



Fiscal Year 2022 NDAA

Executive Summary
and Grassroots Guide



For questions or commentary, please contact: milgov3@hqafsa.org
hqafsa.org



AIR FORCE SERGEANTS ASSOCIATION

Defending the Enlisted Corps and Their Families Since 1961



Dear Team AFSA,

I am proud to report that despite budgetary delays, prolonged congressional gridlock, and an ill-transparent reconciliation process, just before the new year, President Biden signed the Fiscal Year (FY) 2022 National Defense Authorization Act (NDAA) into law. Despite these challenges, among others, we upheld our commitment to being ***persistent, present, and proactive*** in our lobbying efforts to improve your quality of life – because you deserve hot fries!

In addition to meetings and phone calls with members of Congress, the President, and key congressional staff, your Military and Government Relations Team also sought to directly involve ***you*** in our FY22 NDAA advocacy program during the 2021 Legislative Awareness Week (LAW). With 9,000+ letters sent to members of Congress and the Administration throughout the week, it is undeniable that by joining the fight for quality of life, you helped us help you. I firmly believe that ***membership is local***, and without question, your local efforts had an impact on service members past and present and their families across the globe.

Because of your support, coupled with the relentless efforts of your Military and Government Relations Team, the FY22 NDAA contained significant legislative gains, including but not limited to: a 2.7% pay raise, the creation of a basic needs allowance for service members experiencing food insecurity, incentive pay parity for members of the reserve components, establishment of a new category of leave for bereavement, one-year suspension of military medical billet cuts, \$60,000,000 in impact aid funding, a reduction of gender-related inequities in costs of uniforms, the inclusion of sexual harassment as a general punitive UCMJ article, establishment of employment fellowship opportunities for military spouses, addition of preconception and prenatal carrier screening under TRICARE, and commission of independent reviews of DoDs Comprehensive Autism Care Demonstration and suicide prevention and response program(s).

However, the AFSA is disappointed that the FY22 NDAA did not address other critical issues, including but not limited to extending concurrent receipt to Chapter 61 retirees, increasing voting access for service members stationed in hazardous duty zones, and expanding TRICARE coverage to young adults up to age 26. These shortcomings, among others, will remain the focus of our lobbying efforts in 2022 and beyond.

With reverence and gratitude,

Keith A. Reed
Chief Executive
Air Force Sergeants Association



THE HISTORIC AIRMEN MEMORIAL BUILDING

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THE NDAA PROCESS EXPLAINED

President submits a budget request to Congress.

House Armed Services Committee (HASC) and Senate Armed Services Committee (SASC) host hearings on the budget request to inform policy decisions.

HASC subcommittees consider the subcommittee Chairman's mark before moving the bill to full committee.

SASC subcommittees consider the subcommittee Chairman's mark before moving the bill to full committee.

HASC considers amendments to the subcommittee marks and the full committee Chairman's mark for full committee passage.

SASC considers amendments to the subcommittee marks and the full committee Chairman's mark for full committee passage.

Bill is submitted for full floor consideration in the House and is debated, amended, and passed.

Bill is submitted for full floor consideration in the Senate and is debated, amended, and passed.

Differences between the two bills are reconciled in "conference," and a final compromise bill is produced.

The final compromise bill goes back to both chambers for a final vote.

The congressionally approved bill is submitted to the President, who signs it into law.



NDA KEY LEGISLATIVE GAINS	
2.7% Pay-Raise secured	✓
Basic Needs Allowance (BNA) established	✓
Medical billet cuts suspended	✓
Category of bereavement leave created	✓
Reserve incentive pay parity achieved	✓
Postpartum care under TRICARE enhanced	✓
Suicide Prevention Independent Review commissioned	✓
Military spouse employment fellowship program launched	✓
Mental health appointment scheduling pilot initiated	✓
Sexual harassment placed on continuum of harm	✓
Impact aid funding maintained	✓
Family violence prevention and response activities improved	✓
Basic Allowance for Housing (BAH) study instigated	✓
Afghanistan War Commission organized	✓
EFMP enhanced	✓

NDA LEGISLATIVE SHORTCOMINGS	
TRICARE dependent coverage not extended to 26	✗
Concurrent receipt measure(s) not advanced	✗
Voting access for hazardous duty stationed service members not expanded	✗
TRICARE coverage for cranial remolding helmets not enhanced	✗



Scan and scroll to watch the FY22 NDA Executive Summary and Grassroots Guide Videos.

Funding Levels

Budget Item	Amount (in billions of dollars)
DoD Discretionary Base	\$740.0
DoE Discretionary Base	\$27.8
Defense-Related Activities*	\$0.4
FY22 Discretionary Topline**	\$768.2

*Does not include \$9.8 billion in national defense authorizations outside of HASC jurisdiction and other adjustments

**Does not include mandatory defense spending



Pay, Compensation, Allowances, Expenses, and Leave





Section 571, Reduction of gender-related inequities in costs of uniforms to members of the Armed Forces



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef, acting through the UnderSec of Defense for Personnel and Readiness (and in coordination with the Sec of each MilDep) ***shall*** establish criteria (consistent across all Armed Forces) for determining which uniform or clothing items are considered "uniquely military" for purposes of calculating the standard cash clothing replacement allowances – to reduce the differences in out-of-pocket cost(s) incurred by enlisted members and by gender.

The UnderSec ***shall*** review the criteria every five years, and in such review, regard:

- a) *All uniform clothing plans of each Armed Force under jurisdiction of each MilDepSec to identify data needed to facilitate cost discussions and issue recommendations*
- b) *Not less than once every five years, the calculation of each Armed Force for standard clothing replacement allowance(s) for enlisted members, to develop standard by which to identify the differences*

Not later than September 30, 2022, each MilDepSec ***shall*** prescribe regulations that ensure:

- 1) The out-of-pocket cost to an officer or enlisted member for mandatory uniform items may not exceed such cost to another officer or enlisted member of that Armed Force for such uniform solely based on gender
- 2) ***If*** a change to a uniform of an armed force affects only enlisted members of one gender, an enlisted member of such gender ***shall*** be entitled to an allowance equal to the out-of-pocket costs to an officer or enlisted member

Not later than December 31, 2022, SecDef ***shall*** submit a report on:

- 1) Estimated production costs and average retail prices of military clothing items
- 2) Comparison of costs for male and female military clothing items for each Armed Force

Section 601, Basic needs allowance for members on active service in the Armed Forces



Sec. concerned ***shall*** pay a basic needs allowance to each eligible member who qualifies.

A member on active service in the Armed Forces is eligible for such an allowance if:

- 1) *Member has completed initial entry training*
- 2) *Has a gross household income (during the most recent calendar year) that did not exceed an amount equal to **130 percent** of the federal poverty guidelines of DHHS for the location of a member and the number of individuals in the household of a said member*

The amount of monthly allowance payable to member ***shall*** be amount equal to 130 percent of the federal poverty guidelines of DHHS for the calendar year during which the allowance is paid

based on the location of the member and the number of individuals in the household of a member during the month of which the allowance is paid;

Minus

The gross household income of the member during the preceding calendar year;

Divided by 12

The following members are ***ineligible*** for the allowance:

- a) *A member who does not have any dependents*
- b) *A cadet at the U.S. Military Academy, the USAF Academy, or the Coast Guard Academy, a midshipman of the U.S. Naval Academy, or a cadet or midshipman serving elsewhere in the Armed Forces*

In the event a household contains two or more members determined to be eligible to receive the basic needs allowance, only one allowance may be paid.

“Gross household income” includes:

- a) *All household income, derived from any source.*
- b) *In the case of a member whom the Sec. concerned determines resides in an area with a high cost of living, any portion of the basic allowance for housing (BAH) that the Sec. concerned elects to exclude.*

SecDef ***shall*** conduct a study on food insecurity in the Armed Forces.

Results of the study ***shall*** include:

- a) Analysis of food pricing that affects members of the Armed Forces, and their families, who live in areas with a high cost of living
- b) A comparison of:
 - I. *The current method employed by SecDef to determine areas with high cost of living*
 - II. *The local level indicators used by the BLS that indicate buying power and consumer spending in specific geographic regions*
 - III. *Indicators used by the Department of Agriculture in market basket analysis*
- c) Feasibility of implementing a web portal for a member of any Armed Force to apply for the allowance
- d) Development of processes to determine the appropriate allowance to supplement income of members of the Armed Forces who suffer from food insecurity

Not later than December 31, 2025, and June 1, 2028, the SecDef ***shall*** submit a report regarding the effect of the allowance on food insecurity.

