



T H E M I L I T A R Y C O A L I T I O N

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August 26, 2009

The Honorable Ike Skelton
Chairman
Committee on Armed Services
United States House of Representatives
Washington, DC 20515

The Honorable Howard P. McKeon
Ranking Member
Committee on Armed Services
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Mr. Ranking Member:

The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, is grateful to you and the Armed Services Committee for your efforts to protect the interests of servicemembers in the FY2010 National Defense Authorization Bill.

We are grateful to both chambers for their support of increased end strengths, a 3.4% military pay raise, TRICARE coverage for "gray area" Guard and Reserve retirees, and additional initiatives to improve conditions and benefits for wounded warriors and their families and caregivers.

The attached matrix highlights Coalition recommendations concerning selected differences between the House- and Senate-passed bills. Several priorities merit special mention:

End Strength

The Coalition very strongly supports the Senate provision that would authorize a 30,000 Army end strength increase beginning in FY2010, rather than waiting until FY2011. We believe these additional troops are needed as soon as possible to ease operations tempo stresses on members and families and better meet the needs of commanders in the field. We appreciate the Committees' action in reversing force cuts for the active Navy and Air Force, but remain concerned that the Nation's dramatically increased reliance on the Reserve components merits increases in those components as well.

Concurrent Receipt

The Coalition very strongly supports the House provision phasing out the disability offset to military retired pay for all members whose service-caused illnesses and injuries forced their medical retirement from active service. This plan was a key feature of the President's defense budget submission, and the Coalition urges its retention in the final Defense Authorization Act.

Survivor Benefit Plan (SBP)

The Coalition very strongly supports the Senate provision that would end deduction of Dependency and Indemnity Compensation (DIC) from SBP annuities when the member's death is service-caused. We recognize that there were some very modest adjustments in the tobacco legislation earlier this year, but those would bring no relief at all until FY2014. Congressional leaders have repeatedly cited fixing this "widow's tax" as a top priority, and the Coalition believes aggressive action is essential to substantively address that commitment.

Reserve Retirement Age Credit for Post-9/11 Active Service

The Coalition very strongly supports the Senate provision that would provide retroactive credit for active service since September 11, 2001 for the purpose of reducing the Reserve retirement age. Current law authorizes a three-month reduction in the standard retirement age for each cumulative 90 days served on active duty, but credits only active service rendered since January 28, 2008. Hundreds of thousands of Guard and Reserve members served one or more combat tours between 2001 and 2008, and this and other qualifying service during the current conflict merits equal retirement-age credit. The Coalition believes this is the least America can do to recognize the truly extraordinary demands imposed on Guard and Reserve forces and families.

Mental Health Assessments

The Coalition very strongly supports the Senate provision requiring person-to-person mental health assessments for servicemembers deployed in support of a contingency operation. We believe this is the single most important initiative in helping to detect and address PTSD, suicidal tendencies and other potential service-caused behavioral problems. The Coalition believes limiting the initiative to a demonstration program would be insufficient to meet this pressing need.

TRICARE Fees

The Coalition appreciates the work of the Committees, in concert with the President, to protect the earned benefit of TRICARE from the imposition of higher fees, copays, or deductibles and we very strongly urge retention of Section 706 of the Senate bill as a "Sense of Congress" provision in the final bill. This section acknowledges that military health care is a primary offset for the unique demands and sacrifices inherent in a military career, that career servicemembers have earned coverage levels commensurate with that sacrifice, that much of defense health cost growth reflect readiness requirements that are a "cost of doing business" for the Defense Department, and that the Department can and should pursue a range of other options to reduce health costs and rather than seeking to impose large fee increases on military beneficiaries. This statement of congressional intent provides a vital foundation for discussion on this important benefit issue.

Absentee Voting Rights

The Coalition very strongly supports the Senate provisions to protect military absentee voting rights. Hundreds of thousands of military and family members' votes have not been counted in recent elections because of absentee ballot problems. It is long past time for enactment of the specific initiatives outlined in the Senate provisions.

Flexible Spending Accounts (FSA)

The Coalition very strongly urges retention of Senate section 658 as a "Sense of Congress" provision in the final bill. We are perplexed at the continued resistance of the Department to provide currently serving uniformed services beneficiaries the same FSA option afforded all other federal and corporate employees. No one has greater need for dependent care than servicemembers subject to frequent and extended deployments. Thousands of Service families experience significant out-of-pocket expenses for dental care, eyeglasses and contact lenses, medication copayments, over-the-counter medications and more. The Coalition urges the Committees to pursue every possible effort to end the current discrimination against servicemembers on FSA eligibility.

