

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The committee recommends a provision that would authorize active-duty end strengths for fiscal year 2014, as shown below:

Service	FY 2013 au- thorized	FY 2014		Change from	
		Request	Recommendation	FY 2014 request	FY 2013 author- ized
Army	552,100	520,000	520,000	0	– 32,100
Navy	322,700	323,600	323,600	0	900
Marine Corps	197,300	190,200	190,200	0	– 7,100
Air Force	329,460	327,600	327,600	0	– 1,860
DOD Total	1,401,560	1,361,400	1,361,400	0	– 40,160

The committee supports the Department of Defense (DOD) fiscal year 2014 end strength request for active forces, but remains concerned about the impact the drawdown is having on service members and their families. The committee urges the services to use involuntary measures sparingly, especially for those with significant years of service but who are not yet eligible for retirement. The committee recognizes that the services must balance the need to reduce overall end strength while ensuring the proper force mix, and avoiding grade and occupational disparities where possible, which have long-term effects that can take years to correct. In recent years, Congress has provided authorities requested by DOD that allow it to execute the drawdown in a measured, responsible way. The committee expects DOD to manage the drawdown accordingly.

The committee also remains concerned about the impact that sequestration would have in 2014 and beyond on end strength levels for both the active and reserve components. The Army Chief of Staff has testified that the Army would reduce total force end strength by an additional 100,000 soldiers should sequestration continue beyond 2013. The committee expects that the other services may make reductions in end strength to meet Budget Control Act targets. The committee expects DOD to begin planning now for how it would address end strength in 2014 and beyond should sequestration continue in order to mitigate the effects such potential reductions in force would have on morale, recruiting, and retention.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The committee recommends a provision that would authorize Selected Reserve end strengths for fiscal year 2014, as shown below:

Service	FY 2013 authorized	FY 2014		Change from	
		Request	Recommendation	FY 2014 request	FY 2013 authorized
Army National Guard	358,200	354,200	354,200	0	-4,000
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	62,500	59,100	59,100	0	-3,400
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	105,700	105,400	105,400	0	-300
Air Force Reserve	70,880	70,400	70,400	0	-480
DOD Total	841,880	833,700	833,700	0	-8,180
Coast Guard Reserve	9,000	9,000	9,000	0	0

End strengths for Reserves on active duty in support of the reserves (sec. 412)

The committee recommends a provision that would authorize full-time support end strengths for fiscal year 2014, as shown below:

FY 2014 Change from Service FY 2013 authorized Request Recommendation FY 2014 request FY 2013 request authorized

Service	FY 2013 authorized	FY 2014		Change from	
		Request	Recommendation	FY 2014 request	FY 2013 authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,277	16,261	16,261	0	-16
Navy Reserve	10,114	10,159	10,159	0	45
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,765	14,734	14,734	0	-31
Air Force Reserve	2,888	2,911	2,911	0	23
DOD Total	78,365	78,386	78,386	0	21

End strengths for military technicians (dual status) (sec. 413)

The committee recommends a provision that would establish the minimum number of military technicians (dual status) for the reserve components of the Army and Air Force for fiscal year 2014, as shown below:

Service	FY 2013 authorized	FY 2014		Change from	
		Request	Recommendation	FY 2014 request	FY 2013 authorized
Army National Guard	27,210	27,210	27,210	0	0
Army Reserve	8,395	8,395	8,395	0	0
Air National Guard	22,180	21,875	21,875	0	-305
Air Force Reserve	10,400	10,429	10,429	0	29
DOD Total	68,185	67,909	67,909	0	-276

Fiscal year 2014 limitation on number of non-dual status technicians (sec. 414)

The committee recommends a provision that would establish limits on the number of non-dual status technicians who may be employed in the Department of Defense for fiscal year 2014, as shown below:

Service	FY 2013 authorized	FY 2014		Change from	
		Request	Recommendation	FY 2014 request	FY 2013 authorized
Army National Guard	1,600	1,600	1,600	0	0
Air National Guard	350	350	350	0	0
Army Reserve	595	595	595	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	2,635	2,635	0	0

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The committee recommends a provision that would establish limits on the number of reserve personnel authorized to be on active duty for operational support under section 115(b) of title 10, United States Code, for fiscal year 2014, as shown below:

Service	FY 2013 authorized	FY 2014		Change from	
		Request	Recommendation	FY 2014 request	FY 2013 authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

Subtitle C—Authorizations of Appropriations

Military personnel (sec. 421)

The committee recommends a provision that would authorize appropriations for military personnel at the levels identified in section 4401 of division D of this Act.

