

114TH CONGRESS
1ST SESSION

S. 2403

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 SENATE OF THE UNITED STATES

DECEMBER 15, 2015

Mr. BLUNT (for himself, Mrs. GILLIBRAND, Mr. BURR, Ms. HIRONO, Mr. COCHRAN, Ms. MIKULSKI, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and 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”.

1 **SEC. 2. PERIOD FOR RELOCATION OF SPOUSES AND DE-**
2 **PENDENTS OF CERTAIN MEMBERS OF THE**
3 **ARMED FORCES UNDERGOING A PERMANENT**
4 **CHANGE OF STATION.**

5 (a) PERIOD OF RELOCATION.—

6 (1) IN GENERAL.—Subchapter I of chapter 88
7 of title 10, United States Code, is amended by in-
8 serting after section 1784a the following new sec-
9 tion:

10 **“§ 1784b. Relocation of spouses and dependents in**
11 **connection with the permanent change of**
12 **station of certain members**

13 “(a) ELECTION OF TIMING OF RELOCATION OF
14 SPOUSES IN CONNECTION WITH PCS.—

15 “(1) IN GENERAL.—Subject to paragraph (2)
16 and subsection (c), a member of the armed forces
17 undergoing a permanent change of station and the
18 member’s spouse may jointly elect that the spouse
19 may relocate to the location to which the member
20 will relocate in connection with the permanent
21 change of station at such time during the covered
22 relocation period as the member and spouse jointly
23 select.

24 “(2) MEMBERS AND SPOUSES ELIGIBLE TO
25 MAKE ELECTIONS.—A member and spouse may

1 make an election pursuant to paragraph (1) as fol-
2 lows:

3 “(A) If the spouse either—

4 “(i) is gainfully employed at the be-
5 ginning of the covered relocation period
6 concerned; or

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

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

13 “(i) at least one dependent is a child
14 in elementary or secondary school at the
15 beginning of the covered relocation period;

16 “(ii) the spouse or at least one such
17 dependent are covered by the Exceptional
18 Family Member Program at the beginning
19 of the covered relocation period; or

20 “(iii) the member and spouse are car-
21 ing at the beginning of the covered reloca-
22 tion period for an immediate family mem-
23 ber with a chronic or long-term illness, as
24 determined pursuant to the regulations ap-

1 plicable to the member’s armed force pur-
2 suant to subsection (h).

3 “(C) If the member is undergoing a per-
4 manent change of station as an individual
5 augmentee or other deployment arrangement
6 specified in the regulations applicable to the
7 member’s armed force pursuant to subsection
8 (h).

9 “(D) If the member, spouse, or both, meet
10 such other qualification or qualifications as are
11 specified in the regulations applicable to the
12 member’s armed force pursuant to subsection
13 (h).

14 “(E) In the case of a member and spouse
15 who do not otherwise meet any qualification in
16 subparagraphs (A) through (D), if the com-
17 mander of the member at the beginning of the
18 covered relocation period determines that eligi-
19 bility to make the election is in the interests of
20 the member and spouse for family stability dur-
21 ing the covered relocation period and in the in-
22 terests of the armed force concerned. Any such
23 determination shall be made on a case-by-case
24 basis.

1 “(b) ELECTION OF TIMING OF RELOCATION OF CER-
2 TAIN DEPENDENTS OF UNMARRIED MEMBERS IN CON-
3 NECTION WITH PCS.—

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

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

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

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

23 “(A) Dependents over the age of 19 years
24 for whom the member has power of attorney re-
25 garding residence.

1 “(B) Dependents under the age of 20
2 years who will reside with a caregiver according
3 to the Family Care Plan of the member during
4 the covered period of relocation until relocated
5 pursuant to an election under this subsection.

6 “(c) LIMITATIONS.—

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

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

17 “(d) HOUSING.—(1)(A) If the spouse of a member
18 relocates before the member in accordance with an election
19 pursuant to subsection (a), the member shall be assigned
20 to quarters or other housing facilities of the United States
21 as a bachelor, if such quarters are available, until the date
22 of the member’s permanent change of station.

