37, United States Code, is amended to read as
5 follows:

6 **"CHAPTER 7—ALLOWANCES OTHER THAN**
7 **TRAVEL AND TRANSPORTATION AL-**
8 **LOWANCES".**

9 (b) TABLE OF CHAPTERS.—The table of chapters
10 preceding chapter 1 of such title is amended by striking
11 the item relating to chapter 7 and inserting the following
12 new items:

"7. Allowances Other Than Travel and Transportation Allowances 401
"8. Travel and Transportation Allowances ..... 451".

13 (c) TABLE OF SECTIONS.—

14 (1) CHAPTER 7.—The table of sections at the
15 beginning of chapter 7 of such title is amended by
16 striking the items relating to sections 404 through
17 412, 428 through 432, 434, and 435.

18 (2) CHAPTER 8.—The table of sections at the
19 beginning of chapter 8 of such title, as added by sec-
20 tion 632, is amended—

21 (A) by inserting after the item relating to
22 section 454 the following new item:

"455. Appropriations for travel: may not be used for attendance at certain meetings."; and

1 (B) by inserting after the item relating to

2 section 463 the following:

"SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

"Sec.

"471. Travel authorities transition expiration date.
"472. Definitions and other incorporated provisions of chapter 7.
"474. Travel and transportation allowances: general.
"474a. Travel and transportation allowances: temporary lodging expenses.
"474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.
"475. Travel and transportation allowances: per diem while on duty outside the continental United States.
"475a. Travel and transportation allowances: departure allowances.
"476. Travel and transportation allowances: dependents; baggage and household effects.
"476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
"476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
"476c. Travel and transportation allowances: members assigned to a vessel under construction.
"477. Travel and transportation allowances: dislocation allowance.
"478. Travel and transportation allowances: travel within limits of duty station.
"478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
"479. Travel and transportation allowances: house trailers and mobile homes.
"480. Travel and transportation allowances: miscellaneous categories.
"481. Travel and transportation allowances: administrative provisions.
"481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
"481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
"481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
"481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
"481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
"481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.
"481g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty.
"481h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.
"481i. Travel and transportation allowances: parking expenses.
"481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.
"481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.

"484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
"488. Allowance for recruiting expenses.
"489. Travel and transportation allowances: minor dependent schooling.
"490. Travel and transportation: dependent children of members stationed overseas.
"491. Benefits for certain members assigned to the Defense Intelligence Agency.
"492. Travel and transportation: members escorting certain dependents.
"494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
"495. Funeral honors duty: allowance.".

1 (3) CHAPTER 10.—The table of sections at the
2 beginning of chapter 10 of such title is amended by
3 striking the item relating to section 554.
4 (d) CROSS REFERENCES.—
5 (1) DEFENSE LAWS.—Any section of title 10,
6 32, or 37, United States Code, that includes a ref-
7 erence to a section of title 37 that is transferred and
8 redesignated by section 633 is amended so as to con-
9 form the reference to the section number of the sec-
10 tion as so redesignated.
11 (2) OTHER LAWS.—Any reference in a provision
12 of law other than a section of title 10 or 37, United
13 States Code, to a section of title 37 that is trans-
14 ferred and redesignated by section 633 is deemed to
15 refer to the section as so redesignated.
16 **SEC. 636. [LOG# 364-TRAVELTRANS]TRANSITION PROVI-**
17 **SIONS.**
18 (a) IMPLEMENTATION PLAN.—The Secretary of De-
19 fense shall develop a plan to implement subchapters I and

1 II of chapter 8 of title 37, United States Code, as added
2 by section 632, and to transition all of the travel and
3 transportation programs for members of the uniformed
4 services under chapter 7 of title 37, United States Code,
5 solely to provisions of those subchapters by the end of the
6 transition period.

7 (b) AUTHORITY FOR MODIFICATIONS TO OLD LAW
8 AUTHORITIES DURING TRANSITION PERIOD.—During the
9 transition period, the Secretary of Defense and the Secre-
10 taries concerned (as defined in section 101(5) of title 37,
11 United States Code), in using the authorities under sub-
12 chapter III of chapter 8 of title 37, United States Code,
13 as added by section 633, may apply those authorities sub-
14 ject to the terms of such provisions and such modifications
15 as the Secretary of Defense may include in the implemen-
16 tation plan required under subsection (a) or in any subse-
17 quent modification to that implementation plan.

18 (c) COORDINATION.—The Secretary of Defense shall
19 prepare the implementation plan under subsection (a) and
20 any modification to that plan under subsection (b) in co-
21 ordination with—

22 (1) the Secretary of Homeland Security, with
23 respect to the Coast Guard;

1 (2) the Secretary of Health and Human Serv-
2 ices, with respect to the commissioned corps of the
3 Public Health Service; and
4 (3) the Secretary of Commerce, with respect to
5 the National Oceanic and Atmospheric Administra-
6 tion.
7 (d) TRANSITION PERIOD.—In this section, the term
8 "transition period" means the 10-year period beginning
9 on the first day of the first month beginning after the date
10 of the enactment of this Act.