Budget Item

Military personnel funding changes

The amount authorized to be appropriated for military personnel programs in section 421 of this Act includes the following changes from the budget request:

[Changes in millions of dollars]	
Permanent Change of Station travel funding	- 150.0
Undistributed reduction related to pace of drawdown	- 120.0
Total	- 270.0

The committee recommends a decrease of \$150.0 million in Military Personnel funding to reflect the recent trend of the services underexecuting their Permanent Change of Station (PCS) travel funding due to efficiencies resulting from longer tour lengths, fewer moves, and lower disbursement rates. The committee expects the services to continue to achieve efficiencies in their PCS travel programs, particularly as the Department fully implements the consolidated travel reform enacted in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The committee also recommends a decrease of \$120.0 million in Military Personnel funding to reflect the services' underexecution in various accounts relating to the drawdown and the redeployment of forces from Afghanistan, including lower officer and enlisted average strengths, subsistence costs, and lower than budgeted deployment costs.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Service credit for cyberspace experience or advanced education upon original appointment as a commissioned officer (sec. 501)

The committee recommends a provision that would amend section 533 of title 10, United States Code, to authorize service secretaries to award constructive service credit upon original appointment as a commissioned officer for special experience or training in certain cyberspace-related fields and for periods of advanced education in certain cyberspace-related fields beyond the baccalaureate degree level. Constructive service credited under this provision is limited to 1 year for each year of special experience, training, or advanced education, and 3 years total of constructive service credit.

Subtitle B—Reserve Component Management

Information to be provided to boards considering officers for selective early removal from the reserve active-status list (sec. 506)

The committee recommends a provision that would amend section 14704(a) of title 10, United States Code, to require service secretaries to specify the number of officers that a selection board may recommend for removal from the reserve active-status list, and to require the secretary to submit a list of officers to the selection board that includes each officer on the reserve active-status list in the same grade and competitive category in the zone of consideration except for officers who have been approved for voluntary retirement or who will be involuntarily retired. This would align the statutory procedures for a board convened to consider officers with sufficient qualifying service for early removal from the reserve active-status list with the procedures required for an active-duty selective early retirement board.

Removal of restrictions on the transfer of officers between the active and inactive National Guard (sec. 507)

The committee recommends a provision that would authorize the transfer of officers of the Army and Air National Guard from the Selected Reserve to the inactive National Guard and from the inactive National Guard to the Selected Reserve during the period ending on December 31, 2016. This authority currently exists for enlisted members of the Army and Air National Guard.

Limitation on certain cancellations of deployment of reserve component units within 180 days of scheduled date of deployment (sec. 508)

The committee recommends a provision that would require the Secretary of Defense to personally approve of any decision to cancel the deployment of a reserve component unit within 180 days of its scheduled deployment date when an active-duty unit would be sent instead to perform the same mission, and to notify the congressional defense committees and Governors concerned whenever such a decision is made.

The committee notes with displeasure the decision of the Army in March 2013 to cancel the deployment of four National Guard units from Indiana for missions in the Horn of Africa and the Sinai Peninsula and replace them with active component forces for the purpose of addressing a fiscal year 2013 budget shortfall. Two of these units, approximately 500 people, were within 6 weeks of departure, and the remaining two units were within 90 days of departure. All units had been mobilized in October 2012 and had been preparing for the mission since that time.

The Army described this as a “short fuse decision,” but its impact has been wide ranging on the National Guard in Indiana and the communities that support these service members. Over 1,000 families lost access to TRICARE benefits, after all had been enrolled in the TRICARE Early Eligibility Program 180 days ahead of their scheduled deployment date. Additionally, many service members made financial decisions and commitments based on the projected pay and benefits that accompany a year-long deployment. Students missed deadlines to apply for financial aid because they expected to be deployed. Some service members had already terminated leases. Moreover, these units will be placed at the bottom of rotation for future deployments, and will have lost a year of eligibility for deployment.

The committee is concerned that this type of decision indicates a disregard for the preparation of reserve component forces for deployment and the impact that a last-minute cancellation of deployment, for reasons other than a change in mission requirements, can have on morale, retention, and training. This provision is not intended to limit the flexibility of the Army to cancel the deployment of reserve component forces for the purpose of replacing them with active component units, but rather to ensure that strategic thought is given to reserve component mobilization and the determination to cancel a deployment.

National Guard Youth Challenge Program (sec. 509)

The committee recommends a provision that would amend section 509 of title 32, United States Code, to require the Secretary of Defense to use the National Guard to conduct the National Guard Youth Challenge Program; and require the Chief of the National Guard Bureau to conduct the program in such states as the Chief considers appropriate, to prescribe the standards and procedures for selecting program participants, and to submit a report to Congress annually on the program.

Subtitle C—General Service Authorities

Expansion and enhancement of authorities relating to protected communications of members of the Armed Forces and prohibited retaliatory actions (sec. 511)

The committee recommends a provision that would amend section 1034 of title 10, United States Code, to enhance protections for military whistleblowers.

Enhancement of protection of rights of conscience of members of the Armed Forces and chaplains of such members (sec. 512)

The committee recommends a provision that would amend section 533 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to require the armed forces to accommodate individual expressions of belief of service members unless such expressions could have an adverse impact on military readiness, unit cohesion, and good order and discipline.

