

112TH CONGRESS  
2D SESSION

# H. R. 4164

To amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2012

Mr. YOUNG of Alaska (for himself and Mr. LOEBSACK) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

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 “Space-Available Act  
5       of 2012”.

1 **SEC. 2. ELIGIBILITY OF ACTIVE AND RESERVE MEMBERS,**  
2 **RETIREES, GRAY AREA RETIREES, AND DE-**  
3 **PENDENTS FOR SPACE-AVAILABLE TRAVEL**  
4 **ON MILITARY AIRCRAFT.**

5 (a) IN GENERAL.—Chapter 157 of title 10, United  
6 States Code, is amended by inserting after section 2641b  
7 the following new section:

8 **“§ 2641c. Space-available travel on department of de-**  
9 **fense aircraft: eligibility**

10 “(a) AUTHORITY TO ESTABLISH BENEFIT PRO-  
11 GRAM.—The Secretary of Defense may establish a pro-  
12 gram to provide transportation on Department of Defense  
13 aircraft on a space-available basis. The program shall be  
14 conducted in a budget neutral manner.

15 “(b) BENEFIT.—If the Secretary establishes such a  
16 program, the Secretary shall, subject to section (c), pro-  
17 vide the benefit equally to the following individuals:

18 “(1) Active duty members and members of the  
19 Selected Reserve holding a valid Uniformed Services  
20 Identification and Privilege Card.

21 “(2) A retired member of an active or reserve  
22 component, including retired members of reserve  
23 components, who, but for being under the eligibility  
24 age applicable to the member under section 12731  
25 of this title, would be eligible for retired pay under  
26 chapter 1223 of this title.

1           “(3) An unremarried widow or widower of an  
2           active or reserve component member of the armed  
3           forces.

4           “(4) A dependent that—

5                   “(A)(i) is the child of an active or reserve  
6                   component member or former member described  
7                   in paragraph (1) or (2); or

8                   “(ii) is the child of a deceased member en-  
9                   titled to retired pay holding a valid Uniformed  
10                  Services Identification and Privilege Card and a  
11                  surviving unremarried spouse; and

12                  “(B) is accompanying the member or, in  
13                  the case of a deceased member, is the surviving  
14                  unremarried spouse of the deceased member or  
15                  is a dependent accompanying the surviving  
16                  unremarried spouse of the deceased member.

17           “(5) The surviving dependent of a deceased  
18           member or former member described in paragraph  
19           (2) holding a valid Uniformed Services Identification  
20           and Privilege Card, if the dependent is accom-  
21           panying the member or, in the case of a deceased  
22           member, is the surviving unremarried spouse of the  
23           deceased member or is a dependent accompanying  
24           the surviving unremarried spouse of the deceased  
25           member.

1           “(6) Other such individuals as determined by  
2       the Secretary in the Secretary’s discretion.

3       “(c)   DISCRETION   TO   ESTABLISH   PRIORITY  
4 ORDER.—The Secretary, in establishing a program under  
5 this section, may establish an order of priority that is  
6 based on considerations of military needs and military  
7 readiness.”.

8       (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by inserting  
10 after the item relating to section 2641b the following new  
11 item:

“2641c. Space-available travel on Department of Defense aircraft: eligibility.”.