11 Subtitle E—Commissary and Non-
12 appropriated Fund Instrumen-
13 tality Benefits and Operations

14 **SEC. 641. [LOG# 365-SEC2491]EXPANSION OF USE OF UNI-**
15 **FORM FUNDING AUTHORITY TO INCLUDE**
16 **PERMANENT CHANGE OF STATION AND TEM-**
17 **PORARY DUTY LODGING PROGRAMS OPER-**
18 **ATED THROUGH NONAPPROPRIATED FUND**
19 **INSTRUMENTALITIES.**
20 (a) INCLUSION OF ADDITIONAL PROGRAMS.—Sub-
21 section (a) of section 2491 of title 10, United States Code,
22 is amended—
23 (1) by striking "Under regulations" and insert-
24 ing "(1) Under regulations";

1 (2) by striking "morale, welfare, and recreation
2 programs" the first place it appears and inserting
3 "a program specified in paragraph (2)";
4 (3) by striking "morale, welfare, and recreation
5 programs" the second place it appears and inserting
6 "such programs"; and
7 (4) by adding at the end the following new
8 paragraph:
9 "(2) This section applies with respect to the fol-
10 lowing:
11 "(A) Morale, welfare, and recreation programs
12 of the Department of Defense.
13 "(B) Permanent change of station and tem-
14 porary duty lodging programs conducted as supple-
15 mental mission programs of the Department of De-
16 fense.".
17 (b) CONFORMING AMENDMENTS.—Such section is
18 further amended—
19 (1) in subsection (b), by striking "morale, wel-
20 fare, and recreation program" and inserting "pro-
21 gram specified in subsection (a)(2)"; and
22 (2) in subsection (c)(1), by striking "morale,
23 welfare, and recreation programs within the Depart-
24 ment of Defense" and inserting "a program speci-
25 fied in subsection (a)(2)".

1 (c) CLERICAL AMENDMENTS.—

2 (1) SECTION HEADING.—The heading of such
3 section is amended to read as follows:

4 **"§ 2491. Uniform funding and management of morale,**
5 **welfare, and recreation programs and**
6 **certain supplemental mission programs".**

7 (2) TABLE OF SECTIONS.—The table of sections
8 at the beginning of subchapter III of chapter 147 of
9 such title is amended by striking the item relating
10 to section 2491 and inserting the following new
11 item:

"2491. Uniform funding and management of morale, welfare, and recreation programs and certain supplemental mission programs.".

12 **SEC. 642. [LOG# 366-SEC2492]CONTRACTING AUTHORITY**
13 **FOR NONAPPROPRIATED FUND INSTRUMEN-**
14 **TALITIES TO PROVIDE AND OBTAIN GOODS**
15 **AND SERVICES.**

16 (a) CLARIFICATION OF MULTI-YEAR AND PARTNER-
17 SHIP ISSUES.—Section 2492 of title 10, United States
18 Code, is amended to read as follows:

19 **"§ 2492. Nonappropriated fund instrumentalities:**
20 **contracting authority to provide and ob-**
21 **tain goods and services**

22 "(a) CONTRACT AUTHORITY.—An agency or instru-
23 mentality of the Department of Defense that supports the
24 operation of the exchange system, or the operation of a

1 morale, welfare, and recreation system, of the Department
2 of Defense may enter into a single-year or multi-year con-
3 tract or other agreement to provide or obtain goods and
4 services beneficial to the efficient management and oper-
5 ation of the exchange system or that morale, welfare, and
6 recreation system with any of the following:

7 "(1) Another element of the Department of De-
8 fense.

9 "(2) Another Federal department, agency, or
10 instrumentality.

11 "(3) A private-sector entity.

12 "(b) INCLUSION OF CERTAIN SERVICES.—Contracts
13 and other agreements authorized by subsection (a) may
14 include a contract or agreement to provide or obtain rec-
15 reational, educational, family support, or youth develop-
16 mental programs and services.

17 "(c) PARTNERSHIPS.—Contracts and other agree-
18 ments authorized by subsection (a) may include partner-
19 ships with private-sector entities that provide programs
20 and services at no cost to the Government on military in-
21 stallations using Government facilities and other support
22 resources.".

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of subchapter III of chapter 147 of such

1 title is amended by striking the item relating to section
2 2492 and inserting the following new item:

"2492. Nonappropriated fund instrumentalities: contracting authority to provide and obtain goods and services.".