Comparison of Military and Private Sector Pay and Benefits

The Coalition is concerned that comparison of military and private sector total compensation packages, as proposed in Senate section 602, has little validity absent a similarly detailed comparison of military and private sector working conditions. Retirement, health, and other institutional benefits are essential offsets to the extraordinary demands and sacrifices of a service career. Inclusion of the value of such benefits in a pay comparability equation is not a proper application, absent quantification of liability for repeated family separations, extended overtime without extra pay, frequent moves that disrupt spousal careers and children's education, risk of death or incapacitation, and the forfeiture of many personal freedoms most Americans take for granted (e.g., inability to resign at will and risking a felony conviction for refusing an order). It would count the cost of Combat-Related Special Compensation while ignoring the cost to the member of incurring the disability. Compensation value is cash and benefits received divided by the service and sacrifice required to earn it. If total compensation is 10% higher but requires 50% more sacrifice, the numerator comparison alone is highly misleading.

Thank you for the opportunity to provide the Coalition's views on these important issues.

Sincerely,

The Military Coalition
(Signatures enclosed)

Attachment: TMC Recommendations on House/Senate Differences
Cc: Armed Services Committee Members

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Air Force Association

Richard M. Dean
Air Force Sergeants Association

Patricia M. Murphy
Air Force Women Officers
Associated

Richard P. Ajan
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The Military Chaplains Assn. of the USA

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The Retired Enlisted Assn.

J. R. Saramastro
USCG Chief Petty Officers Assn.

Don [Signature]
US Army Warrant Officers Assn.

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Veterans of Foreign Wars of the US

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Guard and Reserve Provisions, Retired Issues, Survivor Issues, Veterans/Other Provisions, Health Care Provisions

Active Force Provisions

Senate (S. 1390)	House (H.R. 2647)	TMC Position
No similar provision.	Sec. 243 – Participation of Historically Black Colleges and Universities (HBCU) in defense research programs. Sec Def may have HBCU assist in defense-related research in science, technology, engineering, and mathematics fields.	Support House provision
No similar provision.	Sec. 317 – Open-air burn pits. Prohibit disposal of covered waste in an open-air burn pit during a contingency op lasting over 1 year. Sec Def to report to Congress on alternative disposal methods.	Support House provision
Sec 401- End strength. Similar provision. Sec. 402 – Authority to increase Army end strength for FY 2010 and FY2011-2012.	Sec. 401-403 – End strength. Increases USA by 15K; USMC by 8.1K; USN by 3.5K; and USAF by 13,650 over 2009 levels. Authorizes Army an additional 30K for 2011 and 2012.	Support Senate provision to allow 30K increase in FY2010.
No similar provision.	Sec. 501 – Extension of temporary increase in maximum leave accumulation/carryover. Provides a two-year extension through 31 Dec 12.	Support House provision.
Sec. 521 – Grade of commissioned officers in medical accession programs. Allows appointment of USUHS and/or HPSP medical students to 1st Lt/lieutenant (jg).	No similar provision.	Support Senate provision
No similar provision.	Sec. 524 – Recruitment/retention of persons associated with hate groups. Bars recruitment and requires separation of servicemembers so associated. Sec Def annual report required.	Support House provision
Sec. 537 – Impact aid audit. GAO to audit assistance to local education agencies for the education of dependent children.	No similar provision.	Support Senate provision
Sec. 538 - Expanded eligibility for dependent enrollment in DoD elementary and secondary schools. Allows tuition-free enrollment for dependents of servicemembers who died in the line of duty in a combat related operation.	No similar provision.	Support Senate provision, but eligibility should be extended to dependents of all servicemembers who died in the line of duty.

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
Sec. 531 – Impact Aid. Authorize \$40M.	Sec. 551 – Impact Aid. Authorize \$65M.	Support House provision
Sec. 532 – Impact aid for children with severe disabilities. \$5M in Impact Aid.	No similar provision.	Support Senate provision
No similar provision.	Sec. 552 Impact aid support payments formula. The Elementary & Secondary Education Act of 1965 is amended by striking ‘6,500’ and inserting ‘5,000’.	Support House provision
Sec. 533 – Authority to assist local educational agencies affected by base closures, force structure changes/relocations. Extends through 30 Sep 12.	No similar provision.	Support Senate provision
Sec. 535 – Dependent Education Options. Study options (e.g., vouchers) for dependent children who do not attend DoD schools.	No similar provision.	Support Senate provision
Sec. 536 – Interstate Compact on Educational Opportunity for Military Children. Expresses sense of Senate in support of compact.	No similar provision.	Support Senate provision
Sec. 552 – Substance Abuse. Require comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of offenders in the armed forces.	No similar provision.	Support Senate provision
Sec. 574 – Spouse Domicile. Provide spouses of military personnel the option to elect the same state of domicile as the servicemember.	No similar provision.	Support Senate provision
Sec. 577 – Comprehensive Benefits Information. Provide service members and families comprehensive benefits information at specific points of service.	No similar provision.	Support Senate provision
No similar provision.	Sec. 581 – Internships for military spouses. Establish a pilot program among federal agencies.	Support House provision
No similar provision	Sec. 582 – Domestic Violence. Require report on progress made in implementing recommendations to reduce domestic violence in military families.	Support House provision

