

114TH CONGRESS
1ST SESSION

H. R. 4200

To amend title 10, United States Code, to provide a period for the relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station in order to ease and facilitate the relocation of military families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2015

Mr. GIBSON (for himself, Mr. NUGENT, Mr. WALZ, and Mr. O’ROURKE) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide a period for the relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station in order to ease and facilitate the relocation of military families, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Family Sta-
5 bility Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The approach to military families within the
2 Department of Defense has changed considerably
3 over the past decade, and recruitment and retention
4 of military families is now seen as at least as impor-
5 tant as the recruitment and retention of individual
6 members of the Armed Forces.

7 (2) Numerous programs exist within the De-
8 partment to address the challenges and needs of mil-
9 iary families, but the current military family readi-
10 ness system falls short of providing military families
11 the flexibility they need during moves in connection
12 with permanent changes of station (PCS).

13 (3) More military spouses are employed, and
14 military spouses have higher levels of educational at-
15 tainment, than ever before, and retention of the
16 force in the future will depend fundamentally on re-
17 tention of the military family.

18 (4) All members of the Army and the Marine
19 Corps in pay grade E-5 and below, and all members
20 of the Navy and the Air Force in pay grade E-4 and
21 below, are eligible for no-cost temporary housing.

22 (5) From October 1, 2014, to September 30,
23 2015, every military installation of each Armed
24 Force had unaccompanied quarters available for
25 members described in paragraph (4) according to

1 Permanent Party Unaccompanied Housing Net Utili-
2 zation reports of the Department.

3 (6) The members described in paragraph (4)
4 comprise more than 30 percent of the total military
5 population with families, according to Department
6 manpower data under the Active Duty Family File.

7 **SEC. 3. PERIOD FOR RELOCATION OF SPOUSES AND DE-**
8 **PENDENTS OF CERTAIN MEMBERS OF THE**
9 **ARMED FORCES UNDERGOING A PERMANENT**
10 **CHANGE OF STATION.**

11 (a) PERIOD OF RELOCATION.—

12 (1) IN GENERAL.—Subchapter I of chapter 88
13 of title 10, United States Code, is amended by in-
14 sserting after section 1784a the following new sec-
15 tion:

16 **“§ 1784b. Relocation of spouses and dependents in**
17 **connection with the permanent change of**
18 **station of certain members**

19 **“(a) ELECTION OF TIMING OF RELOCATION OF**
20 **SPOUSES IN CONNECTION WITH PCS.—**

21 **“(1) IN GENERAL.—**Subject to paragraph (2)
22 and subsection (c), a member of the armed forces
23 undergoing a permanent change of station and the
24 member’s spouse may jointly elect that the spouse
25 may relocate to the location to which the member

1 will relocate in connection with the permanent
2 change of station at such time during the covered
3 relocation period as the member and spouse jointly
4 select.

5 “(2) MEMBERS AND SPOUSES ELIGIBLE TO
6 MAKE ELECTIONS.—A member and spouse may
7 make an election pursuant to paragraph (1) as fol-
8 lows:

9 “(A) If the spouse either—

10 “(i) is gainfully employed at the be-
11 ginning of the covered relocation period
12 concerned; or

13 “(ii) is enrolled in a degree, certifi-
14 cate, or license-granting program at the
15 beginning of the covered relocation period.

16 “(B) If the member and spouse have one
17 or more dependents at the beginning of the cov-
18 ered relocation period concerned, either—

19 “(i) at least one dependent is a child
20 in elementary or secondary school at the
21 beginning of the covered relocation period;

22 “(ii) the spouse or at least one such
23 dependent are covered by the Exceptional
24 Family Member Program at the beginning
25 of the covered relocation period; or

1 “(iii) the member and spouse are car-
2 ing at the beginning of the covered reloca-
3 tion period for an immediate family mem-
4 ber with a chronic or long-term illness, as
5 determined pursuant to the regulations ap-
6 plicable to the member’s armed force pur-
7 suant to subsection (h).

8 “(C) If the member is undergoing a per-
9 manent change of station as an individual
10 augmentee or other deployment arrangement
11 specified in the regulations applicable to the
12 member’s armed force pursuant to subsection
13 (h).

14 “(D) If the member, spouse, or both, meet
15 such other qualification or qualifications as are
16 specified in the regulations applicable to the
17 member’s armed force pursuant to subsection
18 (h).

19 “(E) In the case of a member and spouse
20 who do not otherwise meet any qualification in
21 subparagraphs (A) through (D), if the com-
22 mander of the member at the beginning of the
23 covered relocation period determines that eligi-
24 bility to make the election is in the interests of
25 the member and spouse for family stability dur-

1 ing the covered relocation period and in the in-
2 terests of the armed force concerned. Any such
3 determination shall be made on a case-by-case
4 basis.