Department of Defense Inspector General reports on compliance with requirements for the protection of rights of conscience of members of the Armed Forces and their chaplains (sec. 513)

The committee recommends a provision that would require the Department of Defense Inspector General (DOD IG) to assess and report to Congress on the compliance of the Department of Defense with regulations promulgated under section 533 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), within 180 days of promulgation. The provision would also require the DOD IG to investigate the Department's and the services' compliance with those regulations with respect to adverse personnel actions within 18 months of promulgating the regulations.

Subtitle D—Member Education and Training

Authority for joint professional military education Phase II instruction and credit to be offered and awarded through senior-level course of School of Advanced Military Studies of the United States Army Command and General Staff College (sec. 521)

The committee recommends a provision that would amend section 2151(b) of title 10, United States Code, to authorize the School of Advanced Military Studies senior-level course at the Army Command and General Staff College to offer joint professional military education Phase II instruction and credit.

Authority for Uniformed Services University of the Health Sciences to support undergraduate and other medical education and training programs for military medical personnel (sec. 522)

The committee recommends a provision that would amend sections 2112(a) and 2113 of title 10, United States Code, to provide greater flexibility to the Secretary of Defense, through the Uniformed Services University of the Health Sciences (USUHS), to ac-

cess existing federal resources outside of the National Capital Region and to enable the USUHS to grant undergraduate degrees, certificates, and certifications in addition to advanced degrees.

Expansion of eligibility for associate degree programs under the Community College of the Air Force (sec. 523)

The committee recommends a provision that would amend section 9315(b) of title 10, United States Code, to authorize the Community College of the Air Force to award associate degrees to enlisted members of services other than the Air Force who participate in joint-service medical training and education or instructors in such joint-service medical training and education.

Additional requirements for approval of educational programs for purposes of certain educational assistance under laws administered by the Secretary of Defense (sec. 524)

The committee recommends a provision that would establish a new section 2006a of title 10, United States Code, to require that educational institutions participating in certain Department of Defense education assistance programs enter into and comply with program participation agreements under title IV of the Higher Education Act, and to meet certain other standards. The provision would authorize the Secretary of Defense to waive these requirements in certain cases.

Enhancement of mechanisms to correlate skills and training for military occupational specialties with skills and training required for civilian certifications and licenses (sec. 525)

The committee recommends a provision that would require the service secretaries to make information on civilian credentialing opportunities available to members of the armed forces during all stages of their military occupational specialty training. The provision would also require the service secretaries to provide information on military course training curricula, syllabi, and materials, levels of military advancement attained, and professional skills developed by service members, to civilian credentialing agencies and entities approved by the Secretary of Veterans Affairs, or by state approving agencies, for the purposes of the administration of education benefits under the purview of the Secretary of Veterans Affairs.

Coverage of military occupational specialties relating to military information technology under pilot program on receipt of civilian credentials for skills required for military occupational specialties (sec. 526)

The committee recommends a provision that would require that the military occupational specialties designated for the purposes of the pilot program on receipt of civilian credentials authorized by section 558 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) include those specialties relating to the military information technology workforce.

Sense of Senate on the Troops-to-Teachers Program (sec. 527)

The committee recommends a provision that would express the sense of the Senate to strongly urge the Secretary of Defense to ensure that the Troops-to-Teachers Program is a priority of the Nation's commitment to the higher education of members of the armed forces, and to provide funds to the Troops-to-Teacher Program in order to help separating members of the armed forces and veterans who wish to transition into a teaching career.

Conforming amendment relating to renaming of North Georgia College and State University as University of North Georgia (sec. 528)

The committee recommends a provision that would amend paragraph (6) of section 2111a(f) of title 10, United States Code, to change the name of North Georgia College and State University to University of North Georgia to reflect the name change of this institution.

Subtitle E—Sexual Assault Prevention and Response and Military Justice Matters

Part I—Sexual Assault Prevention and Response

Prohibition on service in the Armed Forces by individuals who have been convicted of certain sexual offenses (sec. 531)

The committee recommends a provision that would amend chapter 37 of title 10, United States Code to prohibit the commissioning or enlistment in the armed forces of individuals who have been convicted of felony offenses of rape or sexual assault, forcible sodomy, incest, or of an attempt to commit these offenses.

Temporary administrative reassignment or removal of a member of the Armed Forces on active duty who is accused of committing a sexual assault or related offense (sec. 532)

The committee recommends a provision that would amend chapter 39 of title 10, United States Code, to authorize service secretaries to provide guidance for commanders regarding their authority to make a timely determination and to take action regarding whether a service member serving on active duty who is alleged to have committed specified sexual offenses under the Uniform Code of Military Justice should be temporarily reassigned or removed from a position of authority or from an assignment, not as a punitive measure, but solely for the purpose of maintaining good order and discipline within the unit.