3 **SEC. 643. [LOG# 9-SEC2493]DESIGNATION OF FISHER HOUSE**
4 **FOR THE FAMILIES OF THE FALLEN AND**
5 **MEDITATION PAVILION AT DOVER AIR FORCE**
6 **BASE AS A FISHER HOUSE.**

7 Section 2493 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 "(h) TREATMENT OF FISHER HOUSE FOR THE FAMI-
11 LIES OF THE FALLEN AND MEDITATION PAVILION,
12 DOVER AIR FORCE BASE.—(1) The Fisher House for the
13 Families of the Fallen and Meditation Pavilion at Dover
14 Air Force Base, Delaware, is deemed to be a Fisher House
15 for purposes of this section and any other law applicable
16 to Fisher Houses and Fisher Suites.

17 "(2) The Fisher House for the Families of the Fallen
18 and Meditation Pavilion at Dover Air Force Base shall
19 be available for use by the following:

20 "(A) The primary next of kin of a member of
21 the armed forces who dies while located or serving
22 overseas.

"(B) Other family members of the member eligible for transportation under section 411f(e) of title 37.

"(C) An escort of a family member described in subparagraph (A) or (B).".

SEC. 644. [LOG# 20-SEC7604_DW1]DISCRETION OF THE SECRETARY OF THE NAVY TO SELECT CATEGORIES OF MERCHANDISE TO BE SOLD BY SHIP STORES AFLOAT.

Section 7604(c) of title 10, United States Code, is amended by striking "shall" and inserting "may".

Subtitle F—Other Matters

SEC. 651. [LOG# 10-SEC2602]REIMBURSEMENT OF AMERICAN NATIONAL RED CROSS FOR HUMANITARIAN SUPPORT AND OTHER SERVICES PROVIDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 2602 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) The Secretary of Defense or the Secretary of a military department may reimburse the American National Red Cross for humanitarian support and other services approved by the Secretary that are provided to members of the Army, Navy, Air Force, and Marine Corps and

1 their dependents. Such services may include identification
2 and verification of family emergency circumstances and
3 communications related to such circumstances.".

1 # TITLE VII—HEALTH CARE
2 # PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701.[Log #448] One-year prohibition on increases in certain health care costs.
Sec. 702.[Log #21] Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.
Sec. 703.[Log #450] Behavioral health support for members of the reserve components of the Armed Forces.

Subtitle B—Health Care Administration

Sec. 711.[Log #156] Unified medical command.
Sec. 712.[Log #449] Limitation on availability of funds for the future electronic health records program.

Subtitle C—Other Matters

Sec. 721.[Log #367] Review of women-specific health services and treatment for female members of the Armed Forces.
Sec. 722.[Log #155] Comptroller General reviews of Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Project.
Sec. 723.[Log #154] Comptroller General report on contracted health care staffing for military medical treatment facilities.

1 **Subtitle A—Improvements to**
2 **Health Benefits**

3 **SEC. 701.[Log #448] ONE-YEAR PROHIBITION ON INCREASES**
4 **IN CERTAIN HEALTH CARE COSTS.**

5 Section 1097(e) of title 10, United States Code, is
6 amended by striking "September 30, 2011" and inserting
7 "September 30, 2012".

1 **SEC. 702.[Log #21] PROVISION OF FOOD TO CERTAIN MEM-**
2 **BERS AND DEPENDENTS NOT RECEIVING IN-**
3 **PATIENT CARE IN MILITARY MEDICAL**
4 **TREATMENT FACILITIES.**

5 (a) IN GENERAL.—Chapter 55 of title 10, United
6 States Code, is amended by inserting after section 1078a
7 the following new section:

8 **"§ 1078b. Provision of food to certain members and**
9 **dependents not receiving inpatient care**
10 **in military medical treatment facilities**

11 "(a) IN GENERAL.—(1) Under regulations prescribed
12 by the Secretary of Defense, the Secretary may provide
13 food and beverages to an individual described in para-
14 graph (2) at no cost to the individual.

15 "(2) An individual described in this paragraph is the
16 following:

17 "(A) A member of the uniformed services or de-
18 pendent—

19 "(i) who is receiving outpatient medical
20 care at a military medical treatment facility;
21 and

22 "(ii) whom the Secretary determines is un-
23 able to purchase food and beverages while at
24 such facility by virtue of receiving such care.

25 "(B) A member of the uniformed services or de-
26 pendent who—

1 "(i) is a family member of an infant receiv-
2 ing inpatient medical care at a military medical
3 treatment facility; and
4 "(ii) provides care to the infant while the
5 infant receives such inpatient medical care.
6 "(C) A member of the uniformed services or de-
7 pendent whom the Secretary determines is under
8 similar circumstances as a member or dependent de-
9 scribed in subparagraph (A) or (B).
10 "(b) REGULATIONS.—The Secretary shall ensure
11 that regulations prescribed under this section are con-
12 sistent with generally accepted practices in private medical
13 treatment facilities.".
14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by inserting
16 after the item relating to section 1078a the following new
17 item:

"1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.".

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date that is 60 days
20 after the date of the enactment of this Act.

