H.R. 1540 – FY12 NATIONAL DEFENSE AUTHORIZATION BILL

SUBCOMMITTEE ON MILITARY PERSONNEL

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IV</td>
<td>Military Personnel Authorizations</td>
</tr>
<tr>
<td>Title V</td>
<td>Military Personnel Policy</td>
</tr>
<tr>
<td>Title VI</td>
<td>Compensation and Other Personnel Benefits</td>
</tr>
<tr>
<td>Title VII</td>
<td>Health Care Provisions</td>
</tr>
<tr>
<td>Title XIV</td>
<td>Other Authorizations</td>
</tr>
</tbody>
</table>

Summary of Bill Language p. 1
Bill Language p. 25
Summary of Directive Report Language p. 197
Directive Report Language p. 199
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:

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

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

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:

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

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:
<table>
<thead>
<tr>
<th>Service</th>
<th>FY 2011 Authorized</th>
<th>FY 2012 Authorized</th>
<th>Committee Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army Reserve</td>
<td>8,395</td>
<td>8,395</td>
<td>8,395</td>
</tr>
<tr>
<td>Army National Guard</td>
<td>27,210</td>
<td>27,210</td>
<td>27,210</td>
</tr>
<tr>
<td>Air Force Reserve</td>
<td>10,720</td>
<td>10,777</td>
<td>10,777</td>
</tr>
<tr>
<td>Air National Guard</td>
<td>22,394</td>
<td>22,509</td>
<td>22,509</td>
</tr>
<tr>
<td>DOD Total</td>
<td>68,719</td>
<td>68,891</td>
<td>68,891</td>
</tr>
</tbody>
</table>

**FY 2012 Change from FY 2011**

- Army Reserve: 0
- Army National Guard: 0
- Air Force Reserve: 57
- Air National Guard: 115
- DOD Total: 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:

<table>
<thead>
<tr>
<th>Service</th>
<th>FY 2011 Authorized</th>
<th>FY 2012 Authorized</th>
<th>Committee Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army National Guard</td>
<td>1,600</td>
<td>1,600</td>
<td>1,600</td>
</tr>
<tr>
<td>Air National Guard</td>
<td>350</td>
<td>350</td>
<td>350</td>
</tr>
<tr>
<td>Army Reserve</td>
<td>595</td>
<td>595</td>
<td>595</td>
</tr>
<tr>
<td>Air Force Reserve</td>
<td>90</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td>DOD Total</td>
<td>2,635</td>
<td>2,635</td>
<td>2,635</td>
</tr>
</tbody>
</table>

**FY 2012 Change from FY 2011**

- Army National Guard: 0
- Air National Guard: 0
- Army Reserve: 0
- Air Force Reserve: 0
- DOD Total: 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.
<table>
<thead>
<tr>
<th>Service</th>
<th>FY 2011 Authorized</th>
<th>FY 2012 Request</th>
<th>Committee Recommendation</th>
<th>Change from FY 2012 Request</th>
<th>FY 2012 Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army National Guard</td>
<td>17,000</td>
<td>17,000</td>
<td>17,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Army Reserve</td>
<td>13,000</td>
<td>13,000</td>
<td>13,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Naval Reserve</td>
<td>6,200</td>
<td>6,200</td>
<td>6,200</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Marine Corps Reserve</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Air National Guard</td>
<td>16,000</td>
<td>16,000</td>
<td>16,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Air Force Reserve</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>DOD Total</td>
<td>69,200</td>
<td>69,200</td>
<td>69,200</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**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—Technical 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 Nonappropriated 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;

**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
TITLE IV—MILITARY

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


Subtitle A—Active Forces

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

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

1. The Army, 562,000.
2. The Navy, 325,739.
3. The Marine Corps, 202,100.
4. The Air Force, 332,800.
SEC. 402. [LOG #2] REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

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

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

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

"(4) For the Air Force, 332,800."
Subtitle B—Reserve Forces

SEC. 411. 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.


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


(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
Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.
SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 32,060.
2. The Army Reserve, 16,261.
3. The Navy Reserve, 10,377.
4. The Marine Corps Reserve, 2,261.
5. The Air National Guard of the United States, 14,833.
SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,777.
(4) For the Air National Guard of the United States, 22,509.
SEC. 414. [LOG #133] FISCAL YEAR 2012 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

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

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

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

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

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.
SEC. 415. [LOG #5] MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

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

1. The Army National Guard of the United States, 17,000.
2. The Army Reserve, 13,000.
3. The Navy Reserve, 6,200.
4. The Marine Corps Reserve, 3,000.
5. The Air National Guard of the United States, 16,000.
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

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.


Subtitle B—Reserve Component Management

Sec. 511. [log# 144-sec10508] 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# 13-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. 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 (ex-
cluding 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, re-
spectively, and inserting the following new items:

<table>
<thead>
<tr>
<th>Total Strength</th>
<th>10,000</th>
<th>12,500</th>
<th>15,000</th>
<th>17,500</th>
<th>20,000</th>
<th>22,500</th>
<th>25,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>2,802</td>
<td>3,247</td>
<td>3,691</td>
<td>4,135</td>
<td>4,579</td>
<td>5,024</td>
<td>5,468</td>
</tr>
<tr>
<td>Strengths</td>
<td>1,615</td>
<td>1,768</td>
<td>1,922</td>
<td>2,075</td>
<td>2,230</td>
<td>2,383</td>
<td>2,537</td>
</tr>
<tr>
<td>Officers</td>
<td>633</td>
<td>658</td>
<td>684</td>
<td>710</td>
<td>736</td>
<td>762</td>
<td>787</td>
</tr>
</tbody>
</table>

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

(a) REMOVAL OF CERTAIN POSITIONS FROM EXCEP-
TION 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) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

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

(b) LIMITATION ON NUMBER OF AIR FORCE GENERAL OFFICERS ON ACTIVE DUTY.—

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

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

(B) in subsection (b)(2)(C), by striking "76" and inserting "73".
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2013.

(c) LIMITED EXCLUSION FOR JOINT DUTY ASSIGNMENTS FROM AUTHORIZED STRENGTH LIMITATION.—

(1) EXCLUSION.—Subsection (b) of section 526 of such title is amended by striking "324" and inserting "310".

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

(d) ELIMINATION OF COMPLETE EXCLUSION FOR OFFICERS SERVING IN CERTAIN INTELLIGENCE POSITIONS.—

(1) ELIMINATION OF CURRENT BROAD EXCLUSION.—Section 528 of such title is amended by striking subsections (b), (c), and (d) and inserting the following new subsections:

"(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer
and flag officer positions to be excluded from the limitations in subsection (a) of such section.

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

"(d) OFFICERS SERVING IN OFFICE OF DNI.—When a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence is held by a general officer or flag officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section. However, not more than five of such positions may be included among the excluded positions at any time."

(2) CLERICAL AMENDMENTS.—
(A) SECTION HEADING.—The heading of such section is amended to read as follows:

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

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

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

Subtitle B—Reserve Component Management

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

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (d) of section 10502 of title 10, United States Code, is amended to read as follows:

"(d) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.
“(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.”.

(2) SUCCESSION.—Subsection (e) of such section is amended to read as follows:

“(e) SUCCESSION.—(1) When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

“(2) When there is a vacancy in the offices of both the Chief and the Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and the Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.”.
(3) Exclusion for Chief of National Guard Bureau from General Officer Distribution Limitations.—Section 525 of such title is amended—

(A) in subsection (b)(1), by striking subparagraph (D); and

(B) in subsection (g)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(b) Vice Chief of the National Guard Bureau.—

(1) Redesignation of Director of the Joint Staff of the National Guard Bureau.— Subsection (a)(1) of section 10505 of such title is amended by striking "Director of the Joint Staff of the National Guard Bureau, selected by the Secretary of Defense from" and inserting "Vice Chief of the National Guard Bureau, appointed by the President, by and with the advice and consent of the Senate. The appointment shall be made from".

(2) Eligibility Requirements.—Subsection (a)(1) of such section is further amended—

(A) in subparagraph (A), by striking "recommended" and inserting "nominated";
(B) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(C) in subparagraph (E), as so redesignated, by striking "colonel" and inserting "brigadier general"; and

(D) by inserting after subparagraph (A) the following new subparagraphs:

"(B) are recommended by the Secretary of the Army, in the case of officers of the Army National Guard of the United States, or by the Secretary of the Air Force, in the case of officers of the Air National Guard of the United States, and by the Secretary of Defense;

"(C) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;”.

(3) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (c) of such section is amended to read as follows:

“(c) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Vice
Chief of the National Guard Bureau shall be appointed
to serve in the grade of lieutenant general.

"(2) The Secretary of Defense shall designate, pursuant
to subsection (b) of section 526 of this title, the posi-
tion of Vice Chief of the National Guard Bureau as one
of the general officer and flag officer positions to be ex-
cluded from the limitations in subsection (a) of such sec-
tion."

(c) CONFORMING AMENDMENTS REGARDING REF-
ERENCES TO DIRECTOR.—

(1) CROSS REFERENCES IN SECTION 10505.—

Section 10505 of such title is further amended—

(A) in subsection (a)—

(i) in paragraphs (2), (3), and (4), by
striking "Director of the Joint Staff" each
place in appears and inserting "Vice
Chief"; and

(ii) in paragraph (3)(B), by striking
"as the Director" and inserting "as the
Vice Chief"; and

(B) in subsection (b), by striking "Director
of the Joint Staff" and inserting "Vice Chief".