Section 602, Equal incentive pay for members of the reserve components of the Armed Forces



Sec. concerned ***shall*** pay a member of the reserve component of an Armed Force incentive pay in the same monthly amount as that paid to a member in the regular component performing comparable work requiring comparable skills.

Not later than September 30, 2022, the SecDef ***shall*** submit to the committees a report containing:

- 1) *Plan to implement*
- 2) *Estimate of costs*
- 3) *# Of members described*

However, the SecDef ***may not*** implement the plan until after the:

- 1) *Submission of the report*
- 2) *SecDef determines and certifies in writing to the Congressional defense committees that such implementation shall not have a detrimental effect on force structure, including regarding the recruiting and retention of members in the regular component of such Armed Force*

Section 607, Report on certain moving expenses for members of the Armed Forces



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** submit a report on moving expenses incurred by members of the Armed Forces that exceed such expenses covered by the Joint Travel Regulations for the uniformed services.

SecDef ***shall*** examine the root causes of such expenses.

Section 608, Report on temporary lodging expenses in competitive housing markets



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** submit a report on the appropriateness of a maximum payment period of 10 days in highly competitive housing markets.

The report ***shall*** include how the SecDef educates members of the Armed Forces and families about the ability to request a payment.

Section 621, Extension of paid parental leave



A member of the Armed Forces is now allowed up to 12 weeks of parental leaving during the one-year period that follows:

- I. *The birth or adoption of a child of the member and to care for the child.*
- II. *The placement of a minor child with a member for adoption or long-term foster care.*



A member of the Armed Forces is now allowed **up to two weeks** of leave to be used in connection with the death of an immediate family member.

This applies to:

- a) *A member on active duty*
- b) *A member of the reserve component performing Guard and Reserve duty*
- c) *A member of the reserve component subject to active-duty recall or mobilization order(s) more than 12 months*

Under the regulation prescribed, a member taking bereavement leave **shall not** have his / her leave account reduced because of taking such leave if a member's accrued leave is fewer than 30 days.

Members with 30 or more days of accrued leave shall be charged for bereavement leave until the point that a members accrued leave is less than 30 days.

An "immediate family member" means:

- a) *The member's spouse; or*
- b) *A child of the member*

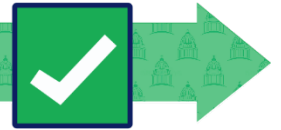
This section shall take effect 180 days after the FY2022 NDAA's enactment.



Healthcare



Section 701, Eating disorders treatment for certain members of the Armed Forces and dependents



Provision of health care services for an eating disorder ***may*** include the following:

- a) *Outpatient services for in-person or tele-health care including partial hospitalization services and intensive outpatient services*
- b) *Inpatient services, which shall include residential services ***only if*** medically indicated for treatment of a primary diagnosis of an eating disorder*
- c) *Age of dependent, except with respect to residential services, which may be provided only to a dependent who is not eligible for hospital insurance benefits under the Social Security Act (SSA)*

If, prior to October 1, 2022, a category of persons covered by this section was eligible to receive a specific type of treatment for eating disorders under a previously contracted plan, the prohibition of access to retirees ***shall*** be lifted.

The SecDef and SecDHS ***shall*** prescribe regulations and implement procedures using each practical and available method to rehabilitate members of the Armed Forces who are deemed to have an eating disorder.

This section shall take effect on October 1, 2022.

Section 702, Addition of preconception and prenatal carrier screening coverage as benefits under TRICARE program



Preconception and prenatal carrier screening tests ***shall*** be provided to eligible covered beneficiaries with a limit of one test / condition / lifetime for:

- a) *Cystic fibrosis*
- b) *Spinal muscular atrophy*
- c) *Fragile X syndrome*
- d) *Tay Sachs disease*
- e) *Hemoglobinopathies*
- f) *Conditions linked with Ashkenazi Jewish descent*

Section 703, Revisions to TRICARE provider networks

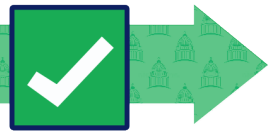


The Sec. ***may*** establish a system of multiple networks of providers under TRICARE Prime and Select.

Under this system, the Sec ***may***:

- a) Require a covered beneficiary enrolling in TRICARE Prime or Select to enroll in a specific provider network established pursuant to a said system

Section 704, Self-initiated referral process for mental health evaluations of members of the Armed Forces



The regulation required ***shall***, with respect to a member of the Armed Forces:

- a) Provide for a self-initiated process that enables a member to trigger a referral for a mental health evaluation by requesting such a referral from a commanding officer / supervisor who is in a grade above E-5
- b) Ensure the functionality of the process by:
 - I. *Require a said commanding officer / supervisor to refer a member to a mental health provider as soon as practicable following the request of the selected*
 - II. *Ensure a member may request a referral on any basis, including on a basis of concern related to fitness for duty, occupational requirements, safety issues, significant changes in performance, and/or behavioral changes in mental status.*
- c) Ensure integrity of the process by:
 - I. *Reducing stigma of receiving a said care*
 - II. *Protect confidentiality of a member to the extent possible in accordance with HIPPA*

On an annual basis, each Sec. concerned ***shall*** provide a training on how to recognize personnel who may require mental health evaluations based on an individual being an immediate danger to oneself and/or others.

Section 706, Modification of pilot program on receipt of non-generic prescription maintenance modifications under TRICARE pharmacy benefits program



Compels Sec. to carry out a pilot program on the receipt of non-generic prescription maintenance medications under the TRICARE Pharmacy Program.

If the Sec. carries out the pilot program, the reimbursement of retail pharmacies for medication under the pilot ***may not*** exceed the amount of a reimbursement paid to the national mail-order pharmacy program for the same medication.

Not later than 90 days after the enactment of the FY22 NDAA, the Sec. ***shall*** provide a briefing on the implementation of the pilot or on the determination that the Sec. is not permitted to carry out a said pilot program.

Section 707, Improvement of postpartum care for members of the Armed Forces and dependents



Not later than 180 days after the enactment of the FY22 NDAA, the SecDef ***shall*** establish clinical practice guidelines for the provision of postpartum care in MTFs.

Such guidelines ***shall*** address the following matters:

- 1) *Postpartum mental health assessments, including appropriate intervals for furnishing such assessments and screening questions*

- 2) *Pelvic health evaluation and treatment, including the appropriate training for furnishing a medical evaluation for pelvic health, considerations for providing consultations for physical therapy for pelvic health, and prospective tele-health options in the postpartum care space*
- 3) *Pelvic health rehab services*
- 4) *Obstetric hemorrhage treatment*

Not later than 180 days after the FY2022 NDAA's enactment, the Sec. ***shall*** establish a policy for the scheduling of appointments for postpartum health care services in MTFs.

The Sec. ***may*** carry out a pilot program in one or more MTFs to evaluate the effect of concurrent appointment scheduling, to degree clinically appropriate.

Not later than 180 days after the FY2022 NDAA's enactment, the Sec. ***shall*** establish a policy (to be standardized across the services) for time periods after giving birth that a member may be excused from or provided an alternative to a physical fitness test / body composition.

Section 714, Authority of Secretary of Defense and Secretary of Veterans Affairs to enter into agreements for planning, design, and construction of facilities to be operated as shared medical facilities



SecDef may enter into agreement(s) with SecVA (and vice-versa) for planning, design, and construction of facilities to be operated as shared medical facilities.

The respective Sec. ***may*** transfer funds under set conditions:

- a) *For the construction of a shared facility*
- b) *For the planning, design, and construction of space for a shared medical facility, as appropriated by DHP*

A "shared medical facility" means:

- 1) *a building or buildings, or a campus, intended to be used by both DoD & VA for the provision of health care services*
- 2) *includes any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, covered sidewalks, and accommodations for attending personnel.*

Section 717, Removal from required physical examination and mental health assessment for certain members of the reserve components



Requirement for physical exam. ***shall*** not apply with respect to a member of a reserve component unless the member is retiring, or being discharged or dismissed, from the Armed Forces.

Section 720, Department of Defense standards for exemptions from mandatory COVID-19 vaccines



Opposition Explained: AFSA believes standards for exemptions ought to be established by the uniformed services.

