

## President Obama signs the Defense Authorization Bill

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Now that President Obama has signed into law the FY2010 National Defense Authorization Act (NDAA), let's take a look at some of its' major provisions, where AFA and the advocacy community were successful in affecting positive change through the bill, and where we will have to try again next year.

One important last-minute addition was the cancellation of TRICARE Standard inpatient fees announced by the Pentagon on September 30, 2009, at the cusp of the beginning of the new fiscal year. The proposed increases would have included a \$110 per day increase – from \$535 to \$645 per day – for retirees and their family members and survivors covered by TRICARE Standard. Thankfully, the actions taken by Congress and advocacy groups, including AFA, was able to prevent this increase from taking effect.

Our efforts to eliminate the pay gap between the military and civilian sectors were also furthered this year, as the Congress included a 3.4% active-duty pay raise. Also included in the bill is a one-year extension of certain bonuses and special pay authorities for Reserve forces.

The USAF, ANG, and AFR all received modest personnel end-strength increases in the NDAA this year. The USAF end strength was increased by 13,650 over 2009 levels, while the Air Force Reserve picked up roughly 2,100, and the Air National Guard lost a few (56) but remained largely the same.

Perhaps the biggest victory this year is the inclusion of provisions that will permit access to TRICARE Standard for Reserve Component retirees who are under age 60, and their families. Access to affordable health coverage for the so-called “grey area” retirees has been gaining in support and visibility over the past few years. Eligibility will be retroactive to October 1, 2009; however, it is under the purview of the Secretary of Defense to set premiums. They have not yet been set. Additionally, TRICARE coverage was extended from 90 to 180 days to members of the Reserve Component who have been alerted prior to mobilization.

The final version of the NDAA took a conservative approach on the issue of military child custody, adopting Senate provisions that require DoD to study the issue and report back to Congress by March 31, 2010. The House measure would have prohibited a court from permanently modifying or amending any previous judgment, or issuing a new custody order that would alter existing arrangements at the time of the deployment, with certain exceptions. While the intent is to preserve the parental rights of deploying servicemembers, this issue generated much consternation among the legal and military advocacy communities. The Senate position will require additional reporting in the hope that Congress will be better informed in their future decision-making on the subject.

The bill also retained Senate language on the Interstate Compact on Educational Opportunity for Military Children – this language expresses the ‘Sense of the Senate’ that enactment of the Compact will improve educational opportunity for military school-age children. The goal of the Interstate Compact is to help ease the transition of military children when they change schools over state lines. Issues of AP credit, graduation requirements, and other state-level policies have been perennial causes of frustration for military parents and children. Because states are willingly entering into the Compact and abiding by a more broad set of rules that remove those sources of frustration for military families, the transition into a new school and area will hopefully be mitigated. The ‘Sense of the Senate’ language is appropriate here because of the state-level, opt-in nature of the Compact.

Military voting laws received a much-needed revamp this year. The FY10 NDAA included provisions to give overseas military personnel and civilians more robust assurances that their votes will be counted. Among other new stipulations, the bill requires election officials to send absentee ballots 45 days before an election, and allows blank ballots and registration materials to be sent electronically.

While these and other improvements will positively affect currently serving and retired military personnel and their families, many deserving and important measures were not included in the final version of the bill. Heading the list is the removal of concurrent receipt measures that were in the House version of the bill. These measures, which would have provided much-needed relief to severely disabled military retirees forced into medical retirement for noncombat injuries, have been a top legislative priority for many years. The elimination of the SBP-DIC offset, another top priority, was also stripped from the bill.

Another important measure that was eliminated from the bill is the retroactive retirement provisions for the Guard and Reserve. The FY2008 NDAA included provisions to provide a 90 day reduction in the retirement age from age 60 for every 90 days members of the Reserve Component spend on active-duty in support of a contingency operation. This provision was initially meant to be retroactive to September 10, 2001, but the measure was passed without the retroactive language.

The final bill also stripped provisions to authorize shipment of a second personal vehicle for members on PCS orders to Hawaii, Alaska, or US territories. Though the House has included these provisions for the last two years, they have both times receded to the Senate position in the end.

Also dropped were provisions that would have lowered minimum qualifying travel distances from 100 miles to 50 miles to receive travel reimbursement for specialty health care.

These and other issues will continue to be part of our advocacy efforts on Capitol Hill. The rationale behind dropping many of these issues is related to budgetary constraints such as PAYGO rules and overall cost. We believe that this line of reasoning fails to tell the whole story. The issue is not cost; the issue is one of our priorities. Our legislative goals, though many do come with associated costs, are small when compared to the amount that has recently been spent on other programs such as cash-for-clunkers and the many stimulus projects. AFA will continue to remind Congress of the innumerable sacrifices borne by those willing to serve in the Armed Forces, and of the obligation we have to provide for those who have taken up this extraordinary responsibility.