(2) CROSS REFERENCES IN SECTION 10506.—

Section 10506(a)(1) of such title is amended by
striking "Chief of the National Guard Bureau and
the Director of the Joint Staff” and inserting “Chief and Vice Chief”.

(3) OTHER REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to the Director of the Joint Staff of the National Guard Bureau shall be deemed to be a reference to the Vice Chief of the National Guard Bureau.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 10505 of such title is amended to read as follows:

§ 10505. Vice Chief of the National Guard Bureau.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

“10505. Vice Chief of the National Guard Bureau.”.

(e) TREATMENT OF CURRENT DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—The officer who is serving as Director of the Joint Staff of the National Guard Bureau on the date of the enactment of this Act shall serve, in the grade of major general, as acting Vice Chief of the National Guard Bureau until the appointment of a Vice Chief of the National Guard Bureau in accordance with subsection (a) of section 10505
of title 10, United States Code, as amended by subsection (b). Notwithstanding the amendment made by subsection (b)(3), the acting Vice Chief of the National Guard Bureau shall not be excluded from the limitations in section 526(a) of such title.

SEC. 512. [LOG#7-SEC1142] PRESEPARATION COUNSELING FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) REQUIREMENT; EXCEPTION.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking "Within" and inserting "(A) Within"; and

(B) by striking "of each member" and all that follows through the period at the end of the sentence and inserting the following: "of—

"(i) each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; and

"(ii) each member of a reserve component not covered by clause (i) whose discharge or release from service is anticipated as of a specific date."; and
(2) in the second sentence, by striking “A notation of the provision of such counseling” and inserting the following:

“(B) A notation of the provision of preseparation counseling”.

(b) Modification of Time Period in Which Preseparation Counseling Must Be Provided.—

Subsection (a)(3) of such section is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

and

(2) by adding at the end the following new subparagraph:

“(C) In the event that a member of a reserve component is being released from active duty for a period of more than 30 days under circumstances in which the Secretary concerned determines operational requirements make compliance with the 90-day requirement under subparagraph (A) unfeasible, preseparation counseling shall begin as soon as possible within the remaining period of service.”.

(c) Conforming Amendment Regarding Covered Matters.—Subsection (b)(7) of such section is amended by striking “from active duty”.


SEC. 513. [LOG# 135-DOD512] CLARIFICATION OF APPLICABILITY OF AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

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

(1) in the subsection heading, by inserting "AUTHORITY FOR" before "DEFERRAL OF MANDATORY SEPARATION";

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

(3) by inserting "at the discretion of the Secretary concerned," after "so as to allow"; and

(4) by striking "for officers".

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

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

Section 14301 of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(i) **RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIAN (DUAL STATUS).**—A reserve officer of the Army or Air Force employed as a military technician (dual status) under section 10216 of this title who has been retained beyond the mandatory removal date for years of service pursuant to subsection (f) of such section or section 14702(a)(2) of this title is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.”

**Subtitle C—General Service Authorities**

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

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

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

“Congress makes the following findings:

“(1) Section 8 (clauses 12, 13, and 14) of Article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and...
make rules for the government and regulation of the
land and naval forces.

"(2) There is no constitutional right to serve in
the armed forces.

"(3) Pursuant to the powers conferred by sec-
tion 8 of article I of the Constitution of the United
States, it lies within the discretion of the Congress
to establish qualifications for and conditions of serv-
"ice in the armed forces.

"(4) The primary purpose of the armed forces
is to prepare for and to prevail in combat should the
need arise.

"(5) The conduct of military operations re-
quires members of the armed forces to make ex-
traordinary sacrifices, including the ultimate sac-
rifice, in order to provide for the common defense.

"(6) Success in combat requires military units
that are characterized by high morale, good order
and discipline, and unit cohesion.

"(7) One of the most critical elements in com-
bat capability is unit cohesion, that is, the bonds of
trust among individual service members that make
the combat effectiveness of a military unit greater
than the sum of the combat effectiveness of the indi-

vidual unit members.
"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member’s life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.
“(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

“(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

“(13) The armed forces must maintain personnel policies that are intended to recruit and retain only those persons whose presence in the armed forces serve the needs of the armed forces, contribute to the accomplishment of the missions of the armed forces, and maintain the armed forces’ high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting
before the item relating to section 651 the following new item:

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

SEC. 522. [LOG# 354-SEC991] POLICY ADDRESSING DWELL TIME AND MEASUREMENT AND DATA COLLECTION REGARDING UNIT OPERATING TEMPO AND PERSONNEL TEMPO.

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

“(4) The Secretary of Defense shall prescribe a policy that addresses the amount of dwell time a member of the armed forces or unit remains at the member’s or unit’s permanent duty station or home port, as the case may be, between deployments.”.

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

“(c) RECORDKEEPING.—(1) The Secretary of Defense shall—

“(A) establish a system for tracking and recording the number of days that each member of the armed forces is deployed;
(B) prescribe policies and procedures for measuring operating tempo and personnel tempo; and

(C) maintain a central data collection repository to provide information for research, actuarial analysis, interagency reporting and evaluation of Department of Defense programs and policies.

(2) The data collection repository shall be able to identify—

(A) the active and reserve component units of the armed forces that are participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation; and

(B) the duration of their participation.

(3) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year—

(A) the number of members who received the high-deployment allowance under section 436 of title 37 (or who would have been eligible to receive the allowance if the duty assignment was not excluded by the Secretary of Defense);
“(B) the number of members who received each rate of allowance paid (estimated in the case of members described in the parenthetical phrase in subparagraph (A));

“(C) the number of months each member received the allowance (or would have received it in the case of members described in the parenthetical phrase in subparagraph (A)); and

“(D) the total amount expended on the allowance.

“(4) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.”.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(f) OTHER DEFINITIONS.—In this section:

“(1)(A) Subject to subparagraph (B), the term ‘dwell time’ means the time a member of the armed forces or a unit spends at the permanent duty station or home port after returning from a deployment.
(B) The Secretary of Defense may modify the
definition of dwell time specified in subparagraph
(A). If the Secretary establishes a different defini-
tion of such term, the Secretary shall transmit the
new definition to Congress.

(2) The term ‘operating tempo’ means the rate
at which units of the armed forces are involved in
all military activities, including contingency oper-
ations, exercises, and training deployments.

(3) The term ‘personnel tempo’ means the
amount of time members of the armed forces are en-
gaged in their official duties at a location or under
circumstances that make it infeasible for a member
to spend off-duty time in the housing in which the
member resides.”.

(d) CLERICAL AMENDMENTS.—

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

“§ 991. Management of deployments of members and
measurement and data collection of unit
operating and personnel tempo”.

(2) TABLE OF SECTIONS.—The table of sections
at the beginning of chapter 50 of such title is
amended by striking the item relating to section 991
and inserting the following new item:
"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".
SEC. 524. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.

(a) EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.—

(1) EQUAL TREATMENT.—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))).

(2) COVERED GRADUATES.—Paragraph (1) applies with respect to person who—

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

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

(b) POLICY ON RECRUITMENT AND ENLISTMENT.—

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy on recruitment and enlistment that incorporates the following:
(1) Means for identifying persons described in subsection (a)(2) who are qualified recruitment and enlistment in the Armed Forces, which may include the use of a non-cognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

(2) Means for assessing how qualified persons fulfill their enlistment obligation.

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) RECRUITMENT PLAN.—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

(d) COMMUNICATION PLAN.—The Secretary of each of the military departments shall develop a communication plan to ensure that the policy and recruitment plan are 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;
“(2) not based on substantial evidence;
“(3) a result of material error of fact or material administrative error, but only if the petitioner identified to the correction board how the failure to follow such procedures substantially prejudiced the petitioner's right to relief, and shows to the reviewing court by a preponderance of the evidence that the error was harmful; or
“(4) otherwise contrary to law.

“(c) RELIEF.—In exercising its authority under this section, the reviewing court shall affirm, modify, vacate, or reverse the decision, or remand the matter, as appropriate.

“(d) MATTERS MUST BE JUSTICIABLE.—Notwithstanding subsections (a), (b), and (c), the reviewing court does not have jurisdiction to entertain any matter or issue raised in a petition of review that is not justiciable.

“(e) DECISION MUST BE FINAL.—(1) No judicial review may be made under this section unless the petitioner shall first have requested a correction under section 1552 of this title, and the Secretary concerned shall have rendered a final decision denying that correction in whole or in part. In a case in which the final decision of the Secretary concerned is subject to review by the Secretary of Defense under section 1034(g) of this title, the petitioner
is not required to seek such review by the Secretary of Defense before obtaining judicial review under this section. If the petitioner seeks review by the Secretary of Defense under section 1034(g) of this title, no judicial review may be made until the Secretary of Defense shall have rendered a final decision denying that request in whole or in part.

"(2) In the case of a final decision described in subsection (a) made after the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, a petition for judicial review under this section must be filed within one year after the date of that final decision.

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

"(2) A decision by a board established under section 1552(a)(1) of this title declining to reconsider or reopen a previous denial or partial denial of a request for correction of military records is not subject to judicial review under this section or otherwise subject to review in any court.
"(3) Notwithstanding subsection (e)(2), a decision by a board established under section 1552(a)(1) of this title that results in denial, in whole or in part, of any request for correction of military records that is received by the board more than six years after the date of discharge, retirement, release from active duty, or death while on active duty of the person whose military records are the subject of the correction request is not subject to judicial review under this section or otherwise subject to review in any court.