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>Sec. 582-596 – Absentee Voting Rights. - Each state shall establish procedures for overseas voters to request by mail and electronic registration applications and absentee ballots. - Mandates online state contact information. - Ensures States provide security and privacy protections. - Ensures absent/overseas voters have time to vote. - Establishes voting assistance program improvements.</p>	<p>Sec. 587 – Overseas Voting Advisory Board. Establishes board to study and report on the effectiveness of the Uniformed and Overseas voting act. Board will report recommendations to Congress by March 31 each year for additional funding or legislation needs.</p>	<p>Support Senate provision. Substantive action is long overdue.</p>
<p>Sec. 555 – Child custody. Requires report on child custody litigation involving service of members of the armed forces.</p>	<p>Sec. 584 – Child custody. Bars change in child custody agreement while servicemember parent is deployed.</p>	<p>Support both provisions</p>
<p>No similar provision.</p>	<p>Sec. 585 – Family and Medical Leave Act. Extends leave without pay rights to active duty family members on equal basis with Guard/Reserve family members for deployment-related events.</p>	<p>Support House provision, but expand to include provisions of S. 1543.</p>
<p>No similar provision.</p>	<p>Sec. 586 – Report on impact of domestic violence on military families. GAO to provide assessment of impact of domestic violence on military children.</p>	<p>Support House provision</p>
<p>Sec. 571 – Defense Task Force on Sexual Assault in the Military Services. Changes report deadline to 1 Dec 09.</p>	<p>Sec. 592 – Improved response and investigation of allegations of sexual assault. GAO to report on Services' capacity to investigate and adjudicate allegations of sexual assault.</p>	<p>Support both provisions</p>
<p>No similar provision.</p>	<p>Sec. 583 – Servicemembers Civil Relief Act. Includes protection for termination or suspension of service contracts and effect of violation of interest rate limitation. Sec. 594 – Modifies SCRA protection for residential and motor vehicle leases to prohibit an early termination charge.</p>	<p>Support House provisions</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>Sec. 602 – Assessment of military and private-sector pay and benefits. GAO to conduct a study comparing military and private sector pay and benefits. Report due 4/1/2010</p>	<p>No similar provision.</p>	<p>TMC believes comparison of military and private sector total compensation packages has little validity absent a similarly detailed comparison of military and private sector working conditions. Compensation is pay and benefits received divided by the service and sacrifices required to obtain it. Calculating and comparing numerators for military vs. civilians is of little utility without calculating and comparing denominators.</p>
<p>No similar provision.</p>	<p>Sec. 603 – Stabilization of pay and allowances for senior enlisted members/warrant officers appointed as officers and officers reappointed in a lower grade. Protects against reduction in pay and allowances.</p>	<p>Support House provision</p>
<p>Sec. 603 – Supplemental Subsistence Allowance for Low-Income members with dependents. Raises maximum monthly allowance from \$500 to \$1,100, as needed to preclude food stamp eligibility. Sec Def and Sec Agriculture will create plan to eliminate the need for members to rely on supplemental nutrition programs. Report no later than 10 Sep 2010.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>No similar provision.</p>	<p>Sec. 604 – Report on housing standards used to determine Basic Allowance for Housing. Sec Def must submit to Congress not later than 1 Jul 10.</p>	<p>Support House provision</p>
<p>No similar provision.</p>	<p>Sec. 617 – Technical corrections to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members. Makes corrections to “Hubbard Act” (sole survivor) amendment exempting the servicemember from repaying portions of unearned bonus or incentive pay.</p>	<p>Support House provision</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>No similar provision.</p>	<p>Sec. 618 – Proration of certain special and incentive pays. Allows Service Secretaries to prorate hostile fire, imminent danger, hazardous duty, assignment, special duty, and skill incentive pays if member does not satisfy eligibility requirements for an entire month.</p>	<p>TMC does not support allowing proration. There are more appropriate ways to address concerns about such issues as short-duration visits to combat zones. TMC believes the current 1/30th rule is unfair to Guard/Reserve members and would be equally unfair for Regulars.</p>