5 “(b) ELECTION OF TIMING OF RELOCATION OF CER-
6 TAIN DEPENDENTS OF UNMARRIED MEMBERS IN CON-
7 NECTION WITH PCS.—

8 “(1) IN GENERAL.—Subject to subsection (c), a
9 member of the armed forces undergoing a perma-
10 nent change of station who has one or more depend-
11 ents described in paragraph (2) and is no longer
12 married to the individual who is or was the parent
13 (including parent by adoption) of such dependents at
14 the beginning of the covered period of relocation
15 may elect that such dependents may relocate to the
16 location to which the member will relocate in connec-
17 tion with the permanent change of station at such
18 time during the covered relocation period as elected
19 as follows:

20 “(A) By the member alone if such indi-
21 vidual is dead or has no custodial rights in such
22 dependents at the beginning of such period.

23 “(B) By the member and such individual
24 jointly in all other circumstances.

1 “(2) DEPENDENTS.—The dependents described
2 in this paragraph are as follows:

3 “(A) Dependents over the age of 19 years
4 for whom the member has power of attorney re-
5 garding residence.

6 “(B) Dependents under the age of 20
7 years who will reside with a caregiver according
8 to the Family Care Plan of the member during
9 the covered period of relocation until relocated
10 pursuant to an election under this subsection.

11 “(c) LIMITATIONS.—

12 “(1) OUTSTANDING PERIOD OF OBLIGATED
13 SERVICE AT TIME OF ELECTION.—A member may
14 not make an election under subsection (a) or (b) un-
15 less the member’s period of obligated service, or the
16 time remaining under the member’s enlistment con-
17 tract, at the time of election is not less than 24
18 months.

19 “(2) NUMBER OF ELECTIONS.—The aggregate
20 number of elections made by a member under sub-
21 sections (a) and (b) may not exceed three elections.

22 “(d) HOUSING.—(1)(A) If the spouse of a member
23 relocates before the member in accordance with an election
24 pursuant to subsection (a), the member shall be assigned
25 to quarters or other housing facilities of the United States

1 as a bachelor, if such quarters are available, until the date
2 of the member's permanent change of station.

3 “(B) The quarters or housing facilities to which a
4 member is assigned pursuant to subparagraph (A) shall,
5 to the extent practicable, be quarters or housing facilities
6 that do not impose or collect a lease fee on the member
7 for occupancy.

8 “(C)(i) If quarters or housing facilities that do not
9 impose or collect a lease fee for occupancy are not avail-
10 able for a particular member, the quarters or housing fa-
11 cilities to which the member is assigned shall be quarters
12 or housing facilities that impose or collect the lowest rea-
13 sonable lease fee for occupancy that can be obtained for
14 the member by the Secretary concerned for purposes of
15 this subparagraph.

16 “(ii) Each Secretary concerned shall provide for the
17 insertion into contracts for the acquisition or improvement
18 of military unaccompanied housing pursuant to sub-
19 chapter IV of chapter 169 of this title of a clause permit-
20 ting members covered by this subparagraph to be assigned
21 to such military unaccompanied housing at the lease fee
22 for occupancy obtained by the Secretary concerned pursu-
23 ant to clause (i) for a period of not more than 150 days.

24 “(2) If a spouse and any dependents of a member
25 covered by an election under this section reside in housing

1 of the United States at the beginning of the covered period
2 of relocation, the spouse and dependents may continue to
3 reside in such housing throughout the covered period of
4 relocation, regardless of the date of the member's perma-
5 nent change of station.

6 “(3) If a spouse and any dependents of a member
7 covered by an election under this section are eligible to
8 reside in housing of the United States following the mem-
9 ber's permanent change of station, the spouse and depend-
10 ents may commence residing in such housing at any time
11 during the covered relocation period, regardless of the date
12 of the member's permanent change of station.

13 “(e) BASIC ALLOWANCE FOR HOUSING; STIPEND.—
14 (1)(A) In the case of a member undergoing a permanent
15 change of station who is paid basic allowance for housing
16 at the with-dependents rate at the beginning of the cov-
17 ered relocation period, the member shall be paid basic al-
18 lowance for housing at the with-dependents rate for
19 months beginning during the covered relocation period re-
20 gardless of the date on which the member's spouse and
21 any dependents relocate pursuant to an election under this
22 section or the assignment of the member to quarters or
23 facilities pursuant to subsection (d)(1).

24 “(B) In determining the portion of basic allowance
25 for housing payable to a member under this paragraph

1 that is payable with respect to the member's dependents,
2 the geographic location of the dependents shall govern
3 rather than the geographic location of the member.

4 “(2) If quarters are not available for the assignment
5 of a member as described in subsection (d)(1), the member
6 shall be paid an amount (determined in accordance with
7 the regulations applicable to the member's armed force
8 pursuant to subsection (h)) appropriate to compensate the
9 member for cost of the housing in which the member re-
10 sides in lieu of such quarters until the date on which the
11 member and the member's spouse reside in the same geo-
12 graphic area after the member's permanent change of sta-
13 tion. Any amount payable to a member pursuant to this
14 paragraph is in addition to amounts payable to the mem-
15 ber under paragraph (1).