SecDef ***shall*** establish uniform standards under which covered members ***may*** be excused from receiving an otherwise mandated COVID-19 vaccine for administrative, medical, or religious reasons.

Section 723, Digital health strategy of Department of Defense

Not later than April 1, 2022, the SecDef ***shall*** develop a digital health strategy of DoD to incorporate new and emerging technologies and methods in the provision of clinical care within the Military Healthcare System (MHS).

Not later than July 1, 2022, SecDef ***shall*** provide a briefing setting forth:

- 1) *The strategy*
- 2) *The implementation portion of the strategy; including the estimated timeline and cost for implementation*

Section 725, Mandatory training on health effects on burn pits

SecDef ***shall*** provide (to each medical provider of DoD) mandatory training with respect to potential health effects of burn pits.

Section 731, Modifications and reports related to military medical manning and medical billets

Not later than one year after the FY2022 NDAA's enactment, the U.S. Comptroller General ***shall*** submit a report on the analysis used to support ***any*** reduction or realignment of military medical manning, including any reduction or realignment of medical billets of each MilDep.

The report shall include:

- I. *An analysis of the use of a joint medical estimate under Sec.732, FY2019 NDAA, and war-time scenarios to determine military medical manpower requirements, including the pandemic and homeland defense missions.*
- II. *An assessment of whether the Sec. of a MilDep used processes under Sec.719(b), FY20 NDAA, to ensure that a sufficient combination of skills, specialties, and occupations are validated and filled prior to the transfer of any medical billets of a said MilDep to fulfill other manpower needs.*
- III. *An assessment of the effect a reduction / realignment of such billets may have on local health care networks and whether the DHA Director has conducted such an assessment in coordination w/ the Sec. of each MilDep.*

Not later than September 30, 2022, each MilDep Sec. ***shall*** submit a report on lawful compliance

Each report shall include:

- a) *An accounting of the number of uniformed personnel and civilian personnel assigned to MTFs as of October 1, 2019*
 - If the number specified is less than any other number specified in any previous report, the Sec. ***shall*** provide a full explanation for the reduction

Section 732, Access by United States Government employees and their family members to certain facilities of Department of Defense for assessment and treatment of anomalous health conditions



The SecDef ***shall*** provide to employees of the U.S. government and their families (who the Sec. determines to be experiencing symptoms of certain anomalous health conditions) timely access for a medical assessment (subject to space availability), at the National Intrepid Center of Excellence, an Intrepid Spirit Center, and/or an appropriate MTF.

Section 733, Pilot program on cardiac screening at certain military service academies



SecDef ***shall*** establish a pilot program to furnish mandatory electrocardiograms to individuals admitted to a covered military service academy (MSA) in connection with the military accession screening process.

The scope of the pilot ***shall*** include at least 25% of the incoming class of individuals admitted to a covered MSA during the first fall semester that follows the FY2022 NDAA's enactment.

Section 734, Pilot program on assistance for mental health appointment scheduling at military medical treatment facilities



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** commence a pilot program, to be carried out for at least a one-year period, to provide direct assistance for mental health appointment scheduling under direct / purchased care components of the TRICARE program.

Not later than 180 days after the date of enactment of the FY22NDAA, the SecDef ***shall*** provide a briefing on the nature of the pilot program.

The briefing ***shall*** include an assessment of:

- I. *The effectiveness of the pilot program w/ respect to improved access to mental health care appointment(s)*
- II. *Barriers to scheduling appointments under the pilot as observed by professionals and participants*

Section 736, Limitation on certain discharges solely on the basis of failure to obey lawful order to receive COVID-19 vaccine



During the period time beginning on August 24, 2021, and ending on the date two years after the date of enactment of the FY22 NDAA, any administrative discharge of a covered member, on the **sole** basis that the covered member failed to obey a lawful order to receive a vaccine **shall** be a(n):

- Honorable discharge; **or**
- General discharge under honorable conditions

Section 737, Independent analysis of Department of Defense Comprehensive Autism Care Demonstration program



SecDef **shall** seek to enter into an agreement w/ the National Academies for Science Engineering and Mathematics (NASEM), not later than 60 days after the date of enactment of the FY22 NDAA, to conduct an analysis of DoDs Comprehensive Autism Care Demonstration program and develop recommendations for the SecDef based on a said analysis.

The analysis **shall** include the following:

- An assessment of all methods used to assist in the assessment of domains related to autism*
- An assessment of methods used under the demonstration to measure the effectiveness of the applied behavioral analysis in the treatment of autism*
- A review of guidelines / industry standards of care adhered to with respect to the provision of applied behavior analysis services under the demonstration program; including a review of the effects of such adherence w/ respect to dose-response or health outcomes for an individual who has received such services*
- A review of health outcomes for individual who has received applied behavior analysis treatments over time*
- An analysis of the increased utilization of the demonstration program by beneficiaries under TRICARE*
- An analysis on whether the incidence of autism is higher among children of military families*

Section 738, Independent review of suicide prevention and response at military installations



Not later than 90 days after the FY2022 NDAA's enactment, the SecDef **shall** establish an independent "suicide prevention and response review committee."

The Committee **shall** be composed of not fewer than five individuals designated by the Sec. w/ expertise determined to be relevant (including at least one individual who is an experienced provider of mental healthcare services) and **none** of whom may be a member of an Armed Force / DoD civilian employee.

The Sec. **shall** select, at least one military installation under the jurisdiction of each MilDep and at least one installation located in a remote location outside of the United States for review by the Committee.

The Committee **shall** review suicide prevention and response programs **and** other factors that may contribute to the incidence or prevention of suicide.

Such a review **shall** be conducted through means including:

- a) Confidential survey(s)
- b) Focus group(s)
- c) Individual interview(s)

Not later than 270 days after the date of establishing of the Committee, the Committee **shall** submit to the Sec. a report containing the results of reviews conducted and recommendations to reduce the incidence of suicide at military installation(s).

Not later than 330 days after the date of establishment of the Committee, the Committee shall report to Congress on the results of the reviews conducted and recommendations made to reduce the incidence of suicide at military installation(s) worldwide.

Section 740, Study on influence of breast cancer among members of the Armed Forces serving on active duty



The SecDef **shall** conduct a study on the incidence of breast cancer among members of the Armed Forces serving on active duty.

The study **shall** include:

- 1) *A determination of the number of members of the Armed Forces who served on active duty at any time during the period beginning on January 1, 2011, and ending on the date of enactment of the FY2022 NDAA, and were diagnosed with breast cancer during this period.*
- 2) *Demographics*
- 3) *Comparison of rates of members of the Armed Forces serving on active duty who have breast cancer to a civilian population cohort with comparable demographics*
- 4) *Identification of risk factors associated w/ service that could increase the risk of breast cancer for members of the Armed Forces serving on active duty*
- 5) *Identification of overseas locations associated with airborne hazards and members of the Armed Forces diagnosed with breast cancer who served in these locations*
- 6) *An assessment of the effectiveness of outreach by DoD to the members of the Armed Forces to identify risks and prospective treatment(s)*
- 7) *An assessment of the feasibility of changing current mammography screening policies of DoD to incorporate all members of the Armed Forces who deployed overseas to an area wherein such a member was exposed to airborne hazards*
- 8) *An assessment of feasibility and advisability of conducting digital breast tomosynthesis at facilities that provide mammography services*
- 9) *Recommendations to the SecDef that would improve the prevention, early detection, awareness, and treatment of breast cancer for those serving on active duty*

Section 741, GAO biennial study on Individual Longitudinal Exposure Record program



Not later than December 31, 2023, and once every two years thereafter until December 31, 2030, the Comptroller General of the United States ***shall***:

- 1) *Conduct a study on the implementation and effectiveness of the ILER of DoD and the Department of Veterans Affairs (VA)*
- 2) *Submit a report to the defense congressional committees containing the findings of the study*

Section 742, Comptroller General study on implementation by Department of Defense of recent statutory requirements to reform the military health system



The Comptroller General of the United States ***shall*** conduct a study on DoDs implementation of statutory requirements aimed at reforming the MHS covered in previous NDAAs (FY2012-2022).