<p>Sec. 618 – Temporary authority for monthly special pay for members subject to stop-loss. \$500 monthly special pay beginning 1 Oct 09 and ending on 30 Jun 11.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>No similar provision.</p>	<p>Sec. 631 – Shipment of 2nd Vehicle. Authorize shipment to overseas US locations on PCS.</p>	<p>Support House provision</p>
<p>No similar provision.</p>	<p>Sec. 634 – Increased weight allowance for transportation household goods for E-5 thru E-9. 500 lbs. increase in both with/without dependents.</p>	<p>Support House provision</p>
<p>No similar provision.</p>	<p>Sec. 651 – Additional exception to limitation on use of appropriated funds for DoD golf courses. Does not apply to the equip purchase, operation, or maintenance intended to ensure compliance with the Americans with Disabilities Act of 1990.</p>	<p>Support House provision. TMC believes a similar exception should apply to all MWR activities.</p>
<p>No similar provision.</p>	<p>Sec. 652 – Limitation on offering personal information services. Sec Def may not authorize a DoD entity to offer personal information services using DoD resources, personnel, or equipment if the user will be charged a fee to recover the cost incurred or to earn a profit.</p>	<p>Support House provision</p>
<p>Sec. 653 - Airfares for Armed Forces Members. Sense of Senate that commercial airliners should support servicemembers with flexible, generous policies when on leave, incl.:</p> <ul style="list-style-type: none"> • lowest airfare for ticketed flights; • ease advance purchase requirements; • reduce/eliminate fees/penalties; • ensure all airline employees are trained in policies for members on leave. 	<p>No similar provision.</p>	<p>Support Senate provision</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>Sec. 658 – Flexible Spending Accounts (FSA). Expresses sense of Senate that FSAs should be established for uniformed service members. Special considerations should be used for life events unique to military service such as PCS moves and deployments.</p>	<p>No similar provision.</p>	<p>Support Senate provision. Uniformed personnel need and deserve equal FSA treatment with all other federal and corporate employees.</p>
<p>No similar provision.</p>	<p>Sec. 661 – Limitations on collection of overpayments of pay/allowances erroneously paid to members. Changes max monthly percentage of member's pay authorized for deduction from 20% to 10%. Recoupment barred if not begun within 5 years of overpayment.</p>	<p>Support House provision</p>
<p>Sec. 651 – Extends authority only to 31 Dec 09; allows continued payment to those in receipt before 31 Dec 09.</p>	<p>Sec. 662 – Army authority to provide additional recruitment incentives. Extends authority three years to 31 Dec 12.</p>	<p>Support House provision</p>
<p>No similar provision.</p>	<p>Sec. 666 – Postal benefits for overseas operations and hospitalized members. Provides one transferable (to family member, designated individual, or non-profit) monthly free mailing voucher for first-class (≤ 13 ounces) or parcel post (≤ 15 lbs.) to qualified members.</p>	<p>Support House provision</p>
<p>Sec 835 – Measures to ensure the safety of facilities infrastructure, and equipment for military operations. DoD to incorporate accepted industry standards for safety and health of personnel into requirements for facilities, infrastructure and equipment. Require DoD plan to ensure each contract abides by standard.</p>	<p>Sec. 824 – Denial of award and incentive fees to contractors jeopardizing personnel health or safety. Sec Def shall prohibit award/incentive fees to any contractor determined through civil, criminal, or administrative proceeding to have caused serious injury or death to servicemembers or civilians through gross negligence.</p>	<p>Support both provisions</p>
<p>Sec. 1073 – Permanent ID Cards for Incapacitated Dependents. DoD shall report on necessity of requiring quadrennial recertification of financial support and whether it undermines the purpose of the permanent ID card for permanently incapacitated dependents.</p>	<p>No similar provision.</p>	<p>Support Senate provision. TMC believes the recertification requirement causes unnecessary administrative burdens, puts incapacitated dependents' health care continuity at risk (if delay causes ineligibility), and defeats the purpose of Congress' recent law change to grant such dependents a permanent ID card.</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
No similar provision.	Sec. 2808 – Report on privatization initiatives for military unaccompanied housing. Sec Def report on privatizing unaccompanied housing for all servicemembers due by 31 Mar 10. No similar provision.	Support House provision
Sec. 4714 - Prohibit assault or battery of a service member on account of their military service. Establishes penalties/fines for knowing assault, battery (or conspiracy to do so) on a servicemember/family, or who knowingly destroys or injures their property, on account of member's military status.	No similar provision.	Support Senate provision