"(g) Sole Basis for Judicial Review.—(1) In the case of a cause of action arising after the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, no court shall have jurisdiction to entertain any request for correction of records cognizable under subsection (f) or (g) of section 1034 or section 1552 of this title except as provided in this section.

"(2) In the case of a cause of action arising after the end of such one-year period, except as provided by chapter 153 of title 28 and chapter 79 of this title, no court shall have jurisdiction over any civil action or claim seeking, in whole or in part, to challenge any decision for which administrative review is available under section 1552 of this title."
(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1558 the following new item:

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

(b) EFFECT OF DENIAL OF REQUEST FOR CORRECTION OF RECORDS WHEN PROHIBITED PERSONNEL ACTION ALLEGED.—

(1) NOTICE OF DENIAL; PROCEDURES FOR JUDICIAL REVIEW.—Subsection (f) of section 1034 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary concerned shall provide the member or former member a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title."

(2) SECRETARY OF DEFENSE REVIEW; NOTICE OF DENIAL.—Subsection (g) of such section is amended—
(A) by inserting "(1)" before "Upon the completion of all"; and

(B) by adding at the end the following new paragraph:

"(2) The submittal of a matter to the Secretary of Defense by the member or former member under paragraph (1) must be made within 90 days of the receipt by the member or former member of the final decision of the Secretary of the military department concerned in the matter. In any case in which the final decision of the Secretary of Defense results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary of Defense shall provide the member or former member a concise written statement of the basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title."

(3) SOLE BASIS FOR JUDICIAL REVIEW.—Such section is further amended—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following new subsection (h):

"(h) JUDICIAL REVIEW.—(1) A decision of the Secretary of Defense under subsection (g) shall be subject to
judicial review only as provided in section 1558a of this title.

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

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

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

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

"(i) A decision by the Secretary concerned under this section shall be subject to judicial review only as provided in section 1558a of this title."
(d) **Effective Date and Retroactive Application.**

(1) **Effective Date.**—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

(2) **Retroactive Application.**—The amendments made by this section shall apply to all final decisions of the Secretary of Defense under section 1034(g) of title 10, United States Code, and of the Secretary of a military department or the Secretary of Homeland Security under sections 1034(f) or 1552 of such title, whether rendered before, on, or after the date of the enactment of this Act.

(3) **Transition.**—During the period between the date of the enactment of this Act and the effective date specified in paragraph (1), in any case in which the final decision of the Secretary of Defense under section 1034 of title 10, United States Code, or the Secretary concerned under section 1552 of title 10, United States Code, results in denial, in whole or in part, of any requested correction of the record of a member or former member of the Armed Forces or the record of a claimant under such section 1552, the individual shall be informed in writing of the time for obtaining review of the decision.
pursuant to section 1558a of such title as provided therein.

(4) IMPLEMENTATION.—The Secretaries concerned may prescribe appropriate regulations, and interim guidance before prescribing such regulations, to implement the amendments made by this section. In the case of the Secretary of a military department, such regulations may not take effect until approved by the Secretary of Defense.

(5) CONSTRUCTION.—This section and the amendments made by this section do not affect the authority of any court to exercise jurisdiction over any case that was properly before the court before the effective date specified in paragraph (1).

(6) SECRETARY CONCERNED.—In this subsection, the term "Secretary concerned" has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 532. [LOG# 346-SEC2601A]CLARIFICATION OF APPLICATION AND EXTENT OF DIRECT ACCEPTANCE OF GIFTS AUTHORITY.

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—
(A) by striking “or” at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a); or”;

(2) in subsection (c), by striking “paragraph (1) or (2) of subsection (c)” and inserting “paragraph (1), (2) or (3) of subsection (b)”;

(3) by adding at the end the following new subsection:

“(e) RETROACTIVE APPLICATION OF REGULATIONS.—To the extent provided in the regulations issued under subsection (a), the regulations shall also apply to the acceptance of gifts for injuries or illnesses incurred on or after September 11, 2001, through the effective date of the regulations.”.
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.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary concerned may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program that provides employment skills training and assists members in transitioning into new careers in civilian life.".
SEC. 542. [LOG# 139-DOD701] EXPANSION OF RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM TO INCLUDE STUDENTS IN MENTAL HEALTH DEGREE PROGRAMS IN CRITICAL WARTIME SPECIALTIES.

(a) RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) MENTAL HEALTH STUDENTS IN CRITICAL WARTIME SPECIALTIES.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

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

"(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

"(C) signs an agreement that, unless sooner separated, the person will—"
(i) complete the educational phase of the program;

(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

(iii) participate in a residency program if required for clinical licensure.

(2) Under the agreement—

(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in an amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or na-
tional emergency as provided by law for members of the Ready Reserve; and

"(D) the participant shall agree to serve, upon successful completion of the program, one year in the Ready Reserve for each six months, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement."

(b) CROSS-REFERENCE AMENDMENTS.—Such section is further amended—

(1) by striking "subsection (f)" in subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A) and inserting "subsection (g)"; and

(2) in subsection (g), as redesignated by subsection (a)(1), by striking "subsection (b) or (c)" and inserting "subsection (b), (c), (d), or (f)".

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.

(a) WAIVER FOR CERTAIN ENLISTED MEMBERS.—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States
Code, for the admission of an enlisted member of the
Armed Forces to the United States Military Academy, the
United States Naval Academy, or the United States Air
Force Academy if the member—

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

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

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

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

(2) possesses an exceptional overall record that
the Secretary concerned determines sets the can-
didate apart from all other candidates.
(c) **Maximum Age for Receipt of Waiver.**—A waiver may not be granted under this section if the candidate would pass the candidate’s twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy.

(d) **Limitation on Number Admitted Using Waiver.**—No more than five candidates may be admitted to each of the military service academies for an academic year pursuant to a waiver granted under this section.

(e) **Record Keeping Requirement.**—The Secretary of each military department shall maintain records on the number of graduates of the military service academy under the jurisdiction of the Secretary who are admitted pursuant to a waiver granted under this section and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation. The Secretary shall compare their retention rate to the retention rate of graduates of that academy generally.

(f) **Reporting Requirement.**—Not later than April 1, 2016, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying—
(1) the number of applications for waivers received by the Secretary under subsection (a) and under subsection (b);

(2) the number of waivers granted by the Secretary, including whether the waiver was granted under subsection (a) or (b);

(3) the number of candidates actually admitted to the military service academy under the jurisdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(g) DURATION OF WAIVER AUTHORITY.—The authority to grant a waiver under this section expires on 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"

§ 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:

"(2) The United States Soldiers' and Airmen's Home National Cemetery in the District of Colombia.

"(c) ADMINISTRATIVE JURISDICTION.—The Cemeteries shall be under the jurisdiction of Headquarters, Department of the Army.

"(d) REGULATIONS AND OTHER POLICIES.—The Secretary of the Army shall prescribe such regulations and policies as may be necessary administer the Cemeteries.

"(e) BUDGETARY AND REPORTING REQUIREMENTS.—The Secretary of the Army shall submit to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives an annual budget request (and detailed justifications for the amount of the request) to fund administration, operation and maintenance, and construction related to the Cemeteries. The Secretary may include, as necessary, proposals for new or amended statutory authority related to the Cemeteries.

§4722. Interment and inurnment policy

"(a) ELIGIBILITY DETERMINATIONS GENERALLY.—The Secretary of the Army, with the approval of the Secretary of Defense, shall determine eligibility for interment or inurnment in the Cemeteries.
"(b) REMOVAL OF REMAINS.—Under such regulations as the Secretary of the Army may prescribe under section 4721(d) of this title, the Secretary of Defense may authorize the removal of the remains of a person described in subsection (c) from one of the Cemeteries for re-interment or re-inurnment if, upon the death of the primary person eligible for interment or inurnment in the Cemeteries, the deceased primary eligible person will not be buried in the same or an adjoining grave.

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

"(d) EXCEPTIONS.—The remains of a person described in subsection (c) may not be removed from one of the Cemeteries under subsection (b) if the primary person eligible for burial in the Cemeteries is a person—

"(1) who is missing in action;

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

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

"(4) whose remains were donated to science; or
“(5) whose remains were cremated and whose ashes were scattered without internment of any portion of the ashes.

“§4723. Advisory committee on Arlington National Cemetery

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

“(b) ROLE.—The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

“(c) REPORTS AND RECOMMENDATIONS.—The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

“§4724. Executive Director

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

“(2) The Executive Director reports directly to the Secretary.
"(b) RESPONSIBILITIES.—The Executive Director is responsible for the following:

"(1) Exercising authority, direction and control over all aspects of the Cemeteries.

"(2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.

"(3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.

"(4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.

"(5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.

"(6) Formulating, promulgating, administering, and overseeing policies and addressing proposals for the placement of memorials and monuments in the Cemeteries.

"(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity,
visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery's special features, and other matters the Executive Director considers appropriate.

“(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

“(9) Supervising the superintendents of the Cemeteries.

“§ 4725. Superintendents

“(a) Appointment and Qualifications.—An individual serving as the superintendent of one of the Cemeteries should be a retired or former member of the armed forces who served honorably and who—

“(1) has experience in the administration, management, and operation of cemeteries under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

“(2) as determined by the Secretary of the Army, has experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

“(b) Duties.—The superintendents of the Cemeteries report directly to the Executive Director and per-
forms such duties and responsibilities as the Executive Director prescribes.