The study ***shall*** include:

- a) *A compilation and citation for each MHS reform requirement*
- b) *An assessment of the extent to which such a request was implemented or is currently being implemented*
- c) *An evaluation of actions by DoD to assess and determine the effectiveness of actions taken pursuant to such a requirement*

Section 743, Study to determine need for a joint fund for Federal Electronic Health Record Modernization Office



The SecDef, in coordination w/ the SecVA, ***shall*** conduct a study to determine:

- 1) *Whether there is a validated need of requirement for the development of a joint fund of DoD and VA for EHRMO; and*
- 2) *Whether operations of EHRMO, since its establishment, justify the development of a joint fund*

Section 745, Briefing on substance abuse in the Armed Forces



Not later than June 1, 2022, the UnderSecDef for Personnel and Readiness (P&R) ***shall*** provide a briefing to Congress on substance abuse policies, strategies, and programs within DoD.



Sexual Harassment and Assault Prevention





Section 531, Special trial counsel



Opposition Explained: While **AFSA** supports the establishment of a special trial counsel (STC), **AFSA does not** support the STC maintaining **exclusive** authority over any determinations related to case dismissal, referral, and/or plea bargain(s). Rather, **AFSA** believes authority over any determinations related to dismissal, referral, and/or plea bargain(s) ought to be maintained by a commander, wherein the STC may offer a formal recommendation for command consideration.

Each Sec. concerned **shall** promulgate regulations for detail of commissioned officers to serve as special trial counsel.

Special trial counsel (STC) **shall** have **exclusive** authority to determine if a reported offense is a covered offense under the UCMJ.

If STC determines a reported offense is a covered offense, the STC **may** also exercise authority over any offense that the STC determines to be related to the covered offense and any other offense alleged.

Dismissal, Referral, and Plea Bargains: The STC **shall** have the **exclusive** authority to:

- 1) On behalf of the government (gov't), withdraw or dismiss charges or make a motion to withdraw or dismiss charges;
- 2) Refer charges and specifications for trial by a special or general court-martial;
- 3) Enter into a plea agreement; *and*

Deferral to Commander or Convening Authority

If the STC exercises authority over an offense and elects not to prefer charges, a commander or convening authority **may** exercise **any** of the authorities of such a commander or convening authority with respect to the alleged offense **except** refer charges and specifications for the covered offense by a special or general court-martial.

Not later than one year after the FY22 National Defense Authorization Act's (NDAA's) enactment, each Sec. concerned **shall** submit a report outlining a plan for detailing certain officers to serve as STC.

The STC **shall** be a commissioned officer who is:

- 1) A member of the BAR of a federal court or member of the bar of the highest court in a State
- 2) Certified, by reason of education, training or experience, and temperament, for duty by the JAG of which an officer is a member

Section 532, Policies with respect to special trial counsel



Opposition Explained: While **AFSA** supports the eligibility criteria outlined that each STC must meet, **AFSA** does not support Section 532 by virtue of opposition to Section 531.

SecDef ***shall*** establish policies for the Sec. of each MilDep to implement policies relating to activities of the STC.

The policies shall:

- 1) Provide for the establishment of a dedicated office within each service from which STC activities will be supervised and overseen
- 2) Provide for the appointment of ***one lead*** STC counsel, who ***shall***:
 - a. *Be a judge advocate of that service at a grade no lower than O-8, with significant experience in military justice*
 - b. *Be responsible for the overall supervision and oversight of service STC activities; and*
- 3) Ensure that within each office created, the STC and other personnel assigned or detailed to the office are ***independent of the chain of command*** to the alleged and alleged of covered offenses and conduct assigned activities free from unlawful or unauthorized influence or coercion
- 4) Provide that the STC ***shall*** be well-trained, experienced, highly skilled, and competent in handling cases involving covered offenses; and
- 5) Provide that commanders of the alleged and alleged ***shall*** have the opportunity to provide input to the STC regarding case disposition (however, the input is not binding on the STC)

Section 533, Definition of military magistrate, covered offense, and special trial counsel



Opposition Explained: While AFSA supports ***limiting*** the ***cases*** under which a STC may exercise the authority to issue any determinations related to case dismissal, referral, and/or plea bargain(s) ***to special victims' crime(s)***, AFSA does not support Section 533 by virtue of opposition to Section 531.

The term “covered offense” means:

- 1) *Wrongful broadcast or distribution of intimate visual images*
- 2) *Murder*
- 3) *Manslaughter*
- 4) *Rape and sexual assault*
- 5) *Rape and sexual assault of a child*
- 6) *Other sexual misconduct*
- 7) *Forcible sodomy; bestiality*
- 8) *Domestic violence*
- 9) *Child pornography*

Section 534, Clarification relating to who may convene courts-martial



A commanding officer ***shall not*** be considered an accuser solely due to the role of the commanding officer in convening a general court-martial to which charges were referred by a STC.

Section 535, Detail of trial counsel



For each general and special court-martial for which charges and specifications were referred by a STC:

- 1) STC shall be detailed as trial-counsel; and
- 2) STC may detail other trial counsel as necessary who are judge advocates

Section 536, Preliminary hearing



Opposition Explained: AFSA does not support Section 532 by virtue of opposition to Section 531.

With respect to charges / specifications over which the STC is exercising authority, the STC shall determine whether a hearing is required.

Section 537, Advice to convening authority before referral for trial



Referral to a general/special court-martial for trial of charges and specifications over which a STC exercises authority ***may only*** be made:

- 1) By a STC, accompanying a STC's written determination accompanying the referral that:
 - a) Each specification under a charge alleges an offense under the chapter
 - b) There is probable cause to believe the accused regarding the offense charged; and

- 2) A court-martial would have jurisdiction over the accused and the offense

Section 539(d), Inclusion of sexual harassment as general punitive article



Not later than 30 days after the FY22 National Defense Authorization Act's (NDAA's) enactment, the President ***shall***:

Prescribe regulations establishing sexual harassment as an offense under the UCMJ

Regulations / revisions to a Manual for courts-martial required ***shall*** provide for the following elements of a “constituting offense”:

- 1) Accused knowingly made sexual advancements, demands or requests for sexual favors, or knowingly engaged in other conduct of a sexual nature;
- 2) That such conduct was unwelcomed; and
- 3) That such conduct:
 - a) *Would cause a reasonable person to believe, and a certain person to believe, that submission to such conduct would be made a term / condition of an accuser’s career*
 - b) *Would cause a reasonable person to believe submission to, or rejection of, such conduct to be used as the basis for career advancement*
 - c) *Was so severe, repetitive, or pervasive that a reasonable person would perceive there to be an intimidating, hostile, or offensive working environment*

Section 539(e), Sentencing reform 

Not later than two years after the FY22 National Defense Authorization Act’s (NDAA’s) enactment, the President ***shall*** prescribe regulations establishing sentencing parameters and sentencing criteria related to such offenses.

A said regulations ***shall*** include offense-specific factors a military judge would consider and any collateral effects of available punishments that may aid a military judge in determining an appropriate sentence.

Establish within the Department of Defense (DoD) a “Military Sentencing Parameters and Criteria Board”

The “Board” ***shall*** submit to the President for approval:

- 1) Sentencing parameters for all offenses under Chapter 47, Title 10, U.S.C.
- 2) Sentencing criteria to be used by military judges in determining appropriate sentences for offenses that are identified as unsuitable for sentencing parameters if:
 - I. *The Nature of the offense is indeterminate and unsuitable for categorization; and*
 - II. *There is no similar criminal offense under law*
- 3) Shall apply to sentences adjudged in cases in which all findings are guilty of offenses that occurred after the date that is two years after the FY22 NDAA’s enactment

Section 539(g), Briefing on implementation of certain recommendations of the Independent Review Commission on Sexual Assault in the Military 

No later than 180 days after the FY22 NDAA's enactment, SecDef ***shall*** provide the Congressional defense committees a briefing on the status of the implementation of recommendations set forth by the IRC.

The briefing ***shall*** address:

- a) Whether, how, and to what extent the recommendation(s) have been implemented
- b) Any rules, regulations, policies, or other guidance that have been changed because of the IRCs recommendations

For recommendations not fully implemented and/or suspended, the SecDef ***must*** account for:

- a) Intermediate actions, milestone dates, and any such completion date for the implementation of the recommendation
- b) Any rules, regulations, policies, or other guidance expected to be issued as a replacement for the original / revised recommendation

Section 543, Independent investigation of complaints of sexual harassment



Opposition Explanation: AFSA maintains that the authority to carry out an investigation of this matter ought to be exercised by a commanding officer or officer in charge, as outlaid by: [§1561. Complaints of sexual harassment: investigation by commanding officers.](#)

The Commanding officer / officer in charge who receives a formal complaint alleging a claim of sexual harassment by a member of the Armed Forces and, to the extent practical, directs that an independent investigation be carried out, the commander ***shall***:

- 1) *Forward the complaint or detailed description of an allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial; and*
- 2) *Advise the complainant of the commencement of an investigation*

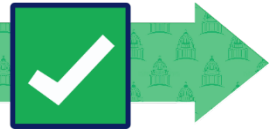
To the extent “practicable,” a commanding officer or officer in charge ***shall*** ensure that an independent investigation of the complaint is completed in no more than 14 days and that the findings of the investigation are forwarded to the officer in charge.