Guard and Reserve Provisions

Senate (S. 1390)	House (H.R. 2647)	TMC Position
Sec. 561 – Child Care Assistance for Deployed Reservists. Require GAO report on financial assistance for child care available to deployed members of the reserve component.	No similar provision.	Support Senate provision and expand to include the active component.
Sec. 343 - Status of Air National Guard and Air Force Reserve. Sec Def to report on status and plans to ensure they remain ready to meet homeland defense requirements.	No similar provision.	Support Senate provision
Sec.904 - Reestablish the position of Vice Chief of the National Guard Bureau. Reestablishes the position to be filled by an officer above the rank of colonel. The Chief and Vice Chief must be from different branches of service.	No similar provision.	Support Senate provision
Sec. 557 - Expansion of suicide prevention and community healing and response training under Yellow Ribbon Reintegration Program. Establish suicide prevention and community healing programs within Office of Reintegration Programs for G/R members and families.	No similar provision.	Support Senate provision

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>Sec. 414 – Non-dual status tech limitation. Army National Guard – 1,600 (0) Air National Guard – 350 (0) Army Reserve – 595 (0) Air Force Reserve – 90 (0)</p> <p>Sec. 416 – Similar provision.</p>	<p>Sec. 414 – Non-dual status technician limitation. Army National Guard – 2,191 (+591) Air National Guard – 350 (0) Army Reserve – 595 (0) Air Force Reserve – 90 (0)</p> <p>Sec. 416 – Trainees, transients, holdcees, and students account for Army National Guard. Sec Army to report on options for the creation of account within the Army NG. Slower growth in RC end strengths is inconsistent with the emphasis on responding to asymmetric threats at home and abroad. Sense of Congress that Army NG end strength increase should be considered in QDR.</p> <p>No similar provision.</p>	<p>Support House provision</p> <p>TMC believes this report should be expanded to include similar options for all Reserve components.</p>
<p>Sec. 551 – DoD Military Family Readiness Council. Adds Guard/Reserve representatives.</p> <p>No similar provision.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>Sec. 633 – Travel/transportation allowances for Reserve Component members on leave for suspension of training. Member may be paid for/ provided transportation home when training is suspended for at least five days.</p>	<p>Sec. 595 – Military Leadership Diversity Commission. Expands to include RC reps.</p> <p>No similar provision.</p>	<p>Support House provision</p> <p>TMC believes this provision should apply to members of all components, as active duty members at remote training locations encounter the same family needs as Guard/Reserve personnel.</p>
<p>Sec. 660 - Include service after 9/11 as service qualifying for reduction in Reserve retirement age.</p>	<p>No similar provision.</p>	<p>Support Senate provision. Denial of credit for duty, including combat tours, between 2001 and 2008 is a gross inequity that must be fixed.</p>

Retired Issues

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>No similar provision.</p>	<p>Div D, Sec. 121 – Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation. Phase out disability offset for chapter 61 disability retirees by FY2014, but funding available only for first year (rated 90-100% or unemployable with less than 20 years of service).</p>	<p>Support House provision, and funding for outyears.</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
No similar provision.	Sec. 422 – Repeal of delayed one-time shift of military retirement payments. Repeals sec. 1002 of the 2009 NDAA (PL 110–417; 122 Stat. 4581).	Support House provision
No similar provision.	Sec. 641 – Recomputation of retired pay and adjustment of retired grade of reserve retirees to reflect service after retirement. Allows retired pay recomputation for retired reserve members if recalled to an active status in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status.	Support House provision
No similar provision.	Sec. 642 – Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement. Authority to elect to receive reserve retired pay instead of retired or retainer pay.	Support House provision

Survivor Issues

Senate (S. 1390)	House (H.R. 2647)	TMC Position
No similar provision.	Sec. 561 – Additional accounting requirements for members of the armed forces/DoD civilians listed as missing in conflicts. Sec Def will create program to resolve missing person cases before enactment of new accounting system. Goal of accounting for 200 missing persons by 2015.	Support House provision
No similar provision.	Sec. 562 – Return of remains and media access at ceremonies at Dover AFB. Provides guidelines to allow family members to make the decision on media access to ceremonies for the dignified transfer of remains. DoD to develop plan to obtain preference of servicemembers in event of death. No similar provision.	Support House provision
Sec.652 - Repeal the reduction of survivor annuities under SBP by VA's DIC.		Support Senate provision. Military widows whose sponsors' deaths were caused by service deserve near-term relief from the current unfair offset.

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Veterans/Other Provisions

	House (H.R. 2647)	TMC Position
Senate (S. 1390)		
No similar provision.	Sec. 523 –email address on DD Form 214. Sec Def shall modify form to permit members to include an email address.	Support House provision
No similar provision.	Sec. 525 – Secure electronic delivery of certificate of release/discharge from active duty (DD form 214). Sec VA, with Sec Def, shall develop and implement a secure electronic method of forwarding the DD form 214.	Support House provision
No similar provision.	Sec. 536 – Establishment of Junior Reserve Officers Training Corps units for students in grades above sixth grade. Allows service secretaries to develop pilot programs to establish JROTC units at non-secondary schools.	Support House provision
Sec. 1091 - Study on designating National D-Day Memorial in Bedford, VA, as unit of National Park System.	No similar provision.	Support Senate provision

Health Care Provisions

	House (H.R. 2647)	TMC Position
Senate (S. 1390)		
No similar provision.	Sec. 247 – Visiting NIH Neuroscience Fellowship Program. Authorize Sec Def to develop a program to identify the broadest ranges of technological and therapeutic practices for injured armed forces members.	Support House provision
No similar provision.	Sec. 356 – Study on Distribution of Hemostatic Agents. Sec Def to report on use of Hemostatic agents by members in Iraq and Afghanistan to ensure compliance with distribution rules. All members in combat zones should carry life-saving resources, including hemostatics. Due 31 Dec 09.	Support House provision