1 **SEC. 703.[Log #450] BEHAVIORAL HEALTH SUPPORT FOR**
2 **MEMBERS OF THE RESERVE COMPONENTS**
3 **OF THE ARMED FORCES.**

4 (a) MENTAL HEALTH ASSESSMENTS.—Section
5 1074a of title 10, United States Code, is amended—

6 (1) by redesignating subsection (h) as sub-
7 section (i);

8 (2) by inserting after subsection (g) the fol-
9 lowing new subsection (h):

10 "(h)(1) The Secretary of Defense shall provide to any
11 member of the reserve components performing inactive-
12 duty training during scheduled unit training assemblies
13 access to mental health assessments with a licensed men-
14 tal health professional who shall be available for referrals
15 during duty hours on the premises of the principal duty
16 location of the member's unit.

17 "(2) Mental health services provided to a member
18 under this subsection shall be at no cost to the member.";
19 and

20 (3) in subsection (i), as redesignated by para-
21 graph (1), by striking "medical and dental readi-
22 ness" and inserting "medical, dental, and behavioral
23 health readiness".

24 (b) BEHAVIORAL HEALTH SUPPORT.—

25 (1) IN GENERAL.—Each member of a reserve
26 component of the Armed Forces participating in an-

1 nual training or individual duty training shall have
2 access, while so participating, to the behavioral
3 health support programs for members of the reserve
4 components described in paragraph (2).

5 (2) BEHAVIORAL HEALTH SUPPORT PRO-
6 GRAMS.—The behavioral health support programs
7 for member of the reserve components described in
8 this paragraph shall include one or any combination
9 of the following:

10 (A) Programs providing access to licensed
11 mental health providers in armories, reserve
12 centers, or other places for scheduled unit
13 training assemblies.

14 (B) Programs providing training on suicide
15 prevention and post-suicide response.

16 (C) Psychological health programs.

17 (D) Such other programs as the Secretary
18 of Defense, in consultation with the Surgeon
19 General for the National Guard of the State in
20 which the members concerned reside, the Direc-
21 tor of Psychological Health of the State in
22 which the members concerned reside, the De-
23 partment of Mental Health or the equivalent
24 agency of the State in which the members con-
25 cerned reside, or the Director of the Psycho-

1 logical Health Program of the National Guard
2 Bureau, considers appropriate.
3 (3) STATE DEFINED.—In this subsection, the
4 term "State" has the meaning given that term in
5 section 10001 of title 10, United States Code.

1 **Subtitle B—Health Care**
2 **Administration**

3 **SEC. 711.[Log #156] UNIFIED MEDICAL COMMAND.**

4 (a) UNIFIED COMBATANT COMMAND.—

5 (1) IN GENERAL.—Chapter 6 of title 10, United
6 States Code, is amended by inserting after section
7 167a the following new section:

8 **"§ 167b. Unified combatant command for medical op-**
9 **erations**

10 "(a) ESTABLISHMENT.—With the advice and assist-
11 ance of the Chairman of the Joint Chiefs of Staff, the
12 President, through the Secretary of Defense, shall estab-
13 lish under section 161 of this title a unified command for
14 medical operations (in this section referred to as the 'uni-
15 fied medical command'). The principal function of the
16 command is to provide medical services to the armed
17 forces and other health care beneficiaries of the Depart-
18 ment of Defense as defined in chapter 55 of this title.

19 "(b) ASSIGNMENT OF FORCES.—In establishing the
20 unified medical command under subsection (a), all active
21 military medical treatment facilities, training organiza-
22 tions, and research entities of the armed forces shall be
23 assigned to such unified command, unless otherwise di-
24 rected by the Secretary of Defense.

1 "(c) GRADE OF COMMANDER.—The commander of
2 the unified medical command shall hold the grade of gen-
3 eral or, in the case of an officer of the Navy, admiral while
4 serving in that position, without vacating his permanent
5 grade. The commander of such command shall be ap-
6 pointed to that grade by the President, by and with the
7 advice and consent of the Senate, for service in that posi-
8 tion. The commander of such command shall be a member
9 of a health profession described in paragraph (1), (2), (3),
10 (4), (5), or (6) of section 335(j) of title 37. During the
11 five-year period beginning on the date on which the Sec-
12 retary establishes the command under subsection (a), the
13 commander of such command shall be exempt from the
14 requirements of section 164(a)(1) of this title.

15 "(d) SUBORDINATE COMMANDS.—(1) The unified
16 medical command shall have the following subordinate
17 commands:

18 "(A) A command that includes all fixed military
19 medical treatment facilities, including elements of
20 the Department of Defense that are combined, oper-
21 ated jointly, or otherwise operated in such a manner
22 that a medical facility of the Department of Defense
23 is operating in or with a medical facility of another
24 department or agency of the United States.