"§ 4726. Oversight and inspections

(a) INSPECTIONS REQUIRED.—(1) The Secretary of the Army shall provide for the oversight of the Cemeteries to ensure the highest quality standards are maintained by providing for the periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. Except as provided in paragraph (2), the inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.


(b) SUBMISSION OF RESULTS.—Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.”.

(b) TABLE OF CHAPTERS.—The table of chapters at 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 REQUIRED.—The Inspector General of the Department of
8 Defense shall conduct an inspection of each military ceme-
9 tery and, based on the findings of those inspections, make
10 recommendations for the regulation, management, over-
11 sight, and operation of the military cemeteries.
12
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
17 (1) The adequacy of the statutes, policies, and
18 regulations governing the management, oversight,
19 operations, and interments or inurnments (or both)
20 by the military cemeteries and the adherence of each
21 military cemetery to such statutes, policies, and reg-
22 ulations.
23
24 (2) The system employed to fully account for
25 and accurately identify the remains interred or
26 inurned in the military cemeteries.
(3) The contracts and contracting processes and oversight of those contracts and processes with regard to compliance with Department of Defense and military department guidelines.

(4) The history and adequacy of the oversight conducted by the Secretaries of the military departments over the military cemeteries under their jurisdiction and the adequacy of corrective actions taken as a result of that oversight.

(5) The statutory and policy guidance governing the authorization for the Secretaries of the military departments to operate the military cemeteries and an assessment of the budget and appropriations structure and history of each military cemetery.

(6) Such other matters as the Inspector General of the Department of Defense considers to be appropriate.

(c) SPECIAL CONSIDERATIONS.—The inspection under subsection (a) of the cemetery at the Armed Forces Retirement Home—Washington shall focus primarily on—

(1) the assessment required by subsection (b)(5); and

(2) whether the Secretary of the Army has fully and completely addressed issues raised by, and the
recommendations made with regard to, such ceme-
tery in the Inspector General of the Department of
Defense 2010 report of the Special Inspection of Ar-
lington National Cemetery.

(d) INSPECTION OF ADDITIONAL CEMETERIES.—

(1) INSPECTION REQUIRED.—In addition to the
inspection required by subsection (a), the Inspector
General of the Department of Defense shall conduct
an inspection of a statistically valid sample of ceme-
teries located at current or former military installa-
tions inside and outside the United States that are
under the jurisdiction of the military departments
for the purpose of obtaining an assessment of the
adequacy of and adherence to the statutes, policies,
and regulations governing the management, over-
sight, operations, and interments or inurnments (or
both) by those cemeteries.

(2) EXCLUSION.—Paragraph (1) does not apply
to the cemeteries maintained by the American Battle
Monuments Commission and the military cemeteries
identified in subsection (f).

(e) SUBMISSION OF INSPECTION RESULTS AND COR-
RECTIVE ACTION PLANS.—

(1) MILITARY CEMETERY INSPECTIONS.—Not
later than March 31, 2012, the Secretaries of the
military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings of the inspections of the military cemeteries conducted under subsection (a);

(B) the recommendations of the Inspector General of the Department of Defense based on such inspections; and

(C) a plan for corrective action.

(2) INSPECTION OF ADDITIONAL CEMETERIES.—Not later than December 31, 2012, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the inspections conducted under subsection (d) and the recommendations of the Inspector General based on such inspections. Not later than April 1, 2013, the Secretaries of the military departments shall submit to such committees a plan for corrective action.

(f) MILITARY CEMETERY DEFINED.—In subsection (a), the term "military cemetery" means the cemeteries that are under the jurisdiction of a Secretary of a military department at each of the following locations:
(1) The Armed Forces Retirement Home—

Washington.

(2) The United States Military Academy.

(3) The United States Naval Academy.

(4) The United States Air Force Academy.

Subtitle G—Armed Forces Retirement Home

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

Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by adding at the end the following new paragraph:

"(3) The administration of the Retirement Home, including administration for the provision of health care and medical care for residents, shall remain under the control and administration of the Secretary of Defense."

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

(a) ADVISORY RESPONSIBILITIES OF SENIOR MEDICAL ADVISOR.—Subsection (b) of section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(1) by striking "(1) The"; and inserting "The";
(2) by striking paragraph (2); and
(3) by striking "and the Chief Operating Officer" and all that follows through the period at the end and inserting the following: "the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—

"(1) medical administrative matters at each facility of the Retirement Home; and

"(2) the provision of medical care, preventive mental health, and dental care services at each facility of the Retirement Home."

(b) RELATED DUTIES.—Subsection (e) of such section is amended by striking paragraphs (3), (4), and (5) and inserting the following new paragraphs:

"(3) Periodically visit each facility of the Retirement Home to review—

"(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

"(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

"(4) Report on the findings and recommendations developed as a result of each review conducted
under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Under Secretary of Defense for Personnel and Readiness.”.

SEC. 563. [LOG# 147-AFRH]ESTABLISHMENT OF ARMED FORCES RETIREMENT HOME ADVISORY COUNCIL AND RESIDENT ADVISORY COMMITTEES.

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

"SEC. 1516. ADVISORY COUNCIL.

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

(b) DUTIES.—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the operation and administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report sum-
marizing its activities during the preceding year and pro-
viding such observations and recommendations with re-
spect to the Retirement Home as the Advisory Council
considers appropriate.

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

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

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

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

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

"(3) The Advisory Council shall include the following
members:
(A) One member who is an expert in nursing home or retirement home administration and financing.

(B) One member who is an expert in gerontology.

(C) One member who is an expert in financial management.

(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

(E) The Chairpersons of the Resident Advisory Committees.

(F) One enlisted representative of the Services' Retiree Advisory Council.

(G) The senior noncommissioned officer of one of the Armed Forces.

(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

(I) One senior judge advocate from one of the Armed Forces.

(J) One senior representative of one of the chief personnel officers of the Armed Forces.
"(K) Such other members as the Secretary of Defense may designate.

"(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

"(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council and be responsible for the operation of the Advisory Council.

"(d) TERM OF SERVICE.—(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

"(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member’s term until a successor is designated.

"(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member’s term.

"(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which
the duties include the duty to serve as a member of the  
Advisory Council.

"(e) VACANCIES.—A vacancy in the Advisory Council  
shall be filled in the manner in which the original designa-

tion was made. A member designated to fill a vacancy oc-
curring before the end of the term of the predecessor shall  
be designated for the remainder of the term of the prede-

cessor. A vacancy in the Advisory Council shall not affect  
its authority to perform its duties.

"(f) COMPENSATION.—(1) Except as provided in  
paragraph (2), a member of the Advisory Council shall—  

"(A) be provided a stipend consistent with the  
daily government consultant fee for each day on  
which the member is engaged in the performance of  
services for the Advisory Council; and  

"(B) while away from home or regular place of  
business in the performance of services for the Advi-
sory Council, be allowed travel expenses (including  
per diem in lieu of subsistence) in the same manner  
as a person employed intermittently in Government  
under sections 5701 through 5707 of title 5, United  
States Code.

"(2) A member of the Advisory Council who is a  
member of the Armed Forces on active duty or a full-time  
officer or employee of the United States shall receive no
additional pay by reason of serving as a member of the Advisory Council.

"SEC. 1516A. RESIDENT ADVISORY COMMITTEES.

"(a) Establishment and Purpose.—(1) A Resident Advisory Committee is an elected body of residents at each facility of the Retirement Home established to provide a forum for all residents to express their needs, ideas, and interests through elected representatives of their respective floor or area.

"(2) A Resident Advisory Committee—

"(A) serves as a forum for ideas, recommendations, and representation to management of that facility of the Retirement Home to enhance the morale, safety, health, and well-being of residents; and

"(B) provides a means to communicate policy and general information between residents and management.

"(b) Election Process.—The election process for the Resident Advisory Committee at a facility of the Retirement Home shall be coordinated by the facility Ombudsman.

"(c) Chairperson.—(1) The Chairperson of a Resident Advisory Committee shall be elected at large and serve a two-year term.
“(2) Chairpersons serve as a liaison to the Administrator and are voting members of the Advisory Council. Chairpersons shall create meeting agendas, conduct the meetings, and provide a copy of the minutes to the Administrator, who will forward the copy to the Chief Operating Officer for approval.

“(d) MEETINGS.—At a minimum, meetings of a Resident Advisory Committee shall be conducted quarterly.”

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 1502 of such Act (24 U.S.C. 401) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) by inserting after paragraph (2) (as so redesignated) the following new paragraphs:

“(3) The term ‘Advisory Council’ means the Armed Forces Retirement Home Advisory Council established under section 1516.

“(4) The term ‘Resident Advisory Committee’ means an elected body of residents at a facility of the Retirement Home established under section 1516A.”.

(2) RESPONSIBILITIES OF CHIEF OPERATING OFFICER.—Section 1515(c)(2) of such Act (24
(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “Local Board for the facility or the resident advisory committee or council” and inserting “Advisory Council or the Resident Advisory Committee”; and

(ii) in paragraph (3), by striking “Local Board for the facility, the resident advisory committee or council” and inserting “Advisory Council, the Resident Advisory Committee”;

(B) in subsection (c)(1), by striking “Local Board for the facility” and inserting “Advisory Council”; and

(C) in subsection (e)(1), by striking “Local Board for the facility” and inserting “Advisory Council”.

U.S.C. 415(e)(2)) is amended by striking “, including the Local Boards of those facilities”.