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
No similar provision.	Sec. 521 – Pre-Separation PTSD and TBI medical exam. If diagnosed with PTSD or TBI in support of contingency operation, member cannot be involuntarily separated or separated under other than honorable until after a medical exam. Authorize a board to review prior discharges.	Support House provision. TMC believes many members have been separated without adequate consideration that their performance or disciplinary issues may have been due to service-caused PTSD, TBI, depression or other psychological trauma.
No similar provision.	Sec. 535 – HPSP and financial assistance to mental health care professionals. Increase the number of scholarships and opens to Social Work, Clinical Psychology, and Psychiatry.	Support House provision
Sec. 554 – Effects of deployments on military children and availability of mental health care. Sec Def to study impact of separation, multiple deployments, and the return from deployment on military children and availability of mental health counseling for military children.	No similar provision.	Support Senate provision
Sec. 559 – Improved Access to Mental Health Care for families of Guard and Reserve who Deployed Overseas. SecDef develop and implement a plan to expand existing initiatives to increase access to mental health care.	Sec. 596 – Expansion of Suicide Prevention and Community Healing Training. Establish a program to provide NG and Reserve members, their families, and their communities with training in suicide prevention and community healing.	Support both provisions
Sec. 617 – Special Compensation for Members with Serious Injuries or Illnesses Requiring Assistance in Everyday Living. Provides compensation for members with injuries aggravated in the line of duty that need another person to provide assistance (family & friend). Not to exceed VA amounts for aid and assistance. Eligibility ends upon medical ret/sep. Requires a report to Congress on the use of the allowance.	Sec. 602 – Special monthly compensation for combat-related catastrophic injuries or illness. Similar provision, but payments end first month following 90 day period after retirement/separation date and must be combat-related catastrophic injury (permanent, severely disabling injury, disorder, or illness for which the member received Purple Heart.)	Support Senate “line of duty” eligibility rules rather than restricting to combat-related conditions, and House continuation of eligibility for 90 days after separation/retirement.
Sec. 631 – Similar provision; however, includes distinction on serious mental disorders.	Sec 632 – Travel allowance for designated individuals of wounded, ill, or injured for duration of inpatient treatment. Allows for payment to non family members as designated by the service member during inpatient treatment.	Support Senate provision