Issuance of regulations applicable to the Coast Guard regarding consideration of request for permanent change of station or unit transfer by victim of sexual assault (sec. 533)

The committee recommends a provision that would amend section 673(b) of title 10, United States Code, to clarify that the re-

quirement for timely determination and action on an application by a victim of certain sexual offenses for a change of station or unit transfer applies to the Coast Guard.

Inclusion and command review of information on sexual-related offenses in personnel service records of members of the Armed Forces (sec. 534)

The committee recommends a provision that would require that substantiated complaints of a sexual-related offense resulting in a court-martial conviction, non-judicial punishment, or administrative action be noted in the service record of the service member, regardless of the member's grade. The provision would also require the Secretary of Defense to prescribe regulations requiring commanders to review the history of substantiated sexual offenses of service members permanently assigned to the commander's facility, installation, or unit.

Enhanced responsibilities of Sexual Assault Prevention and Response Office for Department of Defense sexual assault prevention and response program (sec. 535)

The committee recommends a provision that would amend section 1611(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) to require the Director of the Sexual Assault Prevention and Response Office (the Director) to: (1) oversee development and implementation of the comprehensive policy for the Department of Defense (DOD) sexual assault prevention and response program; (2) serve as the single point of authority, accountability, and oversight for the sexual assault prevention and response program; (3) undertake responsibility for the oversight of the implementation of the sexual assault prevention and response program by the armed forces; (4) collect and maintain data of the military departments on sexual assault; (5) provide oversight to ensure that the military departments maintain documents relating to allegations and complaints of sexual assault involving service members and courts-martial or trials of service members for sexual assault offenses; (6) act as a liaison between DOD and other federal and state agencies on programs and efforts relating to sexual assault prevention and response; (7) oversee development of strategic program guidance and joint planning objectives for resources in support of the sexual assault prevention and response program, and make recommendations on modifications to policy, law, and regulations needed to ensure the continuing availability of such resources; and (8) provide the Secretary of the Department of Veterans Affairs (VA) any records or documents on sexual assault in the armed forces, including restricted reports with the approval of the individuals who filed such reports, that are required for the purposes of the administration of the laws administered by the Secretary of the VA.

The provision would amend subtitle A of title XVI of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) to require the Director to collect and maintain data from the services on sexual assaults involving service members and to develop metrics to measure the effectiveness of,

and compliance with, the training and awareness objectives on sexual assault and prevention.

The provision would also amend section 1631(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) to require the service secretaries to include in the case synopsis portion of the annual report regarding sexual assaults involving members of the armed forces the unit of each service member accused of committing a sexual assault and the unit of each service member who is a victim of a sexual assault.

Comprehensive review of adequacy of training for members of the Armed Forces on sexual assault prevention and response (sec. 536)

The committee recommends a provision that would require the Secretary of Defense to review the adequacy of: (1) the training provided to service members on sexual assault prevention and response, and (2) the training, qualifications, and experience of each service member and Department of Defense civilian employee assigned to a position that includes responsibility for sexual assault prevention and response. The provision would require the Secretary to take appropriate corrective action to address any deficiencies identified during these reviews and to report to the Committees on Armed Services of the Senate and the House of Representatives not later than 120 days after the date of enactment of this Act on the findings and responsive action, including recommendations for legislative action, on the adequacy of the training, qualifications, and experience of each service member and Department of Defense civilian employee assigned to a position that includes responsibility for sexual assault prevention and response.

Availability of Sexual Assault Response Coordinators for members of the National Guard and the Reserves (sec. 537)

The committee recommends a provision that would require service secretaries to ensure that each member of the National Guard or Reserve who is the victim of a sexual assault either during the performance of duties as a member of the National Guard or Reserve, or is a victim of a sexual assault by another member of the Guard or Reserve, has access to a Sexual Assault Response Coordinator not later than 2 business days following a request for such assistance.

Retention of certain forms in connection with Restricted Reports and Unrestricted Reports on sexual assault involving members of the Armed Forces (sec. 538)

The committee recommends a provision that would amend section 577(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to require the Secretary of Defense to ensure that copies of Department of Defense Forms 2910 and 2911 filed in connection with Restricted Reports and Unrestricted Reports of sexual assault are retained for the longer of 50 years or the period that such forms are required to be retained pursuant to Department of Defense Directives.

Special Victims' Counsel for victims of sexual assault committed by members of the Armed Forces (sec. 539)

The committee recommends a provision that would require the service secretaries to implement a program to provide a Special Victims' Counsel to service members who are victims of a sexual assault committed by a member of the armed forces. The Special Victims' Counsel would provide legal advice and assistance to the victim in connection with criminal and civil legal matters related to the sexual assault.

