

112TH CONGRESS  
2D SESSION

# S. 2060

To provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2012

Mr. KOHL (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

## A BILL

To provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

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 “Fair Military Leave  
5       Act”.

1 **SEC. 2. PAYMENT OF BENEFIT FOR NONPARTICIPATION OF**  
2 **ELIGIBLE MEMBERS IN POST-DEPLOYMENT/**  
3 **MOBILIZATION RESPITE ABSENCE PROGRAM**  
4 **DUE TO GOVERNMENT ERROR.**

5 (a) PAYMENT OF BENEFIT.—

6 (1) IN GENERAL.—The Secretary concerned  
7 shall, upon application therefor, make a payment to  
8 each individual described in paragraph (2) of \$200  
9 for each day of nonparticipation of such individual  
10 in the Post-Deployment/Mobilization Respite Ab-  
11 sence program as described in that paragraph.

12 (2) COVERED INDIVIDUALS.—An individual de-  
13 scribed in this paragraph is an individual who—

14 (A) was eligible for participation as a  
15 member of the Armed Forces in the Post-De-  
16 ployment/Mobilization Respite Absence pro-  
17 gram; but

18 (B) as determined by the Secretary con-  
19 cerned pursuant to an application for the cor-  
20 rection of the military records of such indi-  
21 vidual pursuant to section 1552 of title 10,  
22 United States Code, did not participate in one  
23 or more days in the program for which the indi-  
24 vidual was so eligible due to Government error.

25 (b) DECEASED INDIVIDUALS.—

1           (1) APPLICATIONS.—If an individual otherwise  
2 covered by subsection (a) is deceased, the application  
3 required by that subsection shall be made by the in-  
4 dividual’s legal representative.

5           (2) PAYMENT.—If an individual to whom pay-  
6 ment would be made under subsection (a) is de-  
7 ceased at time of payment, payment shall be made  
8 in the manner specified in section 1552(c)(2) of title  
9 10, United States Code.

10       (c) PAYMENT IN LIEU OF ADMINISTRATIVE AB-  
11 SENCE.—Payment under subsection (a) with respect to a  
12 day described in that subsection shall be in lieu of any  
13 entitlement of the individual concerned to a day of admin-  
14 istrative absence for such day.

15       (d) CONSTRUCTION.—

16           (1) CONSTRUCTION WITH OTHER PAY.—Any  
17 payment with respect to an individual under sub-  
18 section (a) is in addition to any other pay provided  
19 by law.

20           (2) CONSTRUCTION OF AUTHORITY.—It is the  
21 sense of Congress that—

22               (A) the sole purpose of the authority in  
23 this section is to remedy administrative errors;  
24 and

1 (B) the authority in this section is not in-  
2 tended to establish any entitlement in connec-  
3 tion with the Post-Deployment/Mobilization  
4 Respite Absence program.

5 (e) DEFINITIONS.—In this section, the terms “Post-  
6 Deployment/Mobilization Respite Absence program” and  
7 “Secretary concerned” have the meaning given such terms  
8 in section 604(f) of the National Defense Authorization  
9 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
10 2350).

○