The commanding officer ***shall***:

- 1) *Submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer*
- 2) *Submit a report on the progress made in the investigation to the next superior officer within 20 days after the date on which the investigation commenced ***and*** every 14 days thereafter until the investigation is completed.*
- 3) *Upon the completion of the initial investigation, then submit a final report on the results of the investigation, ***including*** any action taken as a result of the investigation, to the next superior officer.*

This Section ***shall*** take effect on a date that is two years after the FY22NDAA's enactment.

Section 544, Department of Defense tracking of allegations of retaliations by victims of sexual assault or sexual harassment and related persons



SecDef ***shall*** designate a component of the office of the SecDef to be responsible for documenting and tracking all covered allegations of retaliation and ***shall*** ensure that the Sec. concerned, and DoD OIG provide the information required to track a said allegation.

The head of the component designed by the SecDef shall document and track each covered allegation of retaliation, including:

- 1) *That such allegation has been reported ***and*** by whom*
- 2) *The date of the report*
- 3) *The nature of the allegation and name of person or persons alleged to have engaged in such retaliation*
- 4) *DoD component or other entity responsible for the investigation of or inquiry into the allegation*
- 5) *Entry of findings*
- 6) *Referral of such findings to a decision-maker for review and action*
- 7) *Outcome of the final action*
- 8) *Any other element of information pertaining to the allegation determined appropriate by the Sec. or head of component designed by the Sec.*

Section 546, Civilian positions to support Special Victims' Counsel



Each MilDep Sec. ***may*** establish one or more civilian positions within each office of the Special Victims' Counsel (SVC)

The duties of each position ***shall*** be:

- 1) To provide support to the SVC; including legal, paralegal, and/or administrative support
- 2) To ensure a continuity of legal services and the preservation of institutional knowledge in the provision of victim legal services notwithstanding transitions in military personnel assigned to the Office of the SVC

Section 547, Plans for uniform document management system, tracking pretrial information, and assessing changes in law



Not later than one year after the FY22NDAA's enactment, the SecDef, ***in consultation*** with the SecDHS, each MilDep Sec., and Judge Advocates ***shall*** publish a plan pursuant to which the SecDef shall establish a single document management system (to be used by each Armed Force) to collect and present information on matters within the military justice system.

Section 549, Activities to improve family violence prevention and response



SecDef, in consultation with the Sec. of each MilDep, ***shall***:

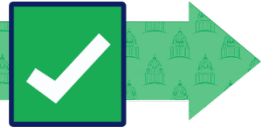
- 1) Issue guidance to the MilDep Sec's to "clarify and standardize" the process for collecting and reporting data on domestic abuse, including:
 - a) Data on the numbers and types of domestic incidents involving members of the Armed Forces
 - b) Develop quality control processes to ensure accurate and complete reporting of data on allegations of abuse involving members of the Armed Forces, including allegations of abuse that ***do not*** meet the DoD's definition of domestic abuse
- 2) Issue guidance pursuant to which the personnel of a Family Advocacy Program at a military installation ***may*** enter a MOU with qualified civilian victim service organization(s) responsible for providing services to victims of domestic abuse.

The MOU described ***shall*** provide those personnel of a Family Advocacy Program at a military installation ***may*** refer a victim of domestic abuse to a qualified Veterans Service Organization (VSO) if such personnel decide that:

- I. The services offered are insufficient to meet the victim's needs; ***or***
- II. Such referral would otherwise benefit the victim

Each MilDep Sec ***shall*** ensure that a military family member who reports an incident of domestic abuse or child abuse and neglect to the Family Advocacy Program receives comprehensive information on the services available to the family member in connection with the incident.

Section 549(a), Annual primary prevention research agenda



On October 1, 2022, and annually on the first day of each fiscal year after, the SecDef ***shall***:

Publish a DoD research agenda for that fiscal year, focused on the prevention of interpersonal and self-directed violence, including:

- 1) *Sexual assault*
- 2) *Harassment*
- 3) *Domestic violence*
- 4) *Child abuse and maltreatment*
- 5) *Problematic juvenile sexual behavior*
- 6) *Suicide*
- 7) *Workplace violence*
- 8) *Substance abuse*

Section 549(b), Primary prevention workforce



SecDef ***shall*** establish a Primary Prevention Workforce (PPW) to provide a comprehensive and integrated program across the DoD enterprise for primary prevention of violence.

Not later than 180 days after the FY2022NDAA's enactment, SecDef ***shall*** submit to the defense Congressional committees a "holistic model" for a said Workforce.

The model shall include the following:

- 1) *A description of the PPW roles, responsibilities, and capabilities*
- 2) *The design and structure of the PPW*
- 3) *Strategies, plans, and systematic approaches for recruiting, credentialing, promoting, and sustaining the diversity of the PPW roles necessary for dedicating itself to primary prevention*
- 4) *The creation of standardized base of education and experience across the PPW*

Section 549(c), Reform and improvement of military criminal investigative organizations



Not later than 180 days after the FY2022NDAA's enactment, the appropriate Sec. concerned ***shall***:

- 1) *Complete an evaluation of effectiveness of the military criminal investigative organization currently under the jurisdiction of each MilDep Sec.*
- 2) *Submit a report that includes the results of the evaluation; and, based on the results, a proposal for reforming such organizations to ensure the demand for complex investigations is met*

Section 549(d), Military defense counsel



Each MilDep Sec. ***shall***:

- 1) *Ensure that military defense counsel have timely and reliable access to funding for defense investigators, expert witnesses, trial support, pre-trial and post-trial support, paralegal support, counsel travel, and other necessary resources*
- 2) *Ensure that military defense counsel are well-trained and highly skilled / experience*

Section 549(e), Full functionality of Military Justice Review panel



Not later than 30 days after the FY2022NDAA's enactment, the SecDef ***shall*** establish or reconstitute, maintain, and ensure the full functionality of the Military Justice Review panel

Section 549(f), Military service independent racial disparity review



Each MilDep Sec. ***shall*** assess racial disparity in military justice and discipline processes and military personnel policies (as they pertain to minority populations).

“Military justice” and “Discipline processes” refers to all facets of the military justice system; including investigation, the use of administrative sanctions, non-judicial punishment, panel selection, pre-trial confinement, use of solitary confinement, dispositions of courts-martialing, and post-trial processes.

Section 549(g), Inclusion of race and ethnicity in annual reports on sexual assaults; reporting on racial and ethnic demographics in the military justice system



Not later than March 1 of each year, each MilDep Sec. ***shall*** submit to the SecDef a report on racial, ethnic, and sex demographics in the military justice system during the preceding year.

Each report ***shall*** include the # Of:

- a) *Offenses in the Armed Forces that were investigated*
- b) *Offenses in which administrative action was imposed*
- c) *Offenses in which non judicial punishment was imposed*
- d) *Offenses in which charges were referred to court-martial*
- e) *Offenses which resulted in conviction at court-martial*
- f) *Offenses which resulted in an acquittal at court-martial*

Not later than two years after the FY2022 NDAA’s enactment, the SecDef ***shall*** prescribe a policy requiring information on the race and ethnicity of accused individuals to be included (to the furthest extent possible) in the annual report.

Section 549(h), DoD Safe Helpline authorization to perform intake of official restricted and unrestricted reports for eligible adult sexual assault victims



The DoD Safe Helpline ***is authorized*** to provide crisis intervention / support and to perform intake of official reports of sexual assault from eligible victims who contact the helpline.

DoD Safe Helpline staff ***shall*** have specialized training and the appropriate certification to support victims.

The DoD Safe Helpline ***shall*** provide the ability to receive reports of sexual assaults through its website and/or a mobile phone application.

“Reports” shall include ***unrestricted*** and ***restricted*** reports.