Sense of Congress on commanding officer responsibility for command climate free of retaliation (sec. 540)

The committee recommends a provision that would express the sense of Congress that: (1) commanding officers are responsible for establishing a command climate in which sexual assault allegations are properly managed and fairly evaluated and a victim can report criminal activity, including sexual assault, without fear of retaliation, including ostracism and group pressure from other members of the command; (2) the failure of commanding officers to maintain such a command climate is an appropriate basis for relief from their command positions; and (3) senior officers should evaluate subordinate commanding officers on their performance in establishing a command climate free of retaliation.

Commanding officer action on reports on sexual offenses involving members of the Armed Forces (sec. 541)

The committee recommends a provision that would require commanding officers to immediately refer to the appropriate military criminal investigation organization reports of sexual-related offenses involving service members in the commander's chain of command.

Department of Defense Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault (sec. 542)

The committee recommends a provision that would amend section 1034(c)(2)(A) of title 10, United States Code, to require the Inspector General to review and investigate allegations of retaliatory personnel actions for making a protected communication regarding violations of law or regulation that prohibit rape, sexual assault, or other sexual misconduct.

Advancement of submittal deadline for report of independent panel on assessment of military response systems to sexual assault (sec. 543)

The committee recommends a provision that would amend section 576(c)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to provide that the panel established to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving sexual assault and related offenses under the Uniform Code of Military Justice would terminate no later than one year after the first meeting of the panel.

Assessment of clemency in the military justice system and of database of alleged offenders of sexual assault as additional duties of independent panel on review and assessment of systems to respond to sexual assault cases (sec. 544)

The committee recommends a provision that would amend section 576(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to require the panel established to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under the Uniform Code of Military Justice to also include an assessment of: (1) the opportunities for clemency provided in the military and civilian systems, the appropriateness of clemency proceedings in the military system, the manner in which clemency is used in the military system, and whether clemency in the military justice system could be reserved until the end of the military appeals process; and (2) the means by which the name, if known, and other necessary identifying information of an alleged offender that is collected as part of a restricted report of a sexual assault could be compiled into a protected, searchable database accessible only to military criminal investigators, Sexual Assault Response Coordinators, or other appropriate personnel for the purpose of identifying subjects of multiple accusations of sexual assault and encouraging victims to make an unrestricted report to facilitate increased prosecution of serial offenders.

Assessment of provisions and proposed provisions of law on sexual assault prevention and response as additional duties of independent panels for review and assessment of Uniform Code of Military Justice and judicial proceedings of sexual assault cases (sec. 545)

The committee recommends a provision that would amend section 576(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to require the panel established to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under the Uniform Code of Military Justice to assess: (1) the effectiveness of the provisions of law on sexual assault prevention and response in the National Defense Authorization Act for Fiscal Year 2014; and (2) the potential effectiveness of the provisions of law on sexual assault prevention and response that were offered but not adopted during the markup by the Senate Committee on Armed Services of the bill to enact the National Defense Authorization Act for Fiscal Year 2014.

The provision would also require the panel established to conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses to: (1) monitor and assess the implementation of the provisions of law on judicial proceedings in connection with sexual assault in the National Defense Authorization Act for Fiscal Year 2014; and (2) assess the potential effectiveness of provisions of law on judicial proceedings that were offered but not adopted during the markup by the Senate Com-

mittee on Armed Services of the bill to enact the National Defense Authorization Act for Fiscal Year 2014.

Assessment of compensation and restitution of victims of offenses under the Uniform Code of Military Justice as additional duty of independent panel on review and assessment of judicial proceedings of sexual assault cases (sec. 546)

The committee recommends a provision that would amend section 576(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to require the panel established to conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses to assess the adequacy of the provision of compensation and restitution for victims of offenses under the UCMJ and to develop recommendations on expanding such compensation and restitution.

Part II—Related Military Justice Matters

Elimination of five-year statute of limitations on trial by court-martial for additional offenses involving sex-related crimes (sec. 551)

The committee recommends a provision that would amend Article 43 of the Uniform Code of Military Justice (section 843 of title 10, United States Code) to eliminate the 5-year statute of limitations on trial by court-martial for sexual assault and sexual assault of a child.

Review of decisions not to refer charges of certain sexual offenses to trial by court-martial (sec. 552)

The committee recommends a provision that would require review of decisions not to refer charges of rape or sexual assault, forcible sodomy, or attempts to commit these offenses to trial by court-martial. In any case in which the staff judge advocate recommends that the charges be referred to trial by court-martial and the convening authority decides not to refer the charges to trial by court-martial, the convening authority would be required to forward the case file to the service secretary for review. In cases where the staff judge advocate recommends that the charges not be referred to trial by court-martial and the convening authority agrees, the convening authority would be required to forward the case file to a superior commander authorized to exercise general court-martial convening authority for review.