1 "(B) A command that includes all medical
2 training, education, and research and development
3 activities that have previously been unified or com-
4 bined, including organizations that have been des-
5 ignated as a Department of Defense executive agent.
6 "(C) The Defense Health Agency established
7 under subsection (f).
8 "(2) The commander of a subordinate command of
9 the unified medical command shall hold the grade of lieu-
10 tenant general or, in the case of an officer of the Navy,
11 vice admiral while serving in that position, without
12 vacating his permanent grade. The commander of such a
13 subordinate command shall be appointed to that grade by
14 the President, by and with the advice and consent of the
15 Senate, for service in that position. The commander of
16 such a subordinate command shall also be required to be
17 a surgeon general of one of the military departments.
18 "(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
19 In addition to the authority prescribed in section 164(c)
20 of this title, the commander of the unified medical com-
21 mand shall be responsible for, and shall have the authority
22 to conduct, all affairs of such command relating to medical
23 operations activities.
24 "(2) The commander of such command shall be re-
25 sponsible for, and shall have the authority to conduct, the

1 following functions relating to medical operations activities
2 (whether or not relating to the unified medical command):
3 "(A) Developing programs and doctrine.
4 "(B) Preparing and submitting to the Secretary
5 of Defense program recommendations and budget
6 proposals for the forces described in subsection (b)
7 and for other forces assigned to the unified medical
8 command.
9 "(C) Exercising authority, direction, and con-
10 trol over the expenditure of funds—
11 "(i) for forces assigned to the unified med-
12 ical command;
13 "(ii) for the forces described in subsection
14 (b) assigned to unified combatant commands
15 other than the unified medical command to the
16 extent directed by the Secretary of Defense;
17 and
18 "(iii) for military construction funds of the
19 Defense Health Program.
20 "(D) Training assigned forces.
21 "(E) Conducting specialized courses of instruc-
22 tion for commissioned and noncommissioned officers.
23 "(F) Validating requirements.
24 "(G) Establishing priorities for requirements.

1 "(H) Ensuring the interoperability of equip-
2 ment and forces.
3 "(I) Monitoring the promotions, assignments,
4 retention, training, and professional military edu-
5 cation of medical officers described in paragraph (1),
6 (2), (3), (4), (5), or (6) of section 335(j) of title 37.
7 "(3) The commander of such command shall be re-
8 sponsible for the Defense Health Program, including the
9 Defense Health Program Account established under sec-
10 tion 1100 of this title.
11 "(f) DEFENSE HEALTH AGENCY.—(1) In estab-
12 lishing the unified medical command under subsection (a),
13 the Secretary shall also establish under section 191 of this
14 title a defense agency for health care (in this section re-
15 ferred to as the 'Defense Health Agency'), and shall trans-
16 fer to such agency the organization of the Department of
17 Defense referred to as the TRICARE Management Activ-
18 ity and all functions of the TRICARE Program (as de-
19 fined in section 1072(7)).
20 "(2) The director of the Defense Health Agency shall
21 hold the rank of lieutenant general or, in the case of an
22 officer of the Navy, vice admiral while serving in that posi-
23 tion, without vacating his permanent grade. The director
24 of such agency shall be appointed to that grade by the
25 President, by and with the advice and consent of the Sen-

1 ate, for service in that position. The director of such agen-
2 cy shall be a member of a health profession described in
3 paragraph (1), (2), (3), (4), (5), or (6) of section 335(j)
4 of title 37.

5 "(g) REGULATIONS.—In establishing the unified
6 medical command under subsection (a), the Secretary of
7 Defense shall prescribe regulations for the activities of the
8 unified medical command.".

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by inserting after the item relating to section 167a
12 the following new item:

"167b. Unified combatant command for medical operations.".

13 (b) PLAN, NOTIFICATION, AND REPORT.—

14 (1) PLAN.—Not later than July 1, 2012, the
15 Secretary of Defense shall submit to the congres-
16 sional defense committees a comprehensive plan to
17 establish the unified medical command authorized
18 under section 167b of title 10, United States Code,
19 as added by subsection (a), including any legislative
20 actions the Secretary considers necessary to imple-
21 ment the plan.

22 (2) NOTIFICATION.—The Secretary shall sub-
23 mit to the congressional defense committees written
24 notification of the decision of the Secretary to estab-
25 lish the unified medical command under such section

1 167b by not later than the date that is 30 days be-
2 fore establishing such command.
3 (3) REPORT.—Not later than 180 days after
4 submitting the notification under paragraph (2), the
5 Secretary shall submit to the congressional defense
6 committees a report on—
7 (A) the establishment of the unified med-
8 ical command; and
9 (B) the establishment of the Defense
10 Health Agency under subsection (f) of such sec-
11 tion 167b.