23 “(B) The quarters or housing facilities to which a
24 member is assigned pursuant to subparagraph (A) shall,
25 to the extent practicable, be quarters or housing facilities

1 that do not impose or collect a lease fee on the member
2 for occupancy.

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

11 “(ii) Each Secretary concerned shall provide for the
12 insertion into contracts for the acquisition or improvement
13 of military unaccompanied housing pursuant to sub-
14 chapter IV of chapter 169 of this title of a clause permit-
15 ting members covered by this subparagraph to be assigned
16 to such military unaccompanied housing at the lease fee
17 for occupancy obtained by the Secretary concerned pursu-
18 ant to clause (i) for a period of not more than 180 days.

19 “(2) If a spouse and any dependents of a member
20 covered by an election under this section reside in housing
21 of the United States at the beginning of the covered period
22 of relocation, the spouse and dependents may continue to
23 reside in such housing throughout the covered period of
24 relocation, regardless of the date of the member’s perma-
25 nent change of station.

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

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

19 “(B) In determining the portion of basic allowance
20 for housing payable to a member under this paragraph
21 that is payable with respect to the member’s dependents,
22 the geographic location of the dependents shall govern
23 rather than the geographic location of the member.

24 “(2) If quarters are not available for the assignment
25 of a member as described in subsection (d)(1), the member

1 shall be paid an amount (determined in accordance with
2 the regulations applicable to the member's armed force
3 pursuant to subsection (h)) appropriate to compensate the
4 member for cost of the housing in which the member re-
5 sides in lieu of such quarters until the date on which the
6 member and the member's spouse reside in the same geo-
7 graphic area after the member's permanent change of sta-
8 tion. Any amount payable to a member pursuant to this
9 paragraph is in addition to amounts payable to the mem-
10 ber under paragraph (1).

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

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

21 “(2) Except as provided in paragraph (1), any trans-
22 portation allowances authorized for the transportation of
23 the personal property of a member and spouse making an
24 election under subsection (a) may be allocated among the

1 personal property of the member and spouse in such man-
2 ner as the member and spouse shall select.

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

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

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

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

24 “(h) REGULATIONS.—Each Secretary concerned shall
25 prescribe regulations for the administration of this section

1 with respect to the armed force or forces under the juris-
 2 diction of such Secretary.

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

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

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

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of subchapter I of chapter 88
 13 of such title is amended by inserting after the item
 14 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.”.

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

21 (b) COMPTROLLER GENERAL OF THE UNITED
 22 STATES REPORT.—

23 (1) REPORT REQUIRED.—Not later than one
 24 year after the date of the enactment of this Act, the

1 Comptroller General of the United States shall sub-
2 mit to Congress a report on potential actions of the
3 Department of Defense to enhance the stability of
4 military families undergoing a permanent change of
5 station.

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

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

14 (B) An assessment of the effects of reloca-
15 tion of military families undergoing a perma-
16 nent change of station on the employment, edu-
17 cation, and licensure of spouses of military fam-
18 ilies.

19 (C) An assessment of the effects of reloca-
20 tion of military families undergoing a perma-
21 nent change of station on military children, in-
22 cluding effect on their mental health.

23 (D) An identification of potential actions
24 of the Department to enhance the stability of
25 military families undergoing a permanent

1 change of station and to generate cost savings
2 in connection with such changes of station.

3 (E) Such other matters as the Comptroller
4 General considers appropriate.

5 (3) ADDITIONAL ELEMENT ON FUNDING OF
6 MILITARY FAMILY SUPPORT PROGRAMS.—In addition
7 to the elements specified in paragraph (2), the re-
8 port required by paragraph (1) shall also include a
9 comparison of—

10 (A) the average annual amount spent by
11 each Armed Force over the five-year period
12 ending on December 31, 2015, on recruiting
13 and retention bonuses and special pays for
14 members of such Armed Force; with

15 (B) the average annual amount spent by
16 such Armed Force over such period on pro-
17 grams for military families and support of mili-
18 tary families.

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