Defense counsel interview of complaining witnesses in presence of trial counsel or outside counsel (sec. 553)

The committee recommends a provision that would amend Article 46 of the Uniform Code of Military Justice (section 846 of title 10, United States Code) to require that, upon notice by trial counsel to defense counsel that trial counsel intends to call a complaining witness to testify at an investigation under Article 32, Uniform Code of Military Justice (section 842 of title 10, United States Code) or court-martial, the defense counsel must make all

requests to interview the complaining witness through the trial counsel, and, if requested by the complaining witness, the defense counsel interview shall take place only in the presence of the trial counsel, counsel for the witness, or outside counsel.

Mandatory discharge or dismissal for certain sex-related offenses under the Uniform Code of Military Justice and trial of such offenses by general courts-martial (sec. 554)

The committee recommends a provision that would amend Article 56 of the Uniform Code of Military Justice (UCMJ) (section 856 of title 10, United States Code) to require that the punishment for convictions of violations of Articles 120, 120b, or 125 of the Uniform Code of Military Justice (sections 920, 920b, or 925 of title 10, United States Code), include, at a minimum, a dismissal or dishonorable discharge. The provision would also amend Article 18 of the Uniform Code of Military Justice (section 818 of title 10, United States Code) to provide that only general courts-martial have jurisdiction over charges of violations of articles 120, 120b, or 125 of the UCMJ.

Limitation on authority of convening authority to modify findings of a court-martial (sec. 555)

The committee recommends a provision that would amend article 60 of the Uniform Code of Military Justice (section 860 of title 10, United States Code) to limit the authority of a convening authority to modify the findings of a court-martial to qualified offenses for which the maximum sentence of confinement that could be adjudged does not exceed 1 year and the sentence adjudged by the court-martial does not include a punitive discharge or confinement for more than 6 months. Qualified offenses do not include offenses under Articles 120, 120a, 120b, and 120c of the Uniform Code of Military Justice (sections 920, 920a, 920b, and 920c of title 10, United States Code).

The provision would also require the convening authority to explain, in writing, any action to modify the findings or sentence of a court-martial and require the written explanation to be made a part of the record of trial.

Participation by complaining witnesses in clemency phase of courts-martial process (sec. 556)

The committee recommends a provision that would amend Article 60(b) of the Uniform Code of Military Justice (section 860(b) of title 10, United States Code) to: (1) afford a complaining witness an opportunity to respond to any clemency matters submitted by an accused to the convening authority that refer to the complaining witness; (2) afford a complaining witness an opportunity to submit matters to the convening authority in any case in which findings and sentence have been adjudged for an offense involving the complaining witness; and (3) prohibit the convening authority from considering matters that go to the character of a complaining witness unless the matters were presented at the court-martial.

Secretary of Defense report on modifications to the Uniform Code of Military Justice to prohibit sexual acts and contacts between military instructors and trainees (sec. 557)

The committee recommends a provision that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on whether legislative action is required to modify the Uniform Code of Military Justice (chapter 47 of title 10, United States Code) to prohibit sexual acts and contacts between military instructors and their trainees.

Sense of Senate on disposition of charges involving certain sexual misconduct offenses under the Uniform Code of Military Justice through courts-martial (sec. 558)

The committee recommends a provision that would express the sense of the Senate that charges of rape, sexual assault, forcible sodomy, or attempts to commit these offenses should be disposed of by court-martial rather than by non-judicial punishment or administrative action, and that the disposition authority should include in the case file a justification in any case where these charges are disposed of by non-judicial punishment or administrative action.

Sense of Senate on the discharge in lieu of court-martial of members of the Armed Forces who commit sexual-related offenses (sec. 559)

The committee recommends a provision that would express the sense of the Senate that: (1) the armed forces should be sparing in discharging in lieu of court-martial service members who have committed rape, sexual assault, forcible sodomy, or attempts to commit such offenses, and should do so only when the facts of the case clearly warrant such discharge; (2) whenever possible, victims of these offenses should be consulted about the discharge of the service member; (3) commanding officers should consider the views of these victims when determining whether to discharge service members in lieu of court-martial; and (4) discharges of service members in lieu of court-martial for the specified offenses should be characterized as Other Than Honorable.

Part III—Other Military Justice and Legal Matters

Modification of eligibility for appointment as Judge on the United States Court of Appeals for the Armed Forces (sec. 561)

The committee recommends a provision that would amend Article 142 of the Uniform Code of Military Justice (section 942 of title 10, United States Code) to authorize appointment of former commissioned officers of a regular component of an armed force as judges on the United States Court of Appeals for the Armed Forces. However, these former officers may not be appointed as a judge of the court within seven years after relief from active duty.

Repeal of the offense of consensual sodomy under the Uniform Code of Military Justice (sec. 562)

The committee recommends a provision that would amend Article 125 of the Uniform Code of Military Justice (section 925 of title 10, United States Code) to prohibit forcible sodomy and bestiality.