1 **SEC. 712.[Log #449] LIMITATION ON AVAILABILITY OF**
2 **FUNDS FOR THE FUTURE ELECTRONIC**
3 **HEALTH RECORDS PROGRAM.**

4 (a) LIMITATION.—Of the funds authorized to be ap-
5 propriated by this Act or otherwise made available for fis-
6 cal year 2012 for the procurement, research, development,
7 test, and evaluation, or operation and maintenance of the
8 future electronic health records program, not more than
9 10 percent may be obligated or expended until the date
10 that is 30 days after the date on which the Secretary of
11 Defense submits to the congressional defense committees
12 a report addressing—

13 (1) an architecture to guide the transition of
14 the electronic health records of the Department of
15 Defense to a future state that is cost-effective and
16 interoperable;

17 (2) the process for selecting investments in in-
18 formation technology that support the architecture
19 described in paragraph (1);

20 (3) the report required by section 715 of the
21 Ike Skelton National Defense Authorization Act for
22 Fiscal Year 2011 (Public Law 111–383; 124 Stat.
23 4249);

24 (4) the effectiveness of the Interagency Pro-
25 gram Office to manage or oversee efforts with re-

1 spect to the future electronic health records pro-
2 gram; and
3 (5) any other matters the Secretary considers
4 appropriate.
5 (b) FUTURE ELECTRONIC HEALTH RECORDS PRO-
6 GRAM DEFINED.—In this section, the term "future elec-
7 tronic health records program" means the programs of the
8 Department of Defense referred to as the "EHR way
9 ahead" and the "virtual lifetime electronic record".

1 **Subtitle C—Other Matters**

2 **SEC. 721.[Log #367] REVIEW OF WOMEN-SPECIFIC HEALTH**
3 **SERVICES AND TREATMENT FOR FEMALE**
4 **MEMBERS OF THE ARMED FORCES.**

5 (a) COMPREHENSIVE REVIEW.—The Secretary of
6 Defense shall conduct a comprehensive review of—

7 (1) the availability, efficacy, and adequacy of
8 reproductive health care services available for female
9 members of the Armed Forces, including gyneco-
10 logical services and breast and gynecological cancer
11 services;

12 (2) the availability, efficacy, and adequacy of
13 women-specific preventative health care services for
14 female members of the Armed Forces;

15 (3) the availability of women-specific treatment
16 for sexual assault or abuse; and

17 (4) the extent to which military medical treat-
18 ment facilities are following the policies of the De-
19 partment of Defense with respect to women-specific
20 health services.

21 (b) MATTERS INCLUDED.—The review required by
22 subsection (a) shall include an assessment of the following:

23 (1) The need for women-specific health out-
24 reach, prevention, and treatment services for female
25 members of the Armed Forces.

1 (2) The access to and efficacy of existing
2 women-specific mental health outreach, prevention,
3 and treatment services and programs (including sub-
4 stance abuse programs).
5 (3) The availability of women-specific services
6 and treatment for female members of the Armed
7 Forces who experience sexual assault or sexual
8 abuse.
9 (4) The access to and need for military medical
10 treatment facilities to provide for the women-specific
11 health care needs of female members of the Armed
12 Forces.
13 (5) The need for further clinical research on the
14 women-specific health care needs of female members
15 of the Armed Forces who served in a combat zone.
16 (c) REPORT.—Not later than March 31, 2012, the
17 Secretary of Defense shall submit to the congressional de-
18 fense committees a report on the review required by sub-
19 section (a).

1 **SEC. 722.[Log #155] COMPTROLLER GENERAL REVIEWS OF**
2 **DEPARTMENT OF DEFENSE–DEPARTMENT OF**
3 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
4 **ONSTRATION PROJECT.**

5 Section 1701(e)(1) of the National Defense Author-
6 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
7 Stat. 2568) is amended by striking "Not later" and all
8 that follows through "thereafter" and inserting "Not later
9 than July 31 of each of 2011, 2013, and 2015".

1 **SEC. 723.[Log #154] COMPTROLLER GENERAL REPORT ON**
2 **CONTRACTED HEALTH CARE STAFFING FOR**
3 **MILITARY MEDICAL TREATMENT FACILITIES.**

4 (a) REPORT.—Not later than March 31, 2012, the
5 Comptroller General shall submit to the Committee on
6 Armed Services of the House of Representatives and the
7 Committee on Armed Services of the Senate a report on
8 the contracting activities of the military departments with
9 respect to providing health care professional services to
10 members of the Armed Forces, dependents, and retirees.

11 (b) MATTERS INCLUDED.—The report under sub-
12 section (a) shall include the following:

13 (1) A review of the contracting practices used
14 by the military departments to provide health care
15 professional services by civilian providers.

16 (2) An assessment of whether the contracting
17 practices described in paragraph (1) are the most
18 cost effective means to provide necessary care.