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>Sec. 634 – Reimbursement of active duty member/dependent travel costs for specialty care under exceptional circumstances.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>Sec. 654 – Continuation on Active Duty of Reserve Component Members During Physical Disability Evaluation. Retain on active duty during the disability evaluation process if member was mobilized or deployed to an area in which imminent danger pay is authorized.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>Sec. 655 – Use of Local Residences for Community-Based Care. Any Reserve Member remaining on active duty may be assigned to a warrior transition unit nearest to the member's permanent place of residence.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>Sec. 656 – Discharge or release from active duty: transition assistance. Secretaries of military departments shall provide to a Reserve Component member injured while on active duty the following before such member is demobilized or separated from the armed forces:</p> <ul style="list-style-type: none"> A. Information on the availability of care and administrative processing through community based warrior transition units. B. The location of the community based warrior transition unit located nearest to the member's permanent place of residence. C. Opportunity to consult JAG or other qualified legal assistance attorney regarding the member's eligibility for compensation, disability, or other transitional benefits. 	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>No similar provision.</p>	<p>Sec. 701 – Prohibition on Conversion of Military Medical and Dental Positions to Civilian. Prohibits conversions on or after October 1, 2007. Restores to military positions those converted and not filled by September 30, 2008.</p>	<p>Support House provision</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>No similar provision.</p>	<p>Sec. 702 – Chiropractic Health Care for Active Duty. Expands eligibility for chiropractic care to all active duty service members.</p>	<p>Support House provision. TMC believes all uniformed services beneficiaries should be eligible for equal chiropractic coverage.</p>
<p>Sec. 703 – Constructive Eligibility for TRICARE Benefits Under Retroactive Entitlement to Medicare Part A. Exempts 100% disabled medical retirees under age 65 from requirement to enroll in Medicare Part B for retroactive months in order to maintain TRICARE coverage. Allows 12-month window to enroll in Part B.</p>	<p>No similar provision.</p>	<p>Support Senate provision.</p>
<p>Sec. 702 – Expansion of TRICARE Dental to Survivors. Eligibility shall be the longer of the following periods: 3 years or age 21, whichever is longer. If the dependent is enrolled in full time college coverage can be extended up to age 23.</p>	<p>Sec. 703 – Expansion of TRICARE Dental to Survivors. Eligibility can be extended to age 21 or 23 if the survivor is enrolled in full time college.</p>	<p>Support House provision</p>
<p>Sec. 704 – Reform and Improvement of the TRICARE Program. Sec Def to initiate actions to improve quality and access to care including dental, increase efficiency, and reduce administrative/care/pharmacy costs. Elements of reform will guarantee the availability of care; enhance sharing of health care resources; utilizing medical technology to speed referrals for specialty care; a comprehensive plan for prevention and wellness care; mental health care; and additional financing options for health care provided by civilian providers. Sec Def will consult with a broad range of health organizations and military advocacy organizations on proposed changes. Report on prospective changes (particularly on orthodontics) due 1 Apr 10.</p>	<p>No similar provision.</p>	<p>Support Senate provision and accompanying report language clarifying that the intent of the provision is to improve care and reduce costs in ways that don't disadvantage beneficiaries. As written, the statutory language directs the secretary to implement changes to reduce cost of care and pharmacy, and requires only "periodic" reports to Congress. TMC recommends specific advance reporting requirements for any initiative that would raise beneficiary costs or reduce beneficiary options.</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>Sec. 705 – Report on Implementation of Requirements on the Relationship Between TRICARE and Employer Plans. GAO to report on effect of prohibiting employer plan incentives. Report due 31 Mar 10.</p>	<p>No similar provision.</p>	<p>Support Senate provision. TMC believes the prohibition may well have increased DoD costs by causing more members to enroll in TRICARE Prime.</p>
<p>No similar provision.</p>	<p>Sec. 705 – Cooperative Health Care Agreements. Authorizes Sec Def to enter cooperative agreements with local or regional civilian health care systems. The purpose of the agreements is cost savings through innovative partnerships. Sec Def shall report annually on partnerships.</p>	<p>Support House provision</p>
<p>Sec. 706 - Sense of the Senate on military retiree health benefits. Expresses unique military health benefits are an essential offset to arduous service conditions. Many DoD health costs are driven by readiness needs, and DoD needs to focus on cost-saving measures other than beneficiary fee hikes.</p>	<p>No similar provision.</p>	<p>Support retention of Senate provision as Sense of Congress. It is essential for Congress to recognize formally the unique role of military health coverage as an essential offset to the extraordinary sacrifices inherent in a military career and avoid shifting military-driven health costs to beneficiaries.</p>
<p>Sec. 707 – Notification of Certain Individuals Regarding Options for Enrollment Under Medicare Part B. Sec Def must notify individuals no longer eligible for TRICARE and inform them of their option to enroll in Medicare part B during their initial enrollment period.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>No similar provision.</p>	<p>Sec. 706 – Health Care for Reserve Components. Provides active duty coverage to reserve members who are issued or covered by a delayed effective date active duty order or an official notification. Effective on the date of issuance of the order or 180 days before the period of active duty.</p>	<p>Support House provision, but TMC recommends authorization at time of alert or 180 days before the period of active duty, whichever is earlier. Other pre-deployment requirements and delays in getting appointments can require additional time to correct medical conditions before deployment.</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
No similar provision.	Sec. 707 – National Casualty Care Research Center. Sec Def will establish NCCRC by October 1, 2010 to provide public-private partnerships for combat injury research; integrate civilian and military research, coordinate data collection, and fund a full range of injury research and evaluation.	Support House provision
No similar provision.	Sec. 708 – Notification of Exposure to Potentially Harmful Materials and Contaminants. Service members shall be notified when exposed to and informed of the health risks from exposure.	Support House provision
Sec. 711 – Mental Health Assessments. Require person to person mental health assessments for those deployed in support of a contingency mission 60 days before, 90-180 days after deployment, and 6, 12, and 24 months after a return from deployment. The purpose of the screening is to detect PTSD, suicidal tendencies, and other behavioral issues.	Sec. 709 – Post Deployment Mental Health Screening Demo. Sec Def shall conduct a demo project at two installations to provide combat stress evaluations by a qualified mental health professional. The purpose is to assess the feasibility and efficacy of an in-person, post-deployment mental health screening by a mental health provider.	Support Senate provision
Sec. 714 – Report on Post-Deployment Health Assessments of Guard and Reserve Members. DoD to report on feasibility of administering a Post-Deployment Health Screening by a certified practitioner. Report due March 1, 2010	No similar provision.	Support Senate provision
Sec. 713 –Travel Reimbursement for Specialty Health Care. Lowers minimum qualifying travel distance from 100 miles to 50 miles, effective 90 days after enactment.	No similar provision.	Support Senate provision
No similar provision.	Sec. 710 – Report on Joint Virtual Lifetime Electronic Record. Sec Def and Sec VA report on progress in establishing joint virtual lifetime electronic record. Report due 31 Dec 09.	Support House provision