(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “Local Board for the facility or the resident advisory committee or council” and inserting “Advisory Council or the Resident Advisory Committee”; and

(ii) in paragraph (3), by striking “Local Board for the facility, the resident advisory committee or council” and inserting “Advisory Council, the Resident Advisory Committee”;

(B) in subsection (c)(1), by striking “Local Board for the facility” and inserting “Advisory Council”; and

(C) in subsection (e)(1), by striking “Local Board for the facility” and inserting “Advisory Council”.

(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “Local Board for the facility or the resident advisory committee or council” and inserting “Advisory Council or the Resident Advisory Committee”; and

(ii) in paragraph (3), by striking “Local Board for the facility, the resident advisory committee or council” and inserting “Advisory Council, the Resident Advisory Committee”;

(B) in subsection (c)(1), by striking “Local Board for the facility” and inserting “Advisory Council”; and

(C) in subsection (e)(1), by striking “Local Board for the facility” and inserting “Advisory Council”.

(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “Local Board for the facility or the resident advisory committee or council” and inserting “Advisory Council or the Resident Advisory Committee”; and

(ii) in paragraph (3), by striking “Local Board for the facility, the resident advisory committee or council” and inserting “Advisory Council, the Resident Advisory Committee”;

(B) in subsection (c)(1), by striking “Local Board for the facility” and inserting “Advisory Council”; and

(C) in subsection (e)(1), by striking “Local Board for the facility” and inserting “Advisory Council”.
SEC. 564. [LOG# 148-AFRH] ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.

(a) LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.—Section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking “a Director, a Deputy Director, and an Associate Director” and inserting “an Administrator and an Ombudsman”;

(2) in subsections (b) and (c)—

(A) by striking “DIRECTOR” in each subsection heading and inserting “ADMINISTRATOR”; and

(B) by striking “Director” each place it appears and inserting “Administrator”;

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated—

(A) by striking “ASSOCIATE DIRECTOR” in the subsection heading and inserting “OMBUDSMAN”; and

(B) by striking “Associate Director” in paragraphs (1) and (2) and inserting “Ombudsman”;

(5) in subsection (e), as so redesignated—
(A) by striking "ASSOCIATE DIRECTOR.—"
" in the subsection heading and inserting "OM-
BUDSMAN.—(1)";

(B) by striking "Associate Director" and
inserting "Ombudsman";

(C) by striking "Director and Deputy Di-
rector" and inserting "Administrator";

(D) by striking "Director may" and insert-
ing "Administrator may"; and

(E) by adding at the end the following new
paragraph:

"(2) The Ombudsman may provide information to the
Administrator, the Chief Operating Officer, the Senior
Medical Advisor, the Inspector General of the Department
of Defense, and the Under Secretary of Defense for Per-
sonnel and Readiness."

(6) in subsection (f), as so redesignated, by
striking "Director" each place it appears and insert-
ing "Administrator"; and

(7) in subsection (g), as so redesignated—
(A) by striking "DIRECTORS" in the sub-
section heading and inserting "ADMINISTRA-
ATORS";

(B) in paragraph (1), by striking "Direct-
tors" and inserting "Administrators"; and
(C) in paragraph (2), by striking "a Director" and inserting "an Administrator".

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES TO DIRECTOR.—Sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) of such Act are amended by striking "Director" each place it appears and inserting "Administrator".

(2) REFERENCES TO DIRECTORS.—Sections 1514(b) and 1520(c) of such Act (24 U.S.C. 414(b), 420(c)) are amended by striking "Directors" and inserting "Administrators".

SEC. 565. [LOG# 357-AFRH] REVISION OF FEE REQUIREMENTS.

(a) FIXING FEES.—Subsection (c) of section 1514 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414) is amended—

(1) in paragraph (3), by striking the last sentence; and

(2) by adding at the end the following new paragraph:

"(4) Until different fees are prescribed and take effect under this subsection and subject to any fee adjustment that the Secretary of Defense determines appropriate, the percentages and limitations on maximum
monthly amount that are applicable to fees charged to residents for months beginning after December 31, 2011, are as follows:

"(A) For independent living residents, 35 percent of total current income, but not to exceed $1,238 each month.

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

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

(b) REPEAL OF FORMER TRANSITIONAL FEE STRUCTURES.—Such section is further amended by striking subsection (d).

SEC. 566. [LOG# 149-AFRH] REVISION OF INSPECTION REQUIREMENTS.

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

(1) in subsection (b)(1)—

(A) by striking "In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization," and inserting "Not less often than once every three years,";
(B) by striking "of that facility" and inserting "of each facility of the Retirement Home"; and

(C) by inserting "long-term care," after "assisted living,";

(2) in subsection (e)—

(A) in paragraph (1), by striking "45 days" and inserting "90 days"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report."; and

(3) in subsection (e)(1)—

(A) by striking "45 days" and inserting "60 days"; and

(B) by striking "Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer" and inserting "Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor".
SEC. 567. [LOG# 150-AFRH] REPEAL OF OBSOLETE TRANSITIONAL PROVISIONS AND TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) REPEAL OF TRANSITIONAL PROVISIONS.—Part B of the Armed Forces Retirement Home Act of 1991, relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home, is repealed.

(b) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—

Section 1519(a)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419(a)(2)) is amended by striking “Retirement Home Board” and inserting “Chief Operating Officer”.

(2) TITLE 10, U.S.C.—

(A) DEFENSE OF CERTAIN SUITS.—Section 1089(g)(3) of title 10, United States Code, is amended by striking “Armed Forces Retirement Home Board” and inserting “Chief Operating Officer of the Armed Forces Retirement Home”.

(B) FINES AND FORFEITURES.—Section 2772(b) of title 10, United States Code, is amended by striking “Armed Forces Retire-
ment Home Board” and inserting “Chief Operating Officer of the Armed Forces Retirement Home”.

(c) **SECTION HEADINGS.—**

(1) **SECTION 1501.**—The heading of section 1501 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. is amended to read as follows:

“SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.”.

(2) **SECTION 1513.**—The heading of section 1513 of such Act is amended to read as follows:

“SEC. 1513. SERVICES PROVIDED TO RESIDENTS.”.

(3) **SECTION 1513A.**—The heading of section 1513A of such Act is amended to read as follows:

“SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS.”.

(4) **SECTION 1517.**—The heading of section 1517 of such Act is amended to read as follows:

“SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.”.

(5) **SECTION 1518.**—The heading of section 1518 of such Act is amended to read as follows:
"SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS."

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

(d) PART A HEADER.—The heading for part A is repealed.

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

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

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

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

(3) by striking the items relating to sections 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."

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, 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-
ent of an active component member and two of
whom shall be the spouse or parent of a reserve
component member.

“(C) Three individuals appointed by the Sec-
retary of Defense from among representatives of
military family organizations, including military
family organizations of families of members of the
regular components and of families of members of
the reserve components.

“(D) The senior enlisted advisor from each of
the Army, Navy, Marine Corps, and Air Force, ex-
cept that two of these members may instead be se-
lected from among the spouses of the senior enlisted
advisors.

“(E) The Director of the Office of Community
Support for Military Families with Special Needs.

“(2)(A) The term on the Council of the members ap-
pointed or designated under clauses (i) and (iii) of sub-
paragraph (B) of paragraph (1) shall be two years and
may be renewed by the Secretary of Defense. Representa-
tion on the Council under clause (ii) of that subparagraph
shall rotate between the Army National Guard and Air
National Guard every two years on a calendar year basis.
“(B) The term on the Council of the members appointed under subparagraph (C) of paragraph (1) shall be three years.”.

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.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in
section 4301, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

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

SEC. 573. [LOG #451-CHILD-CUSTODY]PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

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

"SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is servicemember, then the court shall require that upon the return of the servicemember from deployment, the custody
order that was in effect immediately preceding the tem-
porary order shall be reinstated, unless the court finds
that such a reinstatement is not in the best interest of
the child, except that any such finding shall be subject
to subsection (b).

"(b) EXCLUSION OF MILITARY SERVICE FROM De-
tERminATION OF CHIld's BeSt IntErESr.--If a motion
or a petition is filed seeking a permanent order to modify
the custody of the child of a servicemember, no court may
consider the absence of the servicemember by reason of
deployment, or the possibility of deployment, in deter-
mining the best interest of the child.

"(c) NO Federal rIGhT OF ACTION.--Nothing in
this section shall create a Federal right of action.

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

"(e) DEPLOYMENT DEFINED.--In this section, the
term 'deployment' means the movement or mobilization of
a servicemember to a location for a period of longer than
60 days and not longer than 18 months pursuant to temporary or permanent official orders—

“(1) that are designated as unaccompanied;

“(2) for which dependent travel is not authorized; or

“(3) that otherwise do not permit the movement of family members to that location.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

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

SEC. 581. [LOG #452]DIRECTOR OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following:

“, who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position”.
SEC. 582. [LOG #453] SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) Access.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044d the following new section:

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

"(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—

"(1) MEMBERS.—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

"(A) legal assistance provided by a military legal assistance counsel certified as competent to provide such assistance;

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

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

"(2) DEPENDENTS.—To the extent practicable, the Secretary of a military department shall make
the assistance described in paragraph (1) available to 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. The Secretary concerned shall define the term 'vicinity' for purposes of this paragraph.

"(3) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.—The member or dependent shall be informed of the availability of assistance under this subsection as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator or any other responsible member of the armed forces or Department of Defense civilian employee. The victim shall also be informed that the legal assistance and services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and these services may be declined, in whole or in part, at any time.