Section 549(l), Extension of annual report regarding sexual assaults involving members of the Armed Forces



- Through March 1, 2026



Beginning no later than 30 days after the FY2022NDAA's enactment, the SecDef ***shall*** initiate a personnel study to determine:

- 1) *Feasibility and advisability of creating a military occupational specialty for SARCs*
- 2) *If determined to be feasible and advisable, the optimal approach to establishing and maintain such a military occupational specialty (MOS)*

Not later than 180 days after the FY2022NDAA's enactment, SecDef ***shall*** submit a report to the Congressional defense committees including:

- 1) A determination of the SecDef as to whether creating a MOS for SARCs is feasible / advisable
- 2) If SecDef determines it ***is***:
 - a) A recommendation on the rank and level of experience required for a MOS specialty for SARC
 - b) Recommendation for strengthening recruitment and retention of members of the Armed Forces of the required ranking and experience, including recommendations with respect to:
 - I. *Designating SARC as a MOS*
 - II. *Providing initial or recurrent bonuses or duty station(s) of choice to members who qualify for the MOS*
 - III. *Limiting the amount of time that a member who qualified for the MOS can serve as a SARC in each period*
 - IV. *(Regarding evaluations), completed by an officer in the rank of O-6 or higher, for members who have qualified for the occupational specialty and are serving as a SARC*
- c) Recommendation for standardizing training and education for members of the Armed Forces seeking a MOS for SARCs, including by establishing dedicated educational programs for such members within each Armed Force
- d) Analysis on the impact of MOS for SARCs on personnel management of existing programs (including recruitment and retention)
- e) Analysis of requirements for a SARC
- f) Analysis of costs of establishing and maintaining a MOS for SARCs
- g) Analysis of potential impacts to MOS for SARCs on the mental health of personnel within a said specialty



Housing and Education



Section 525, Command oversight of military privatized housing as element of performance evaluations



Each MilDep. Sec. ***shall*** ensure performance evaluations of:

- Command(s) of an installation at which on-installation housing is managed by a landlord of privatized housing;
- Each officer or senior enlisted members at a said installation; and
- Any other officer or enlisted member – regardless of installation stats – provide for assessment of extent to which individual has (or hasn't) exercised “effective” oversight and leadership in:
 - 1) Improving the conditions of privatized housing
 - 2) Addressing concerns with respect to the housing of service members and their families.

Section 526, Feasibility study on establishment of housing history for members of the Armed Forces who reside in housing provided by the United States



No later than September 30, 2022, SecDef ***shall***:

- 1) Conduct a feasibility study regarding the establishment of a standard record of housing history

The record would include an:

- a) *Assessment of the commander of an installation in which the housing unit is located*
- b) *Condition of the housing unit prior to and after the former residency in the property*

Section 551, Troops to Teachers Program



Opposition Explanation: Since 1993, the Troops to Teachers Program (TTT) has helped service members, military retirees, and other veterans gain education and start new careers as K-12 grade teachers in public schools, charter schools, and Bureau of Indian Education schools. While **AFSA** supports the scope of the reporting requirements on TTT as outlined, **AFSA opposes** any measure that would ***eliminate and/or reduce resources directed to TTT.***

Not later than December 1, 2022, an annually thereafter, the SecDef ***shall*** submit a report on:

- a) *The total cost of the Program for the most recent fiscal year*
- b) *Total # of teachers placed during the most recent fiscal year and placement location(s)*

- c) *An assessment of the STEAM backgrounds of teachers placed, the # of placements in high-need schools, and any other metric / information the SecDef considers appropriate to illustrate the costs / benefits of the Program to members of the Armed Forces, Veterans, and local educational agencies*

The Program ***shall*** terminate on July 1, 2025, with respect to the selection of new participants for the program.

Participants as of that day may complete their program and remain eligible for benefits.

Section 563, Certain assistance to local educational agencies that benefit dependents of military and civilian personnel



\$50,000,000 ***shall*** be made available only for the purpose of aiding local educational agencies.

\$10,000,000 ***shall*** be available for use by the SecDef to make payments to local educational agencies determined by the Sec. to have a higher concentration of military children with severe disabilities.

No later than March 31, 2022, the SecDef ***shall*** brief the Congressional defense committees on a Department evaluation of each local educational agency w/ higher concentrations of military children with severe disabilities and determination of the amounts of impact aid provided.

Section 569, Briefing on process to certify reporting of eligible federally connected children for purposes of Federal impact aid program



Not later than April 1, 2022, SecDef ***shall*** brief the Congressional defense committees on the following:

- 1) *Feasibility of developing written processes whereby an installation commander can certify information contained in impact aid source check forms received by such an installation by such an installation commander from a local educational agency*
- 2) *Benefits of working with local educational agencies to certify impact aid source check forms are submitted in an appropriate manner*
- 3) *Estimated timeline to implement such a process*

Section 606, Report on relationship between basic allowance for housing and sizes of military families



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** submit a report on whether basic allowance for housing is sufficient for the average family size of members of the Armed Forces disaggregated by rank and military housing area (MHA).

Section 607, Report on certain moving expenses for members of the Armed Forces



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** submit a report on moving expenses incurred by members of the Armed Forces that exceed such expenses covered by the Joint Travel Regulations for the uniformed services.

SecDef ***shall*** examine the root causes of such expenses.

Section 608, Report on temporary lodging expenses in competitive housing markets



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** submit a report on the appropriateness of a maximum payment period of 10 days in highly competitive housing markets.

The report ***shall*** include how the SecDef educates members of the Armed Forces and families about the ability to request a payment.

Section 609, Report on rental partnership programs



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** submit a report on rental partnerships of the Armed Forces.

The report ***shall*** include:

- #'s and %'s of members of the Armed Forces who don't live in housing located on military installations who participate in such programs
- Recommendation of each Sec. on whether Congress should establish annual funding for such programs and, if so, in what amounts.



Military Spouse and Family Support



Section 564, Pilot program to establish employment fellowship opportunities for military spouses



SecDef ***may*** establish a three-year pilot program to provide employment support to spouses of members of the Armed Forces through a paid fellowship with employees across a variety of industries.

In carrying out the pilot, SecDef shall:

- 1) *Enter into a contract or other agreement to conduct a career fellowship program for military spouses*
- 2) *Determine the appropriate capacity for the pilot based on annual funding availability*
- 3) *Establish evaluation criteria to determine / measure effectiveness and cost-benefit-analysis of the pilot in supporting spouse employment*

Not later than two years after the Sec. establishes the pilot, the Sec. ***shall*** submit an interim report that includes:

- 1) *# Of spouses who participated in the pilot*
- 2) *Amount of funding spent through the pilot annually*
- 3) *Recommendation of whether to discontinue, expand, or make the pilot permanent*

Section 566, Implementation of GAO recommendation on improved communication of best practices to engage military spouses with career assistance resources



SecDef ***shall*** develop a plan to implement recommendations of the Comptroller General to address strategies for sharing information on outreach to military spouses regarding career assistance resources as in the GAO Report titled, “Military Spouse Employment: DoD Should Continue Assessing State Licensing Practices and Increase Awareness of Resources”.

The plan ***shall*** include:

- 1) A summary of actions that have been taken to implement the recommendation
- 2) Summary of actions that will be taken to implement the recommendations, including how the Sec. plans to:
 - a) *Engage military services, installations, and other local stakeholders to obtain information on outreach approaches and best practices used by installations and stakeholders*
 - b) *Overcome factors that may limit the use of best practices*
 - c) *Disseminate best practices to relevant stakeholders*

Section 567, Study on employment of military spouses



SecDef ***shall*** conduct a study to identify employment barriers impacting military spouses.