19 (3) A determination of—

20 (A) the percentage of contract health care
21 professionals who provide services to members
22 of the Armed Forces, dependents, or retirees in
23 military medical treatment facilities or other
24 on-base facilities; and

25 (B) the percentage of contract health care
26 professionals who provide services to members

1 of the Armed Forces, dependents, or retirees in
2 off-base private facilities.
3 (4) A comparison of the cost associated with
4 the provision of care by contract health care profes-
5 sionals described in subparagraphs (A) and (B) of
6 paragraph (3).
7 (5) An assessment of whether or not consoli-
8 dating health care staffing requirements for military
9 medical treatment facilities and other on-base clinics
10 in defined geographic areas (including regions or
11 catchment areas) would achieve economies of scale
12 and cost savings or avoidance with respect to con-
13 tracting for health care professionals.
14 (6) An assessment of whether private sector en-
15 tities that provide health care professional staff on
16 a contract basis to military medical treatment facili-
17 ties and other on-base clinics meet certain basic
18 standards of professionalism, including those de-
19 scribed in section 732(c)(2)(A) of the National De-
20 fense Authorization Act for Fiscal Year 2007 (Pub-
21 lic Law 109–364; 120 Stat. 2297).
22 (7) An assessment of the acquisition training
23 and experience of the contracting officers or other
24 personnel within military medical treatment facilities

1 that award or administer contracts regarding the
2 services of health care professionals.
3 (8) Any recommendations the Comptroller Gen-
4 eral considers appropriate regarding improving the
5 contracting activities of the military departments
6 with respect to providing health care professional
7 services.

1 # TITLE XIV—OTHER
2 # AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1407 [Log #157]. Defense Health Program.

Subtitle D—Other Matters

Sec. 1431 [Log #368]. Authorization of appropriations for Armed Forces Retirement Home.

Sec. 1432 [Log #230]. Authority for transfer of funds to Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

1 **SEC. 1407 [Log #157]. DEFENSE HEALTH PROGRAM.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2012 for the Defense Health Program, as spec-
4 ified in the funding table in section 4501, for use of the
5 Armed Forces and other activities and agencies of the De-
6 partment of Defense in providing for the health of eligible
7 beneficiaries.

1 # Subtitle D—Other Matters

2 **SEC. 1431 [Log #368]. AUTHORIZATION OF APPROPRIATIONS**

3 **FOR ARMED FORCES RETIREMENT HOME.**

4 There is hereby authorized to be appropriated for fis-
5 cal year 2012 from the Armed Forces Retirement Home
6 Trust Fund the sum of $67,700,000 for the operation of
7 the Armed Forces Retirement Home.

1 **SEC. 1432 [Log #230]. AUTHORITY FOR TRANSFER OF FUNDS**
2 **TO JOINT DEPARTMENT OF DEFENSE–DE-**
3 **PARTMENT OF VETERANS AFFAIRS MEDICAL**
4 **FACILITY DEMONSTRATION FUND FOR CAP-**
5 **TAIN JAMES A. LOVELL HEALTH CARE CEN-**
6 **TER, ILLINOIS.**

7 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
8 funds authorized to be appropriated by section [1406]
9 and available for the Defense Health Program for oper-
10 ation and maintenance, $135,600,000 may be transferred
11 by the Secretary of Defense to the Joint Department of
12 Defense–Department of Veterans Affairs Medical Facility
13 Demonstration Fund established by subsection (a)(1) of
14 section 1704 of the National Defense Authorization Act
15 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
16 2571). For purposes of subsection (a)(2) of such section
17 1704, any funds so transferred shall be treated as
18 amounts authorized and appropriated specifically for the
19 purpose of such a transfer.

20 (b) USE OF TRANSFERRED FUNDS.—For purposes
21 of subsection (b) of such section 1704, facility operations
22 for which funds transferred under subsection (a) may be
23 used are operations of the Captain James A. Lovell Fed-
24 eral Health Care Center, consisting of the North Chicago
25 Veterans Affairs Medical Center, the Navy Ambulatory
26 Care Center, and supporting facilities designated as a

1 combined Federal medical facility under an operational
2 agreement covered by section 706 of the Duncan Hunter
3 National Defense Authorization Act for Fiscal Year 2009
4 (Public Law 110–417; 122 Stat. 4500).

SUMMARY OF DIRECTIVE REPORT LANGUAGE

Titles 5, 6, & 7

TITLE V—MILITARY PERSONNEL POLICY

Use of Electronic Media for Family Support Programs

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Commissary and Exchange Privileges for Non-Department of Defense Federal Employees Overseas