"(4) NATURE OF REPORTING IMMATERIAL.—In the case of a member of the armed forces, access to legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates are available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.
"(b) Restricted Reporting Option.—

"(1) Availability of Restricted Reporting.—A member of the armed forces who is the victim of a sexual assault may confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

"(2) Persons Covered by Restricted Reporting.—Individuals covered by paragraph (1) are the following:

"(A) Military legal assistance counsel.

"(B) Sexual Assault Response Coordinator.

"(C) Sexual Assault Victim Advocate.

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

"(E) Healthcare personnel.

"(F) Chaplain.

"(c) Definitions.—In this section:

"(1) The term 'sexual assault' includes any of the offenses covered by section 920 of this title (article 120).

"(2) The term 'military legal assistance counsel' means a judge advocate who—
“(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(B) is certified as competent to provide legal assistance by the Judge Advocate General of the armed force of which the judge advocate is a member.”.

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

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

(c) CONFORMING AMENDMENT REGARDING PROVISION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of such title is amended by striking “sections 1044a, 1044b, 1044c, and 1044d” and inserting “sections 1044a through 1044e”.
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.

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

"§ 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

(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.—To the maximum extent practicable, the Secretary concerned shall provide for the expedited consideration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this sec-
tion, within guidelines provided by the Secretary of De-
defense.”.

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

**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.**

(a) **NOTICE OF USE OF AUTHORITY IN CONNECTION WITH TRAINING.**—Subsection (a)(2) of section 2012 of title 10, United States Code, is amended by inserting before the period at the end the following: “, funding for such training was requested in the most recent budget submission for the military department of that Secretary, and no additional funding for such training is provided by the Secretary of Defense”.

(b) **TERMINATION OF MILITARY MANPOWER EXCEPTION.**—Subsection (d)(2) of such section is amended by striking “Subparagraph (A)(i) of paragraph (1) does not apply in a case in which” and inserting “After September
30, 2011, subparagraph (A)(i) of paragraph (1) applies even though”.

(c) IMPROVED OVERSIGHT AND COST ACCOUNTING.—Subsection (j) of such section is amended—

(1) in the matter preceding paragraph (1), by inserting “requested by the Secretary of a military department and” after “training projects”; and

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

“(1) Ensure that each project that is proposed to be conducted in accordance with this section is requested in writing, reviewed for full compliance with this section, and approved in advance of initiation by the Secretary of the military department concerned.”.

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

“(k) LIMITATION ON ANNUAL OBLIGATION OF FUNDS.—Not more than $10,000,000 may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities under this section.”.
SEC. 592. (a) PROGRAM AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2564 the following new section:

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

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may establish a military adaptive sports program to support the provision of adaptive sports programming for members of the armed forces who are eligible to participate in adaptive sports because of an injury or wound incurred in the line of duty in the armed forces.

(b) PROVISION OF ASSISTANCE; PURPOSE.—(1) Under such criteria as the Secretary of Defense may establish under the military adaptive sports program, the Secretary may award grants to, or enter into contracts and cooperative agreements with, entities for the purpose of planning, developing, managing, and implementing adaptive sports programming for members described in subsection (a).

(2) The Secretary of Defense shall use competitive procedures to award any grant or to enter into any contract or cooperative agreement under this subsection.
(c) USE OF ASSISTANCE.—Assistance provided under the military adaptive sports program shall be used—

“(1) for the purposes specified in subsection (b); and

“(2) for such related activities and expenses as the Secretary of Defense may authorize.

(d) INAPPLICABILITY TO COAST GUARD.—In this section, the term ‘armed forces’ does not include the Coast Guard when it is not operating as a service in the Department of the Navy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 717 the following new item:

"2564a. Provision of assistance for adaptive sports programs for members of the armed forces.".
1 TITLE VI—COMPENSATION AND 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-sec403b] 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 bonuses and special pay authorities for reserve forces.
Sec. 612. [log# 15-extenders] One-year extension of certain bonuses 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.

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

Effective October 1, 2011, section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2012”.

SEC. 603. [LOG# 358-SEC7572] LODGING ACCOMMODATIONS FOR MEMBERS ASSIGNED TO DUTY IN CONNECTION WITH COMMISSIONING OR FITTING OUT OF A SHIP.

(a) EXTENSION TO PRECOMMISSIONING UNIT SAILORS.—Subsection (a) of section 7572 of title 10, United States Code, is amended—

(1) by inserting “or assigned to duty in connection with commissioning or fitting out of a ship” after “sea duty”; and

(2) by inserting “, because the ship is under construction and is not yet habitable,” after “because of repairs,”.

(b) EXTENSION TO ENLISTED MEMBERS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking “After the expiration of the authority provided in subsection (b), an officer” and inserting “A member”,
(B) by striking "officer's quarters" and inserting "member's quarters";
(C) by striking "obtaining quarters" and inserting "obtaining housing"; and
(D) by striking "the officer" and inserting "the member";
(2) in paragraph (2)—
(A) by striking "an officer" both places it appears and inserting "a member";
(B) by striking "quarters" and inserting "housing"; and
(C) by striking "officer's grade" and inserting "member's grade"; and
(3) in paragraph (3)—
(A) by striking "an officer" and inserting "a member"; and
(B) by striking "quarters" and inserting "housing".
(c) SHIPYARDS AFFECTED BY BRAC 2005.—Such section is further amended by adding at the end the following new subsection:
"(e)(1) The Secretary may reimburse a member of the naval service assigned to duty in connection with commissioning or fitting out of a ship in Pascagoula, Mississippi, or Bath, Maine, who is deprived of quarters on
board a ship because the ship is under construction and
is not yet habitable, or because of other conditions that
make the member's quarters uninhabitable, for expenses
incurred in obtaining housing, but only when the Navy is
unable to furnish the member with lodging accommoda-
tions under subsection (a).

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

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

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

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such
section is amended to read as follows:
"§ 7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 649 of such title is amended by striking the item relating to section 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".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. [LOG# 14-EXTENDERS] ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITY FOR RESERVE FORCES.

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

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

(3) Section 308d(e), relating to special pay for enlisted members assigned to certain high-priority units.
(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. [LOG# 15-EXTENDERS] ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORIZED FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.
(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.
SEC. 613. [LOG# 16-EXTENDERS] ONE-YEAR EXTENSION OF
SPECIAL PAY AND BONUS AUTHORITIES FOR
NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

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

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

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

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

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

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

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

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.
(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

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

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

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.
(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. [LOG# 19-EXTENDERS] ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral 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-
Title 37, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

"SUBCHAPTER I—TRAVEL AND TRANSPORTATION—NEW LAW

\(451. \) 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

\(461. \) 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.

"SUBCHAPTER I—TRAVEL AND TRANSPORTATION—NEW LAW

\(451. \) Definitions

\(4\) (a) Definitions relating to persons.—In this subchapter and subchapter II:

\(4(1) \) The term ‘administering Secretary’ or ‘administering Secretaries’ means the following:
(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

(2) The term ‘authorized traveler’ means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

(A) A member of the uniformed services.

(B) A family member of a member of the uniformed services.

(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel, or is traveling with the remains of a deceased member.
“(D) A person who participates in a military funeral honors detail.

“(E) A Senior Reserve Officers’ Training Corps cadet or midshipman.

“(F) An applicant or rejected applicant for enlistment.

“(G) Any other person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed section 463 of this title.

“(3) The term ‘family member’, with respect to a member of the uniformed services, means the following:

“(A) A dependent, as defined in section 401(a) of this title.

“(B) A child, as defined in section 401(b)(1) of this title.

“(C) A parent, as defined in section 401(b)(2) of this title.

“(D) A sibling of the member.

“(E) A former spouse of the member.

“(F) Any person not covered by subparagraphs (A) through (E) who is in a category specified in regulations under section 463 of this title as having an association, connection,
or affiliation with a member of the uniformed services or the family of such a member.

"(G) Any person not covered by subparagraphs (A) through (F) who is determined by the administering Secretary under regulations prescribed under section 463 of this title as warranting the status of being a family member for purposes of a particular travel incident.

"(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

"(1) The term 'official travel' means the following:

"(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

"(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

"(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.
"(D) Local travel in or around the temporary duty or permanent duty station.

"(E) Other travel as authorized or ordered by the administering Secretary.

"(2) The term 'actual and necessary expenses' means expenses incurred in fact by a traveler as a reasonable consequence of official travel.

"(3) The term 'travel allowances' means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

"(4) The term 'transportation allowances' means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

"(5) The term 'transportation-, lodging-, or meals-in-kind' means transportation, lodging, or meals provided by the Government without cost to the traveler.

"(6) The term 'miscellaneous expenses' mean authorized expenses incurred in addition to authorized allowances during the performance of official travel.

"(7) The term 'personal property', with respect to transportation allowances, includes baggage, fur-
niture, and other household items, clothing, privately
owned vehicles, house trailers, mobile homes, and
any other personal item that would not otherwise be
prohibited by any other provision or law, or regula-
tion prescribed under section 463 of this title.

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

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

"(10) The term 'per diem' means an amount
established as a daily rate that is paid to an author-
ized traveler to cover lodging, meals, and other re-
lated travel expenses pursuant to regulations.
§452. Allowable travel and transportation: general authorities

"(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler—

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

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

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

"(1) Temporary duty that requires en route travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

"(2) Permanent change of station that requires en route travel between an old and new temporary or permanent duty assignment location or other authorized location.
"(3) Temporary duty or assignment relocation related to a consecutive overseas tour or in-place-consecutive overseas tour.