Prohibition of retaliation against members of the Armed Forces for reporting a criminal offense (sec. 563)

The committee recommends a provision that would require the Secretary of Defense to prescribe regulations, not later than 120 days after the date of enactment of this Act, that prohibit retaliation against an alleged victim or other member of the armed forces who reports a criminal offense. The provision would also require the Secretary of Defense to submit a report to Congress, not later than 180 days after the date of the enactment of this Act, setting forth recommendations as to whether the Uniform Code of Military Justice should be amended to prohibit retaliation against an alleged victim or other member of the armed forces who reports a criminal offense.

Extension of crime victims' rights to victims of offenses under the Uniform Code of Military Justice (sec. 564)

The committee recommends a provision that would require the Secretary of Defense to recommend modifications to the Manual for Courts-Martial and to promulgate regulations to ensure compliance by responsible members of the armed forces and personnel of the Department of Defense with the obligation to enforce specified rights of victims of military crimes, including mechanisms for ensuring that victims of military crimes are afforded the rights in all applicable proceedings.

Modification of Manual for Courts-Martial to eliminate factor relating to character and military service of the accused in rule on initial disposition of offenses (sec. 565)

The committee recommends a provision that would require that the discussion pertaining to Rule 306 of the Manual for Courts-Martial be amended, not later than 180 days after the date of enactment of this Act, to strike the character and military service of the accused from the factors a commander should consider in deciding how to dispose of an offense.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 571)

The committee recommends a provision that would authorize \$25.0 million in Operation and Maintenance, Defense-wide, for continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by enrollment of dependent children of military members and civilian employees of the DOD.

Impact aid for children with severe disabilities (sec. 572)

The committee recommends a provision that would authorize \$5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of Department of Defense assistance to local educational agencies that benefit eligible dependents with severe disabilities.

Subtitle G—Decorations and Awards**Matters relating to Medals of Honor and other medals of high precedence for members of the Armed Forces (sec. 581)**

The committee recommends a provision that would amend sections 3744, 6247, and 8744 of title 10, United States Code, to authorize the award of more than one Medal of Honor, Distinguished Service Cross, or Distinguished Service Medal to a person whose subsequent acts justify an additional award.

The provision would also amend sections 3744 and 8744 of title 10, United States Code, to require that recommendations for the award of the Medal of Honor, Distinguished Service Cross, Air Force Cross, or Distinguished Service Medal for members of the Army and Air Force be made within 3 years and that the award be made within 5 years after the date of the act justifying the award. These timelines are consistent with the timelines for comparable awards in the Navy and Marine Corps.

Recodification and revision of Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (sec. 582)

The committee recommends a provision that would amend chapter 57 of title 10, United States Code, to establish a roll designated as the “Army, Navy, Air Force, and Coast Guard Medal of Honor Roll” and require the service secretaries to record on this roll the name of each person who has been awarded a Medal of Honor. The provision would also amend section 1562 of title 38, United States Code, to provide for the automatic enrollment and payment of the special pension to living Medal of Honor recipients.

Authority for award of the Distinguished Service Cross to Robert F. Keiser for valor during the Korean War (sec. 583)

The committee recommends a provision that would authorize the Secretary of the Army to award the Distinguished Service Cross under Section 3742 of title 10, United States Code, to Robert F. Keiser for acts of valor during the Korean War.

Authority for award of the Distinguished Service Cross to Sergeant First Class Patrick N. Watkins, Jr., for acts of valor during the Vietnam War (sec. 584)

The committee recommends a provision that would authorize the Secretary of the Army to award the Distinguished Service Cross

under section 3742 of title 10, United States Code, to Patrick N. Watkins, Jr., for acts of valor during the Vietnam War.

Subtitle H—Other Matters

Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing (sec. 591)

The committee recommends a provision that would amend section 1501 of title 10, United States Code, to require the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to conduct periodic briefings for families of missing persons on Department activities to account for those persons.

Expansion of privileged information authorities to debriefing reports of certain recovered persons who were never placed in a missing status (sec. 592)

The committee recommends a provision that would amend sections 1506 and 1513 of title 10, United States Code, to include as privileged information, for the purposes of personnel files maintained under the system for accounting for missing persons, any survival, evasion, resistance, and escape debriefing reports by certain persons returned to United States control under a promise of confidentiality.

Items of Special Interest

Availability of Assaultive Offender's Group Treatment program

The United States Disciplinary Barracks (USDB) at Fort Leavenworth, Kansas, offers Assaultive Offender's Group Treatment (AO) to inmates that are confined for violent offenses. It is part of a comprehensive behavioral health program developed to meet the unique needs of military inmates confined at the USDB, and is tailored to address the needs of each inmate. The AO program consists of 30 group treatment sessions which normally meet weekly with 8–10 inmates per group. The USDB reports that they have only been able to run one AO group per year due to staffing limitations. There are currently over 60 inmates on the waitlist for the program, resulting in a wait for over two years for some inmates who may desire to complete this program as part of their program of rehabilitation to be considered by a service clemency and parole board.