Consolidation of Disability Evaluation System

TITLE VII—HEALTH CARE PROVISIONS

Clarification on Competition for Medical Research Consultation and Education

Mental Health and Traumatic Brain Injury

DIRECTIVE REPORT LANGUAGE

Titles 5, 6, & 7

TITLE V—MILITARY PERSONNEL POLICY

Use of Electronic Media for Family Support Programs

The committee continues to encourage the Secretary of Defense and the Secretaries of the military departments to provide service members and their families a balance between work and family life and to promote quality of life programs. Given the high operations tempo experienced by many service members during the past nearly 10 years of war, the committee believes it is critical that widely dispersed military families far removed from military installations, particularly families of Reserve Component service members, have access to the tools necessary to effectively manage their lives during times of stress. Assistance in personal finance, stress management, grief counseling, and general morale and wellbeing management is a critical component of family support initiatives. The committee understands that these types of support services can be provided through a variety of cost-effective media options, to include audio books, compact disks, digital video disks, and other electronic media delivered through the Internet. Further, the committee believes that programs using such media options offer a flexible capability to target needed services to specific families on demand over a wide geographic area in a cost-effective manner. Accordingly, the committee directs the Secretary of Defense to submit to the congressional defense committees a report, by March 31, 2012, on the current use of electronic media for delivering family support programs within the Department of Defense, the potential for greater use of commercially procured electronic media to support family programs, a survey of vendors capable of providing such services who are already sanctioned by the General Services Administration, and the Secretary's view of the propriety and cost-effectiveness of increasing the use of electronic media to support family programs.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Commissary and Exchange Privileges for Non-Department of Defense Federal Employees Overseas

The committee is aware of interest in extending shopping privileges at military commissaries and exchanges to non-Department of Defense (DOD) government agency employees serving at locations outside the United States, and particularly those serving in U.S. territories and possessions (the territory of Guam, the Commonwealth of Puerto Rico, the United States Virgin Islands, the territory of American Samoa, and the Commonwealth of the Northern Mariana Islands). The committee recognizes that current policies generally restrict the access of non-DOD employees serving outside the United States. The committee understands that the limited exceptions to the rule are confined to employees serving at the location outside the United States on transportation agreements as defined in 41 CFR 302-

2.12. The committee believes that it may be cost efficient and in the best interests of U.S. missions outside the United States for all Federal employees to have access to available military commissaries and exchanges when the employee's agency reimburses the cost of extending such privileges to the Department of Defense. Accordingly, the committee directs the Secretary of Defense to submit a report to the congressional defense committees by March 31, 2012, on the feasibility, propriety, and cost of a proposal for non-DOD Federal agencies to reimburse the Department of Defense for the cost of extending commissary and exchange privileges to employees of the agency serving outside the United States on transportation agreements.

Consolidation of Disability Evaluation System

The committee is encouraged by the initial feedback that the Department of Defense Integrated Disability Evaluation System has reduced the time required to deliver benefits from the Department of Veterans Affairs to wounded warriors. However, the committee remains concerned that service members with similar disabilities are receiving disparate disability ratings because of different standards, policies, and procedures used by the Physical Evaluation Boards operated by the military departments. The committee believes that achieving consistent disability ratings regardless of service is an important objective that will ensure service members are treated equitably. The committee believes that one method for ensuring such consistent outcomes is to operate a consolidated disability evaluation system within the Department of Defense. Accordingly, the committee directs the Secretary of Defense to submit a report to the congressional defense committees by August 1, 2012, on the feasibility, propriety, cost, and recommended legislation to implement such a consolidated disability evaluation system, if the Secretary determines that recommended legislation is appropriate and necessary.

TITLE VII—HEALTH CARE PROVISIONS

Clarification on Competition for Medical Research Consultation and Education

The committee is aware of concern regarding section 178 of title 10, United States Code, which provides a special status relationship between a non-profit organization and the Department of Defense. The committee understands that this special status only applies to cooperative agreements with the Uniformed Services University of the Health Sciences. Other military health system medical research, consultation, and education activities should be conducted under competitive procedures. The committee directs the Secretary of Defense to review the current processes and procedures of the various military health systems to ensure that fair and open competition for medical research, consultation, and education are being conducted, and submit a report on the results of the review to

the Senate Committee on Armed Services and the House Committee on Armed Services by March 31, 2012.

Mental Health and Traumatic Brain Injury

The committee continues to support the national effort to identify and treat post-traumatic stress disorder and traumatic brain injury occurring in members of the Armed Forces as a result of combat. The committee is aware of the challenges the Department of Defense continues to face in providing mental health care to service members and their families, as well as diagnosing and treating traumatic brain injury. The committee notes the diverse range of evolving concepts and technologies from the Nation's academic, scientific, and public health base that directly relate to mental health and traumatic brain injury. Therefore, the committee directs the Secretary of Defense to conduct within 6 years after the date of enactment of this Act the following:

(1) A 5-year pilot program under which the Secretary of Defense should establish a process to provide payment for any treatments demonstrated to be effective, including diagnostic testing of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces in health care facilities other than military treatment facilities.

(2) A neurophotonics program to develop tools for understanding, diagnosing, and treating traumatic brain injury and chronic traumatic encephalopathy.

(3) A program to use mindfulness-based cognitive skills training to help service members cope with stress and provide greater cognitive resources to improve adaptive functioning during deployment.

(4) A program to train behavioral health professionals within the military health system to use biofeedback and other exposure therapies to treat service members with post-traumatic stress disorder and related anxiety disorders.