"(4) Recruiting duties for the armed forces.

"(5) Assignment or detail to another Government agency or department.

"(6) Rest and recuperative leave.

"(7) Convalescent leave.

"(8) Reenlistment leave.

"(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

"(10) Ready Reserve muster duty.

"(11) Unusual, extraordinary, hardship, or emergency circumstances.

"(12) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

"(13) Attendance at or participation in international sports competitions described under section 717 of title 10.

"(e) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

"(1) Allowances for transportation, lodging, and meals.
(2) Dislocation or relocation allowance paid in connection with a change in a member's temporary or permanent duty assignment location.

(3) Other related miscellaneous expenses.

(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

(1) as an actual expense;

(2) as an authorized allowance;

(3) in-kind; or

(4) using a combination of the authorities under paragraphs (1), (2), and (3).

(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—A member of a uniformed service or other authorized person whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances.

(f) ADVANCE PAYMENTS.—A member of the uniformed services or other authorized person may be allowed advance payments for authorized travel and transportation allowances.
"(g) Responsibility for Unauthorized Expenses.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

"(h) Relationship to Other Authorities.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

§ 453. Allowable travel and transportation: specific authorities

"(a) In General.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel expenses and transportation expenses under this subchapter in accordance with this section:

"(b) Authorized Absence From Temporary Duty Location.—A member of a uniformed service or other authorized traveler may be allowed travel expenses and transportation allowances incurred at a temporary duty location during an authorized absence from that location.

"(c) Movement of Personal Property.—

"(1) A member of a uniformed service or other authorized person may be allowed moving expenses and transportation allowances associated with the
movement of personal property and household goods, including such expenses when associated with a self-move.

"(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately-owned vehicles in connection with the temporary or permanent move between authorized locations.

"(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 463 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may authorize additional weight allowances as necessary.

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

"(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the move-
ment of baggage and household goods being transported under this section.

"(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—A member of the uniformed services or other authorized person may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including under circumstances warranting evacuation from a permanent duty assignment location.

"(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel and transportation in kind for the following persons in accordance with regulations prescribed under section 463 of this title:

"(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

"(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

"(3) A member who is discharged under section 1173 of title 10.
"(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member’s repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 463 of this title.

§ 454. Travel and transportation pilot programs

(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Such pilot programs shall be conducted so as to evaluate one or more of the following:

(1) Alternative methods for performing and reimbursing travel.

(2) Means for limiting the need for travel.

(3) Means for reducing the environmental impact of travel.

(b) WAIVER AUTHORITY.—Subject to subsection (c), the administering Secretary may waive any otherwise applicable provision of law to the extent determined necessary by the Secretary for the purposes of carrying out a pilot program under subsection (a).
"(c) LIMITATION.—The authority to carry out a program under subsection (a) is subject to the availability of appropriated funds.

"SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

"§ 461. Relationship to other travel and transportation authorities

"A member of a uniformed service or other authorized traveler may not be paid travel and transportation allowances or receive travel and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for Government official travel and transportation performed under a single or related travel and transportation order or authorization by the administering Secretary.

"§ 462. Travel and transportation expenses paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

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

"(b) EXCEPTION.—The regulations prescribed to administer this subchapter shall specify procedures for determining the circumstances under which a repayment exception may be granted.

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

"§ 463. Regulations

"This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall be apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.".
SEC. 633. [LOG# 361-TRAVELTRANS] OLD-LAW TRAVEL AND
TRANSPORTATION AUTHORITIES TRANSITION EXPIRATION DATE AND TRANSFER OF CURRENT SECTIONS.

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

"SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

§ 471. Travel authorities transition expiration date

In this subchapter, the term 'travel authorities transition expiration date' means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

§ 472. Definitions and other incorporated provisions of chapter 7

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

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

(b) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by section 632, in-
serted after section 454, and redesignated as section 455.

(2) Transfer of current chapter 7 authorities to subchapter III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a (as amended by section 621 of this Act), 409, 410, 411, 411a through 411k, 428 through 432, 434, and 435 of title 37, United States Code, are transferred (in that order) to chapter 8 of such title, as added by section 632 and amended by subsection (a), inserted after section 472, and redesignated as follows:

<table>
<thead>
<tr>
<th>Original section</th>
<th>Redesignated section</th>
</tr>
</thead>
<tbody>
<tr>
<td>404</td>
<td>474</td>
</tr>
<tr>
<td>404a</td>
<td>474a</td>
</tr>
<tr>
<td>404b</td>
<td>474b</td>
</tr>
<tr>
<td>405</td>
<td>475</td>
</tr>
<tr>
<td>405a</td>
<td>475a</td>
</tr>
<tr>
<td>406</td>
<td>476</td>
</tr>
<tr>
<td>406a</td>
<td>476a</td>
</tr>
<tr>
<td>406b</td>
<td>476b</td>
</tr>
<tr>
<td>406c</td>
<td>476c</td>
</tr>
<tr>
<td>407</td>
<td>477</td>
</tr>
<tr>
<td>408</td>
<td>478</td>
</tr>
<tr>
<td>408a</td>
<td>478a</td>
</tr>
<tr>
<td>409</td>
<td>479</td>
</tr>
<tr>
<td>410</td>
<td>480</td>
</tr>
<tr>
<td>411</td>
<td>481</td>
</tr>
<tr>
<td>411a</td>
<td>481a</td>
</tr>
<tr>
<td>411b</td>
<td>481b</td>
</tr>
<tr>
<td>411c</td>
<td>481c</td>
</tr>
<tr>
<td>411d</td>
<td>481d</td>
</tr>
<tr>
<td>411e</td>
<td>481e</td>
</tr>
<tr>
<td>411f</td>
<td>481f</td>
</tr>
<tr>
<td>411g</td>
<td>481g</td>
</tr>
<tr>
<td>411h</td>
<td>481h</td>
</tr>
<tr>
<td>411i</td>
<td>481i</td>
</tr>
<tr>
<td>411j</td>
<td>481j</td>
</tr>
<tr>
<td>411k</td>
<td>481k</td>
</tr>
<tr>
<td>428</td>
<td>488</td>
</tr>
</tbody>
</table>
(3) TRANSFER OF SECTION 554.—Section 554 of title 37, United States Code, is transferred to chapter 8 of such title, as added by section 632 and amended by subsection (a), inserted after section 481k (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

SEC. 634. [LOG# 362-TRAVELTRANS]ADDITION OF SUNSET PROVISION TO OLD-LAW TRAVEL AND TRANSPORTATION AUTHORITIES.

Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by section 633(b), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

"(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date."

(2) Section 474a is amended by adding at the end the following new subsection:
“(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.”.

(3) Section 474b is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.”.

(4) Section 475 is amended by adding at the end the following new subsection:

“(f) TERMINATION.—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.”.

(5) Section 475a is amended by adding at the end the following new subsection:

“(c) TERMINATION.—During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.”.

(6) Section 476 is amended by adding at the end the following new subsection:
“(n) TERMINATION.—No transportation, reimbursement, allowance, or per diem may be provided under this section—

“(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

“(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.”.

(7) Section 476b is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(8) Section 476c is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(9) Section 477 is amended by adding at the end the following new subsection:

“(i) TERMINATION.—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.”.
(10) Section 478 is amended by adding at the end the following new subsection:

"(c) TERMINATION.—No travel and transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date."

(11) Section 479 is amended by adding at the end the following new subsection:

"(e) TERMINATION.—No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date."

(12) Section 481 is amended by adding at the end the following new subsection:

"(e) TERMINATION.—The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date."

(13) Section 481a is amended by adding at the end the following new subsection:

"(c) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date."
(14) Section 481b is amended by adding at the end the following new subsection:

"(h) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.".

(15) Section 481c is amended by adding at the end the following new subsection:

"(c) TERMINATION.—No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.".

(16) Section 481d is amended by adding at the end the following new subsection:

"(d) TERMINATION.—No transportation may be provided under this section after the travel authorities transition expiration date.".

(17) Section 481e is amended by adding at the end the following new subsection:

"(e) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.".
(18) Section 481f is amended by adding at the end the following new subsection:

"(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(19) Section 481h is amended by adding at the end the following new subsection:

"(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(20) Section 481i is amended by adding at the end the following new subsection:

"(e) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(21) Section 481j is amended by adding at the end the following new subsection:

"(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(22) Section 481k is amended by adding at the end the following new subsection:
"(e) TERMINATION.—No transportation, allowance, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date."

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

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

(24) Section 488 is amended—

(A) by inserting "(a) AUTHORITY.—" before "In addition"; and

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

"(b) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date."

(25) Section 489 is amended—

(A) by inserting "(a) AUTHORITY.—" before "In addition"; and

(B) by adding at the end the following new subsection:
“(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(26) Section 490 is amended by adding at the end the following new subsection:

“(g) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(27) Section 492 is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(28) Section 494 is amended by adding at the end the following new subsection:

“(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(29) Section 495 is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No allowance may be paid under this section for any day after the travel authorities transition expiration date.”.
SEC. 635. [LOG# 363-TRAVELTRANS] TECHNICAL AND CLERICAL AMENDMENTS.

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

"CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES".

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

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

(c) TABLE OF SECTIONS.—

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

(2) CHAPTER 8.—The table of sections at the beginning of chapter 8 of such title, as added by section 632, is amended—

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

"455. Appropriations for travel may not be used for attendance at certain meetings."; and
(B) by inserting after the item relating to 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.
"473. 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.