The study ***shall*** determine:

- a) Rate or prevalence of military spouses who are currently employed and whether such spouse(s) have children
- b) Rate of prevalence of military spouses who are unemployed
- c) Whether the spouse would have taken a different position of employment if the spouse wasn't impacted by the spouse who is a member of the Armed Forces
- d) Rate of prevalence of military spouses who, due to military affiliation, have experienced discrimination by civilian employers; including via loss of employment, denial of a promotion, and difficulty in being hired
- e) Any other barriers of entry into the local workforce for military spouses, including:
 - I. *State licensure requirements*
 - II. *Availability of childcare*
 - III. *Access to broadband*
 - IV. *Job availability in military communities; and*
 - V. *Access to housing*

Section 569, Briefing on process to certify reporting of eligible federally connected children for purposes of Federal impact aid program



Not later than April 1, 2022, SecDef ***shall*** brief the Congressional defense committees on the following:

- 1) *Feasibility of developing written processes whereby an installation commander can certify information contained in impact aid source check forms received by such an installation by such an installation commander from a local educational agency*
- 2) *Benefits of working with local educational agencies to certify impact aid source check forms are submitted in an appropriate manner*
- 3) *Estimated timeline to implement such a process*

Section 569(a), Briefing on legal services for families enrolled in the Exceptional Family Member Program

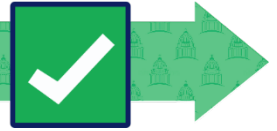


Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** brief the congressional defense committees on:

- 1) The training, provided by civilian attorneys or judge advocates general, regarding special education

- 2) Casework, relating to special education, or such civilian attorneys and judge advocates general
- 3) Information on how such legal services tie into the broader EFMP support under the *Individuals with Disabilities Act*, including the geographic support model
- 4) Other matters regarding such legal services that the SecDef deems appropriate

Section 624, Expansion of pilot program to provide financial assistance to members of the Armed Forces for in-home childcare



SecDef ***may*** carry out the pilot program at other locations if the Sec. determines it is appropriate.

Section 625, Pilot program on direct hire authority for spouses of members of the uniformed services at locations outside the United States



SecDef ***may*** carry out a pilot program to assess the feasibility and advisability of using authority to hire spouses of members of the uniformed services at locations outside the United States.

In carrying out the pilot program, the Sec. ***may*** appoint a spouse of a member of the uniformed services stationed at a duty location outside the U.S. to a position if:

- 1) The spouse has been authorized to accompany the member to a duty location at the government's expense; and
- 2) The duty location is within reasonable commuting distance, as determined by the Sec. concerned, of the location of position.

The position described is a competitive service position within DoD that is located outside the U.S.

The terms of the appointment are as follows:

- 1) The appointment made shall be for a term not exceeding two years
- 2) SecDef may review an appointment made for not more than two additional terms
- 3) The appointment made shall terminate on date on which a member of the uniformed services relocates back to the U.S. in connection with a permanent change of station (PCS)

Section 626, Casualty assistance program: reform; establishment of working group



Not later than 180 days after the FY2022 NDAA's enactment, the SecDef ***shall*** establish a working group to be known as the "Casualty Assistance Reform Working Group."

The Working Group ***shall***:

- a) Create standards / training for Casualty Assistance Officers (CAOs) across each MilDep
- b) Explore the possibility of establishing a unique badge designation for:
 - I. CAOs who have performed CAO duty more than four times; or
 - II. Professional CAOs
- c) Examine current workflow of casualty affairs support across each MilDep, including administrative processes and survivor engagement
- d) Perform a gap analysis and solution document that clearly identifies and prioritizes critical changes to modernize and professionalize casualty experiences for survivors
- e) Review organization of the Office of Casualty, Moratory Affairs and Military Funeral Honors to ensure it is positioned to coordinate policy and assist in all means of public policy
- f) Explore the establishment of:
 - I. An annual meeting, led by the SecDef, with Gold Star families
 - II. Surviving / Gold Star Family leadership council
- g) Receive improvements to the family notification process of Arlington National Cemetery (ANC)
- h) Explore redesign of the Day Ahead Binder, including the creation of an e-version
- i) Consider expansion of the DD Form 93 to include more details regarding last wishes of a deceased member

A “membership” of the working group ***shall*** be composed of:

- a) *The UnderSecDef for Personnel and Readiness, who shall serve as Chair*
- b) *At least one person furnished with a Gold Star lapel by each MilDepSec*
- c) *Other members of the Armed Forces and civilian employees of DoD*

Not later than September 30, 2022, the Working Group ***shall*** submit a report containing determinations and recommendations of the Working Group.

The Working Group ***shall*** terminate upon the submission of the report.

Section 2816, Improvements of Department of Defense child development centers and increased availability of child care for children of military personnel



Not later than one year after the FY2022 NDAA’s enactment, each MilDepSec ***shall*** complete an inspection of all facilities under the jurisdiction of that Sec. used as a child development center (CDC) to identify any unresolved safety issues, including lead, asbestos, and mold, that adversely impact the CDC.

Beginning not later than one year after the FY2022 NDAA’s enactment, and pursuant to such regulations as the SecDef may prescribe, each MilDepSec is encouraged to enter into agreements with public and private entities to provide childcare to the children of personnel under the jurisdiction of that Secretary.



Afghanistan War Commission and Support Services





Section 1094, Afghanistan War Commission Act of 2021



There is established (in the legislative branch) an independent commission to be known as the “Afghanistan War Commission.”

The purpose of the Commission is to:

- a) *Examine key strategic, diplomatic, and operational decisions that pertain to the war in Afghanistan; including decisions, assessments, and events that preceded the war in Afghanistan; and*
- b) *Develop a series of lessons learned and recommendations for a way forward that will inform future decisions by Congress and policymakers throughout the United States*

Not later than 60 days after the initial meeting of the Commission, the Commission ***shall*** submit a report describing the Commission’s findings, recommendations, and/or lessons learned.

Let’s talk about Afghanistan: Resources for Veterans and their families

Link to full website: <https://blogs.va.gov/VAntage/93577/lets-talk-about-afghanistan-resources-veterans-families/>

Due to Veterans from all eras reacting to the events in Afghanistan, such as withdrawal and take over by the Taliban, VA is working quickly to share VA resources, call center information, peer support, and other community services. For matters of convenience, provided below are just a few of these resources:

- **Vet Centers** – *Discuss how you feel with other Veterans in these community-based counseling centers. **70% of Vet Center staff are Veterans.** Call [1-877-927-8387](tel:1-877-927-8387) or find one [near you](#).*
- **Veterans Crisis Line** – *If you are having thoughts of suicide, call [1-800-273-8255](tel:1-800-273-8255), then PRESS 1 or visit <http://www.veteranscrisisline.net/>*
- For emergency mental health care, you can also go directly to [your local VA medical center](#) 24/7 regardless of your discharge status or enrollment in other VA health care.
- **VA Women Veterans Call Center** – *Call or text [1-855-829-6636](tel:1-855-829-6636) (M-F 8AM – 10PM & SAT 8AM – 6:30PM ET)*
- **VA Caregiver Support Line** – *Call [1-855-260-3274](tel:1-855-260-3274) (M-F 8AM – 10PM & SAT 8AM – 5PM ET)*
- **[Download VA’s self-help apps](#)** – *Tools to help deal with common reactions like, stress, sadness, and anxiety. You can also track your symptoms over time.*
- **[VA Mental Health Services Guide](#)** – *This guide will help you sign up and access mental health services.*
- **MakeTheConnection.net** – *information, resources, and Veteran to Veteran videos for challenging life events and experiences with mental health issues.*



Issue Background:

- Helmet therapy is used to gently correct the shape of babies' skulls over time.
- Newborn babies' skulls are soft plates with spaces between them. As the baby grows, these plates grow, gradually harden, and knit together.
- Unfortunately, there are circumstances wherein the soft plates may develop a flat spot or uneven appearance. This condition is called plagiocephaly.
- Today, almost one in two babies (47%) is affected by some form of plagiocephaly.
- When the baby's skull joins together too early, or in an abnormal way, this is called craniosynostosis. There are several types of craniosynostosis, depending on when the baby's skull joins together.
- Today, it is estimated that 1 in every 2,500 babies has craniosynostosis.
- Positional skull deformities and/or abnormalities — whether diagnosed as a form of plagiocephaly or craniosynostosis — can have short- and long-term health effects on a child.
- However, despite this, TRICARE only covers the Dynamic Orthotic Cranioplasty (DOC) Band Post-Op device, synonymously referred to as a “molding helmet,” if your baby:
 1. *Is three to 18 months old; and*
 2. *Has had craniosynostosis surgery;*
 3. *But still has a misshaped skull.*
- In other words, cranial molding helmet(s) are not covered for the treatment of nonsynostotic positional plagiocephaly or for the treatment of craniosynostosis before surgery; despite medical evidence that suggests the presence or absence of congenital or acquired plagiocephaly (to include torticollis) can, at the very least, increase the risk of gross motor development.
- As a result, military families — who face unique challenges given the sacrifices that come along with serving our country — have been put in the tragic position to either front the hefty cost of the helmet (approximately \$2,000), seek alternative forms of treatment that may not be preferred, or forego treatment altogether.