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>No similar provision.</p>	<p>Sec. 710A – Suicide Among Members of the Individual Ready Reserve. Conduct counseling calls every 90 days to IRR members to determine emotional, psychological, medical, and career needs and concerns of the member. Refer any at-risk member to the nearest MTF for evaluation.</p>	<p>Support House provision</p>
<p>Sec. 553 – Military community support for children with autism and their families. Sec Def shall develop and implement a policy for DoD on the support of military children with autism and their families. Pilot programs shall be launched to increase community support for children with autism.</p>	<p>Sec. 710B – Treatment of Autism Under TRICARE. Treatment of autism spectrum disorders shall be provided if a health care professional determines it is medically necessary. Includes; rehabilitative or rehabilitative care, pharmaceutical agents, psychiatric, psychological, speech, occupational, physical and group therapies.</p>	<p>Support both provisions, and expand House provision to include all pertinent disabilities.</p>
<p>Sec. 733 – Report on Use of Alternative Therapies in Treatment of Post-Traumatic Stress Disorder. Sec Def and Sec VA will report on current studies, alternative methods to treating PTSD, and duplicate studies being carried out by both departments. Report due 31 Dec, 2010.</p>	<p>Sec. 711 – Report on PTSD Efforts. Sec Def, Sec VA, and Sec HHS submit report by 31 Dec 10 on treatment of PTSD. Report will include number of servicemembers diagnosed with PTSD, success rates from treatment, and the status of innovative treatment trials.</p>	<p>Support both provisions; consider report on efforts and alternative therapies for TBI and other mental/behavioral health conditions.</p>
<p>Sec. 712 – Transitional Dental Care for Reserve Components. Reservists who separate after supporting a contingency mission to be given the same priority for dental care in military facilities as active duty.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>No similar provision.</p>	<p>Sec. 712 – Report on Feasibility of TRICARE Prime in Commonwealths and Territories. Sec Def conduct a study examining the feasibility of offering TRICARE Prime in American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands due 180 days after bill enactment.</p>	<p>Support House provision</p>

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
No similar provision.	Sec. 713 –Health Care Needs of Military Family Members. Sec Def to report in 1 year on dependent care access and shortfalls. Sec Army to carry out pilot program on mental health care needs of children/adolescents by establishing a center to train PCMs in mental health evaluations and develop strategies to increase use of behavioral health services by children/adolescents.	Support House provision
No similar provision.	Sec. 714 –Stipends for Reserve Components for Health Care for Certain Dependents. FY08 NDAA authorized stipends for dependents with special needs to remain in current health plan when member called to active duty. Sec Def to report 90 days after enactment.	Support House provision
Sec. 722 – Plan to Increase Behavioral Health Capabilities. Develop and implement a plan to increase the number of behavioral health personnel by 30 Sep 13.	Sec. 715 –Military Mental Health Providers. Sec Def report on number of military mental health providers required to meet the needs of all beneficiaries due one year after enactment.	Support Senate provision
No similar provision.	Sec. 716 –Rural Access to Care. Sec Def report on health care access and needs in rural areas for military beneficiaries.	Support House provision
Sec. 721 – Pain Management. Sec Def to implement comprehensive policy and ensure consistency across DoD. Report due in 180 days.	No similar provision.	Support Senate provision
Sec. 723 – Medication Management. DoD conduct a study on medication management for physically and psychologically wounded service members. Report due 1 Apr 10.	No similar provision.	Support Senate provision
Sec. 724 – Prescription of Antidepressants in Iraq & Afghanistan. DoD to report annually on use of antidepressants. NIMH report on relationship between drugs and suicide. Report due 2 years from enactment.	No similar provision.	Support Senate provision

Senate and House Provisions for the FY 2010 National Defense Authorization Act (as of: 8/26/2009 8:52 AM)

Senate (S. 1390)	House (H.R. 2647)	TMC Position
<p>Sec. 731 –Cognitive Rehabilitative Therapy Services. Sec Def may carry out a pilot program to determine feasibility and advisability of expanding cognitive rehab therapy services.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>Sec. 732 – DoD Task Force on Wounded, Ill, and Injured. Assess the effectiveness of policies and programs to care for wounded, ill, and injured. Report due 12 months from appointment.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>No similar provision.</p>	<p>Sec. 933 – DoD School of Nursing Revisions. Sec Def to establish a school of nursing.</p>	<p>Support House provision</p>
<p>Sec. 2708 –Master Plan for Military Medical Facilities in the National Capital Region. DoD plan due 180 days after enactment</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>Sec. 1046 – Great Lakes Federal Health Care Center. Designates the center as a facility of the uniformed services.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>
<p>Sec. 1084 –Use of Service Dogs for the Treatment or Rehabilitation of Veterans with Physical or Mental Injuries or Disabilities. Sec VA carry out a pilot 120 days after enactment.</p>	<p>No similar provision.</p>	<p>Support Senate provision</p>