

112TH CONGRESS  
2D SESSION

# H. R. 4045

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2012

Received

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## AN ACT

To modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

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. TREATMENT OF PROGRAM GUIDANCE RELAT-**  
 4 **ING TO THE AWARD OF POST-DEPLOYMENT/**  
 5 **MOBILIZATION RESPITE ABSENCE ADMINIS-**  
 6 **TRATIVE ABSENCE DAYS TO MEMBERS AND**  
 7 **FORMER MEMBERS OF THE RESERVE COM-**  
 8 **PONENTS UNDER DOD INSTRUCTION 1327.06.**

9 (a) DISCRETION OF THE SECRETARY OF DE-  
 10 FENSE.—The Secretary of Defense may determine that  
 11 the changes made by the Secretary to the Program Guid-  
 12 ance relating to the award of Post-Deployment/Mobiliza-  
 13 tion Respite Absence program administrative absence days  
 14 or other benefits described in subsection (b) to members  
 15 and former members of the reserve components under  
 16 DOD Instruction 1327.06 effective as of October 1, 2011,  
 17 shall not apply to a member of a reserve component, or  
 18 former member of a reserve component, whose qualified  
 19 mobilization (as described in such program guidance) com-  
 20 menced before October 1, 2011, and continued on or after  
 21 that date until the date the mobilization is terminated.

22 (b) AUTHORIZED BENEFITS.—Under regulations  
 23 prescribed by the Secretary of Defense, the Secretary con-  
 24 cerned may provide a member or former member of the

1 Armed Forces described in subsection (a) with one of the  
2 following benefits:

3 (1) In the case of an individual who is a former  
4 member of the Armed Forces at the time of the pro-  
5 vision of benefits under this section, payment of an  
6 amount not to exceed \$200 for each day the indi-  
7 vidual would have qualified for a day of administra-  
8 tive absence had the changes made to the Program  
9 Guidance described in subsection (a) not applied to  
10 the individual, as authorized by such subsection.

11 (2) In the case of a member of the Armed  
12 Forces on active duty at the time of the provision  
13 of benefits under this section, either one day of ad-  
14 ministrative absence or payment of an amount not  
15 to exceed \$200, as selected by the member, for each  
16 day the member would have qualified for a day of  
17 administrative absence had the changes made to the  
18 Program Guidance described in subsection (a) not  
19 applied to the member, as authorized by such sub-  
20 section.

21 (3) In the case of a member of the Armed  
22 Forces serving in the Selected Reserve, Inactive Na-  
23 tional Guard, or Individual Ready Reserve at the  
24 time of the provision of benefits under this section,  
25 either one day of administrative absence to be re-

1       tained for future use or payment of an amount not  
2       to exceed \$200, as selected by the member, for each  
3       day the member would have qualified for a day of  
4       administrative absence had the changes made to the  
5       Program Guidance described in subsection (a) not  
6       applied to the member, as authorized by such sub-  
7       section.

8       (c) EXCLUSION OF CERTAIN FORMER MEMBERS.—

9       An individual who is a former member of the Armed  
10      Forces is not eligible under this section for the benefits  
11      specified in subsection (b)(1) if the individual was dis-  
12      charged or released from the Armed Forces under other  
13      than honorable conditions.

14      (d) FORM OF PAYMENT.—The payments authorized  
15      by subsection (b) may be paid in a lump sum or install-  
16      ments, at the election of the Secretary concerned.

17      (e) RELATION TO OTHER PAY AND LEAVE.—The  
18      benefits provided to a member or former member of the  
19      Armed Forces under this section are in addition to any  
20      other pay, absence, or leave provided by law.

21      (f) DEFINITIONS.—In this section:

22           (1) The term “Post-Deployment/Mobilization  
23      Respite Absence program” means the program of  
24      the Secretary concerned to provide days of adminis-  
25      trative absence not chargeable against available leave

1 to certain deployed or mobilized members of the  
2 Armed Forces in order to assist such members in re-  
3 integrating into civilian life after deployment or mo-  
4 bilization.

5 (2) The term “Secretary concerned” has the  
6 meaning given that term in section 101(5) of title  
7 37, United States Code.

8 (g) COMMENCEMENT AND DURATION OF AUTHOR-  
9 ITY.—

10 (1) COMMENCEMENT.—The authority to pro-  
11 vide days of administrative absence under para-  
12 graphs (2) and (3) of subsection (b) begins on the  
13 date of the enactment of this Act and the authority  
14 to make cash payments under such subsection be-  
15 gins, subject to subsection (h), on October 1, 2012.

16 (2) EXPIRATION.—The authority to provide  
17 benefits under this section expires on October 1,  
18 2014.

19 (3) EFFECT OF EXPIRATION.—The expiration  
20 date specified in paragraph (2) shall not affect the  
21 use, after that date, of any day of administrative ab-  
22 sence provided to a member of the Armed Forces  
23 under subsection (b) before that date or the pay-  
24 ment, after that date, of any payment selected by a

1 member or former member of the Armed Forces  
2 under such subsection before that date.

3 (h) CASH PAYMENTS SUBJECT TO AVAILABILITY OF  
4 APPROPRIATIONS.—No cash payment may be made under  
5 subsection (b) unless the funds to be used to make the  
6 payments are available pursuant to an appropriations Act  
7 enacted after the date of enactment of this Act.

8 (i) FUNDING OFFSET.—The Secretary of Defense  
9 shall transfer \$4,000,000 from the unobligated balances  
10 of the Pentagon Reservation Maintenance Revolving Fund  
11 established under section 2674(e) of title 10, United  
12 States Code, to the Miscellaneous Receipts Fund of the  
13 United States Treasury.

Passed the House of Representatives May 15, 2012.

Attest:

KAREN L. HAAS,

*Clerk.*