AFSA's Position: Expand TRICARE Coverage

- AFSA urges our nation's elected officials to support legislation that would expand the scope of TRICARE's coverage of the DOC Band Post-Op device if your baby: (1) *Is three to 18 months old; and* (2) *Is diagnosed with craniosynostosis or nonsynostotic positional plagiocephaly (to include torticollis)*

Call To Action Link: <https://www.voterveice.net/AFSA/campaigns/92802/respond>



Issue Background:

- On March 23, 2010, the Affordable Care Act (ACA) was signed into law by then-President Barack Obama.
- Of note, the ACA requires plans and issuers that offer dependent child coverage to make the coverage available until a child (whether married or unmarried) reaches the age of 26.
- Unfortunately, this protection is not granted in the same capacity to the 1,644,456 military children.
- Under current law, military children are eligible for standard TRICARE coverage until their 21st birthday or 23rd birthday if enrolled full time at an approved college.
- After “aging out,” certain qualified young adults are permitted to enroll in the TRICARE Young Adult (TYA) program up until the age of 26.
- However, unlike the ACA requirement, enrollees are required to cover the cost of the TYA program in full.
- As a result, the TYA program exists as a premium-based health care plan with a narrow eligibility criterion at a relatively hefty price, especially for enlisted families.

Legislation Summary:

- Modifies the extension of dependent coverage under TRICARE by allowing a dependent at the age of 26 to be covered without an additional premium.
- Authorizes such coverage of dependents without a premium regardless of whether they are eligible to enroll in an employer-sponsored plan.

AFSA’s Position: Support

- A crucial cornerstone of the AFSA’s quality of life mission is to expand access to affordable health care coverage, lower costs, and improve quality and care coordination for beneficiaries and their families.
- Without question, the *Health Care Fairness for Military Families Act* meets this standard.

Call To Action Link: <https://www.votervoice.net/AFSA/campaigns/92815/respond>



Issue Background:

- For more than 100 years prior to 1999, all disabled military retirees were required to fund their own veterans' disability compensation by forfeiting one dollar of earned retired pay for each dollar received in veterans' disability compensation.
- However, in 2003, due to the persistent advocacy efforts over the years by the AFSA and our Coalition partners, military retirees with a service-connected disability of at least 50% have been able to concurrently receive all of their military retirement pay and VA disability compensation without any offset.
- Unfortunately, those with disabilities rated below 50% still lose one retirement dollar for each compensation dollar received from the VA. Additionally, if a service member's career prematurely concludes due to a medical condition that forces a mandatory early retirement, the service member is also subjugated to a dollar-for-dollar reduction in their military retired pay.
- Over the past several years, members of both houses of Congress have introduced legislation calling for full CRDP, only to see their legislation dropped before inclusion in the annual defense bill.

Legislation Summary:

- Authorizes veterans with a service-connected disability of less than 50% to concurrently receive both retired pay and disability compensation.
- Makes qualified disability retirees with less than 20 years of retirement-creditable service eligible for concurrent receipt, subject to specified reductions in retired pay.

AFSA's Position: Support

- Military retired pay earned by service and sacrifice should not be reduced, under any circumstance, simply because a military retiree is also eligible for veterans' disability compensation awarded for a service-connected disability.

Call To Action Link: <https://www.votervoice.net/AFSA/campaigns/93860/respond>



Issue Background:

- In the Fiscal Year 2017 National Defense Authorization Act (NDAA), Congress approved a measure opposed by the Air Force Sergeants Association (AFSA) that would force Group A military retirees and their families to pay a monthly TRICARE Select enrollment fee to maintain their TRICARE Select coverage.
- Since January 1, 2021, retirees using TRICARE Select have been required to pay an enrollment fee equating to \$150 per year for an individual and \$300 for a family. Additionally, retirees have been forced to pay a \$30 copay for a primary care visit or urgent care visit at a network physician, or 25% of the cost for non-network care, as well as \$45 or 25% at a network or non-network specialty care provider.

Legislation Summary:

- The TRICARE Select Restoration Act would eliminate TRICARE Select enrollment fees for veterans who retired prior to 2018.

AFSA's Position: Support

Call To Action Link: <https://www.votervoice.net/AFSA/campaigns/88459/respond>



Issue Background:

- Signed into law by President Harry Truman in 1950, the Impact Aid program is the nation's oldest K-12 federal education program.
- DoD Impact Aid Funding for military-connected students began in 1951. However, as early as 1821, regulations were passed to support the costs for schools to educate military-dependent children.
- The funding was established to help schools with significant concentrations of military-connected students that have personally faced the issues of lack of adequate funding over a decade, base closures and realignments, deteriorating facilities, etc.
- Its impact on military families and on school districts that educate military children off-base is crucial to quality of life and thus holds significant weight in helping to maintain the integrity of an all-volunteer force (AVF).
- Impact funding is appropriated annually by Congress. However, the program has not been fully funded since 1969.

Legislation Summary:

- Split Impact Aid's \$1.1 billion request evenly over five years, across three main categories for funding: Basic Support, Federal Property, and Children with Disabilities.
- Increase Basic Support funding by \$190 million annually, meeting Impact Aid's 2019 funding requests.
- Increase Federal Property funding proportionally to Basic Support (BSP) by allocating an additional \$11 million annually.
- Increase funding for Children with Disabilities by \$9 million annually, funding \$2,000 per eligible student.
- Advance national K-12 school systems to become more equitable and meet educational needs.
- Support military families that are especially impacted by federally tax-exempt land.

AFSA's Position: Support

Call To Action Link: <https://www.voterveice.net/AFSA/campaigns/92818/respond>



Issue Background:

- For more than 100 years prior to 1999, all disabled military retirees were required to fund their own veterans' disability compensation by forfeiting one dollar of earned retired pay for each dollar received in veterans' disability compensation.
- However, in 2003, due to the persistent advocacy efforts over the years by the AFSA and our Coalition partners, military retirees with a service-connected disability of at least 50% have been able to concurrently receive all their military retirement pay and VA disability compensation without any offset.
- Unfortunately, those with disabilities rated below 50% still lose one retirement dollar for each compensation dollar received from the VA. Additionally, if a service member's career prematurely concludes due to a medical condition that forces a mandatory early retirement, the service member is also subjugated to a dollar-for-dollar reduction in their military retired pay.
- Over the past several years, members of both houses of Congress have introduced legislation calling for full CRDP, only to see their legislation dropped before inclusion in the annual defense bill.

Legislation Summary:

- Qualify approximately 42,000 military retirees with combat-related injuries to concurrently receive both military retired pay and Veterans Affairs (VA) compensation.
- Provide total offset relief to veterans who suffered combat injuries or illnesses who were medically retired with less than twenty years of service.

AFSA's Position: Support

- Military retired pay earned by service and sacrifice should not be reduced, under any circumstance, simply because a military retiree is also eligible for veterans' disability compensation awarded for a service-connected disability.

Call To Action Link: <https://www.voterve.net/AFSA/campaigns/93862/respond>



Issue Background:

- For more than 100 years prior to 1999, all disabled military retirees were required to fund their own veterans' disability compensation by forfeiting one dollar of earned retired pay for each dollar received in veterans' disability compensation.
- However, in 2003, due to the persistent advocacy efforts over the years by the AFSA and our Coalition partners, military retirees with a service-connected disability of at least 50% have been able to concurrently receive all of their military retirement pay and VA disability compensation without any offset.
- Unfortunately, those with disabilities rated below 50% still lose one retirement dollar for each compensation dollar received from the VA. Additionally, if a service member's career prematurely concludes due to a medical condition that forces a mandatory early retirement, the service member is also subjugated to a dollar-for-dollar reduction in their military retired pay.
- Over the past several years, members of both houses of Congress have introduced legislation calling for full CRDP, only to see their legislation dropped before inclusion in the annual defense bill.

Legislation Summary:

- Allows the receipt of both military retired pay and veterans' disability compensation with respect to any service-connected disability.
- Extends full concurrent receipt eligibility to individuals who were retired or separated after at least 20 years of military service due to a service-connected disability.

AFSA's Position: Support

- Military retired pay earned by service and sacrifice should not be reduced, under any circumstance, simply because a military retiree is also eligible for veterans' disability compensation awarded for a service-connected disability.

Call To Action Link: <https://www.voterve.net/AFSA/campaigns/92798/respond>