16 “(f) TRANSPORTATION OF PROPERTY.—(1)(A) The
17 professional gear of a member relocating as described in
18 subsection (a) or (b) shall be transported at the time of
19 the member's relocation and in an amount, and subject
20 to any terms and conditions, applicable to the transpor-
21 tation or shipment of such gear by applicable law.

22 “(B) The personal property of the spouse and any
23 dependents of a member relocating as described in sub-
24 section (a) or (b) shall be transported at the time of such
25 relocation or as otherwise provided by applicable law.

1 “(2) Except as provided in paragraph (1), any trans-
2 portation allowances authorized for the transportation of
3 the personal property of a member and spouse making an
4 election under subsection (a) may be allocated among the
5 personal property of the member and spouse in such man-
6 ner as the member and spouse shall select.

7 “(3) In this subsection, the terms ‘transportation al-
8 lowances’ and ‘personal property’ have the meaning given
9 such terms in section 451(b) of title 37.

10 “(g) APPROVAL.—(1) The Secretary of Defense shall
11 establish a single approval process for applications for cov-
12 erage under this section. The process shall apply uniformly
13 among the armed forces.

14 “(2) Applications for approval for coverage under this
15 section shall consist of such elements (including documen-
16 tary evidence) as the Secretary shall prescribe for pur-
17 poses of the approval process required by this subsection.

18 “(3) The approval process required by this subsection
19 shall ensure that the processing of applications for cov-
20 erage under this section is completed in a timely manner
21 that permits a spouse and any dependents to relocate
22 whenever during the covered relocation period selected in
23 the election concerned. In meeting that requirement, the
24 approval process shall provide for the processing of appli-
25 cations at the lowest level in the chain of command of

1 members as is appropriate to ensure proper administra-
2 tion of this section.

3 “(h) REGULATIONS.—Each Secretary concerned shall
4 prescribe regulations for the administration of this section
5 with respect to the armed force or forces under the juris-
6 diction of such Secretary.

7 “(i) COVERED RELOCATION PERIOD DEFINED.—In
8 this section, the term ‘covered relocation period’, in con-
9 nection with the permanent change of station of a mem-
10 ber, means the period that—

11 “(1) begins 180 days before the date of the per-
12 manent change of station; and

13 “(2) ends 180 days after the date of the perma-
14 nent change of station.”.

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

“1784b. Relocation of spouses and dependents in connection with the permanent
change of station of certain members.”.

19 (3) EFFECTIVE DATE.—The amendments made
20 by this subsection shall take effect on the date of the
21 enactment of this Act and shall apply with respect
22 to permanent changes of station of members of the
23 Armed Forces that occur on or after the date that
24 is 180 days after such effective date.

1 (b) COMPTROLLER GENERAL OF THE UNITED
2 STATES REPORT.—

3 (1) REPORT REQUIRED.—Not later than one
4 year after the date of the enactment of this Act, the
5 Comptroller General of the United States shall sub-
6 mit to Congress a report on potential actions of the
7 Department of Defense to enhance the stability of
8 military families undergoing a permanent change of
9 station.

10 (2) ELEMENTS.—The report required by para-
11 graph (1) shall include the following:

12 (A) A comparison of the current percent-
13 age of spouses in military families who work
14 with the percentage of spouses in military fami-
15 lies who worked in the recent past, and an as-
16 sessment of the impact of the change in such
17 percentage on military families.

18 (B) An assessment of the effects of reloca-
19 tion of military families undergoing a perma-
20 nent change of station on the employment, edu-
21 cation, and licensure of spouses of military fam-
22 ilies.

23 (C) An assessment of the effects of reloca-
24 tion of military families undergoing a perma-

1 nent change of station on military children, in-
2 cluding effect on their mental health.

3 (D) An identification of potential actions
4 of the Department to enhance the stability of
5 military families undergoing a permanent
6 change of station and to generate cost savings
7 in connection with such changes of station.

8 (E) Such other matters as the Comptroller
9 General considers appropriate.

10 (3) ADDITIONAL ELEMENT ON FUNDING OF
11 MILITARY FAMILY SUPPORT PROGRAMS.—In addition
12 to the elements specified in paragraph (2), the re-
13 port required by paragraph (1) shall also include a
14 comparison of—

15 (A) the average annual amount spent by
16 each Armed Force over the five-year period
17 ending on December 31, 2015, on recruiting
18 and retention bonuses and special pays for
19 members of such Armed Force; with

20 (B) the average annual amount spent by
21 such Armed Force over such period on pro-
22 grams for military families and support of mili-
23 tary families.

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