(3) CHAPTER 10.—The table of sections at the beginning of chapter 10 of such title is amended by striking the item relating to section 554.

(d) CROSS REFERENCES.—

(1) DEFENSE LAWS.—Any section of title 10, 32, or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by section 633 is amended so as to conform the reference to the section number of the section as so redesignated.

(2) OTHER LAWS.—Any reference in a provision of law other than a section of title 10 or 37, United States Code, to a section of title 37 that is transferred and redesignated by section 633 is deemed to refer to the section as so redesignated.

SEC. 636. [LOG# 364-TRAVELTRANS]TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and
II of chapter 8 of title 37, United States Code, as added by section 632, and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned (as defined in section 101(5) of title 37, United States Code), in using the authorities under subchapter III of chapter 8 of title 37, United States Code, as added by section 633, may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;
(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and
(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.
(d) TRANSITION PERIOD.—In this section, the term “transition period” means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

Subtitle E—Commissary and Non-appropriated 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.

(a) INCLUSION OF ADDITIONAL PROGRAMS.—Subsection (a) of section 2491 of title 10, United States Code, is amended—
(1) by striking “Under regulations” and inserting “(1) Under regulations”;
(2) by striking "morale, welfare, and recreation programs" the first place it appears and inserting "a program specified in paragraph (2)";

(3) by striking "morale, welfare, and recreation programs" the second place it appears and inserting "such programs"; and

(4) by adding at the end the following new paragraph:

"(2) This section applies with respect to the following:

(A) Morale, welfare, and recreation programs of the Department of Defense.

(B) Permanent change of station and temporary duty lodging programs conducted as supplemental mission programs of the Department of Defense."

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking "morale, welfare, and recreation program" and inserting "program specified in subsection (a)(2)"; and

(2) in subsection (c)(1), by striking "morale, welfare, and recreation programs within the Department of Defense" and inserting "a program specified in subsection (a)(2)".
(c) Clerical Amendments.—

(1) Section Heading.—The heading of such section is amended to read as follows:

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

(2) Table of Sections.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2491 and inserting the following new item:

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


(a) Clarification of Multi-Year and Partnership Issues.—Section 2492 of title 10, United States Code, is amended to read as follows:

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

"(a) Contract Authority.—An agency or instrumentality of the Department of Defense that supports the operation of the exchange system, or the operation of a
morale, welfare, and recreation system, of the Department of Defense may enter into a single-year or multi-year contract or other agreement to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system with any of the following:

"(1) Another element of the Department of Defense.

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

"(3) A private-sector entity.

"(b) INCLUSION OF CERTAIN SERVICES.—Contracts and other agreements authorized by subsection (a) may include a contract or agreement to provide or obtain recreational, educational, family support, or youth developmental programs and services.

"(c) PARTNERSHIPS.—Contracts and other agreements authorized by subsection (a) may include partnerships with private-sector entities that provide programs and services at no cost to the Government on military installations using Government facilities and other support resources.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 147 of such
title is amended by striking the item relating to section 2492 and inserting the following new item:

"2492. Nonappropriated fund instrumentalities: contracting authority 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.

Section 2493 of title 10, United States Code, is amended by adding at the end the following new subsection:

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

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

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

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
their dependents. Such services may include identification and verification of family emergency circumstances and communications related to such circumstances."
TITLE VII—HEALTH CARE 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.
Subtitle A—Improvements to Health Benefits

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

Section 1097(e) of title 10, United States Code, is amended by striking “September 30, 2011” and inserting “September 30, 2012”.

SEC. 702. [Log #21] PROVISION OF FOOD TO CERTAIN MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) In general.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

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

"(a) In general.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may provide food and beverages to an individual described in paragraph (2) at no cost to the individual.

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

"(A) A member of the uniformed services or dependent—

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

"(ii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of receiving such care.

"(B) A member of the uniformed services or dependent who—
“(i) is a family member of an infant receiving inpatient medical care at a military medical treatment facility; and

“(ii) provides care to the infant while the infant receives such inpatient medical care.

“(C) A member of the uniformed services or dependent whom the Secretary determines is under similar circumstances as a member or dependent described in subparagraph (A) or (B).

“(b) REGULATIONS.—The Secretary shall ensure that regulations prescribed under this section are consistent with generally accepted practices in private medical treatment facilities.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.
SEC. 703. [Log #450] BEHAVIORAL HEALTH SUPPORT FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

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

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection (h):

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

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

and

(3) in subsection (i), as redesignated by paragraph (1), by striking "medical and dental readiness" and inserting "medical, dental, and behavioral health readiness".

(b) BEHAVIORAL HEALTH SUPPORT.—

(1) IN GENERAL.—Each member of a reserve component of the Armed Forces participating in an—
annual training or individual duty training shall have access, while so participating, to the behavioral health support programs for members of the reserve components described in paragraph (2).

(2) **Behavioral health support programs.** — The behavioral health support programs for members of the reserve components described in this paragraph shall include one or any combination of the following:

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

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

(C) Psychological health programs.

(D) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psycho-
logical Health Program of the National Guard Bureau, considers appropriate.

(3) **STATE DEFINED.**—In this subsection, the term "State" has the meaning given that term in section 10001 of title 10, United States Code.
Subtitle B—Health Care Administration

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

(a) Unified Combatant Command.—

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

"§ 167b. Unified combatant command for medical operations

(a) Establishment.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the 'unified medical command'). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

(b) Assignment of Forces.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense."
"(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

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

"(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.
"(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

"(C) The Defense Health Agency established under subsection (f).

"(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

"(e) AUTHORITY OF COMBATANT COMMANDER.—(1)

In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

"(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the
following functions relating to medical operations activities (whether or not relating to the unified medical command):

"(A) Developing programs and doctrine.

"(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

"(C) Exercising authority, direction, and control over the expenditure of funds—

"(i) for forces assigned to the unified medical command;

"(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

"(iii) for military construction funds of the Defense Health Program.

"(D) Training assigned forces.

"(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

"(F) Validating requirements.

"(G) Establishing priorities for requirements.
“(H) Ensuring the interoperability of equipment and forces.

“(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

“(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the ‘Defense Health Agency’), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

“(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Sen-
ate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”.

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section
167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.
SEC. 712. [Log #449] LIMITATION ON AVAILABILITY OF FUNDS FOR THE FUTURE ELECTRONIC HEALTH RECORDS PROGRAM.

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

(1) an 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;

(2) the process for selecting investments in information technology that support the architecture described in paragraph (1);

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

(4) the effectiveness of the Interagency Program Office to manage or oversee efforts with re-
spect to the future electronic health records pro-
gram; and
(5) any other matters the Secretary considers
appropriate.
(b) FUTURE ELECTRONIC HEALTH RECORDS PRO-
GRAM DEFINED.—In this section, the term “future elec-
tronic health records program” means the programs of the
Department of Defense referred to as the “EHR way
ahead” and the “virtual lifetime electronic record”.

16
Subtitle C—Other Matters

SEC. 721. REVIEW OF WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

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

(1) the availability, efficacy, and adequacy of reproductive health care services available for female members of the Armed Forces, including gynecological services and breast and gynecological cancer services;

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

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

(4) the extent to which military medical treatment facilities are following the policies of the Department of Defense with respect to women-specific health services.

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

(1) The need for women-specific health outreach, prevention, and treatment services for female members of the Armed Forces.
(2) The access to and efficacy of existing women-specific mental health outreach, prevention, and treatment services and programs (including substance abuse programs).

(3) The availability of women-specific services and treatment for female members of the Armed Forces who experience sexual assault or sexual abuse.

(4) The access to and need for military medical treatment facilities to provide for the women-specific health care needs of female members of the Armed Forces.

(5) The need for further clinical research on the women-specific health care needs of female members of the Armed Forces who served in a combat zone.

(c) REPORT.—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the review required by subsection (a).
SEC. 722. [Log #155] COMPTROLLER GENERAL REVIEWS OF
DEPARTMENT OF DEFENSE—DEPARTMENT OF
VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT.

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2568) is amended by striking "Not later" and all that follows through "thereafter" and inserting "Not later than July 31 of each of 2011, 2013, and 2015".
SEC. 723. [Log #154] COMPTROLLER GENERAL REPORT ON
CONTRACTED HEALTH CARE STAFFING FOR
MILITARY MEDICAL TREATMENT FACILITIES.

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

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

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

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

(3) A determination of—

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

(B) the percentage of contract health care
professionals who provide services to members
of the Armed Forces, dependents, or retirees in off-base private facilities.

(4) A comparison of the cost associated with the provision of care by contract health care professionals described in subparagraphs (A) and (B) of paragraph (3).

(5) An assessment of whether or not consolidating health care staffing requirements for military medical treatment facilities and other on-base clinics in defined geographic areas (including regions or catchment areas) would achieve economies of scale and cost savings or avoidance with respect to contracting for health care professionals.

(6) An assessment of whether private sector entities that provide health care professional staff on a contract basis to military medical treatment facilities and other on-base clinics meet certain basic standards of professionalism, including those described in section 732(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2297).

(7) An assessment of the acquisition training and experience of the contracting officers or other personnel within military medical treatment facilities
that award or administer contracts regarding the services of health care professionals.

(8) Any recommendations the Comptroller General considers appropriate regarding improving the contracting activities of the military departments with respect to providing health care professional services.
TITLE XIV—OTHER 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.
SEC. 1407 [Log #157]. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.
Subtitle D—Other Matters

SEC. 1431 (Log #368). AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of $67,700,000 for the operation of the 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.

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

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