The committee is concerned about the long wait time for inmates to participate in the AO program and directs the Commandant of the USDB to assess courses of action to reduce wait times and to provide the defense committees a report on his assessment no later than 180 days after passage of this act.

Combat injured military technician (dual status) retention under Wounded Warrior Act authority

Section 10216(g) of title 10, United States Code, enacted by section 511 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), authorizes the services to retain mili-

tary technicians (dual status) as non-dual status technicians when losing their military membership due to combat-related injuries. The provision was intended to ensure that no dual status technician, required by statute to maintain military membership in a reserve component as a condition of their civilian employment, was unfairly treated due to injuries sustained in combat. The committee is aware of reports that this authority has rarely, if ever, been used despite many military technicians having been separated or retired since then with combat-related injuries.

The committee directs the Secretary of Defense to report to the congressional defense committees by September 1, 2013, the following: (1) the number of dual status technicians who have been retained as non-dual status technicians under the authority of section 10216(g); (2) the number of dual status technicians separated or retired with combat-related injuries since January 28, 2008; and (3) the number of technicians so separated or retired who qualified, or should have qualified, for retention under section 10216(g).

Command knowledge of civilian convictions of service members for sexual assault

The committee notes that it is possible for a service member to commit and be convicted of sexual assault at an off-post location without the command knowing of the conviction. The Department of Defense primarily relies on local police or blotter reports, periodic security clearance initiations and renewals, and self-reporting to monitor off-post criminal actions of service members. As a general rule, service members are not subject to periodic criminal record checks during their period of service unless they require a security clearance review or initiation, or are accepted into programs where background checks are required. This process could create a loophole for a sexual predator to serve in the military without the knowledge of the chain of command.

General Odierno, the Chief of Staff of the Army, addressed these loopholes for felony or serious offenders in the a Senate Committee on Armed Services hearing on sexual assault on June 4, 2013, stating: "Background checks are done, but the ability to identify sexual offenders is certainly not 100 percent right now, and we have to do a better job of doing that. We need help with having a better database, but also making sure we're scrutinizing those as we go forward." Accordingly, as the military contends with the serious issue of identifying and prosecuting sexual predators, the committee expresses concern that service members with sexual assault convictions could continue to serve because these convictions are undetected by the chain of command.

Therefore, the committee directs the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report by no later than December 31, 2013, examining: (1) the scope and prevalence of the problem and whether there are existing loopholes and shortcomings in the current system; (2) the frequency and methods by which the military conducts criminal record checks after enlistment or swearing-in to the armed forces; (3) policies that direct members of the armed forces to self-report criminal arrests and convictions to the chain of command, and any penalties associated with failure to do so; and

(4) procedures for submitting names of service members convicted of sexual offenses to the National Sex Offender Public Registry.

Comprehensive Review of Department of Defense coordination and incorporation of civilian law enforcement best practices in sexual assault prevention and response

The civilian law enforcement community has invested significant time and resources in developing proven strategies to effectively respond to sexual crimes. The Department of Justice regularly publishes established best practices incorporating the experience of thousands of federal, state, and local officers as well as academic experts.

The committee directs the Secretary of Defense to evaluate the Department of Defense's current policies and procedures regarding sexual assault prevention and response to identify ways to better incorporate civilian law enforcement best practices, particularly regarding training, investigation, and prosecution of sexual crimes.

Department of Defense child development center personnel

The committee commends the Secretary of Defense, following troublesome allegations of abuse at two Army Child Development Centers, for directing a Department-wide audit of all Department of Defense (DOD) providers who have regular contact with children in DOD child development, school age care, and youth programs, and a comprehensive review and evaluation by each of the military services of the actual background check documentation on file for each individual, employee, and volunteer for compliance by the appropriate authorities in accordance with applicable DOD and service policies. However, the committee has yet to see the results of that review.

Therefore, the committee directs the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report by no later than October 1, 2013, examining:

- (1) any changes to DOD child development center hiring or personnel practices the Secretary determines are necessary based on the review;
- (2) steps DOD is taking to implement any necessary changes;
- (3) a description of the hiring practices at DOD child development centers, to include criminal background checks, credential verification procedures, and interview processes; and
- (4) an assessment of the contract with Child Care Aware of America (formerly known as the National Association of Child Care Resource and Referral Agencies) regarding hiring and termination procedures and referrals.

Department of Defense reports on sexual assault

The committee is concerned with the use of the imprecise terms "sexual assault" and "unwanted sexual contact" to present statistics on the number of incidences of rape, sexual assault, forcible sodomy, and other unwanted sexual acts perpetrated against members of the military that are reported in both the annual Sexual Assault Prevention and Response Office (SAPRO) report on sexual assaults in the military and the Armed Forces Workplace and Gender

Relations Survey (WGRS). The 2012 SAPRO report notes that there were 3,374 reports of sexual assault in fiscal year 2012, but defines the term “sexual assault” as “a range of crimes, including rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts to commit these offenses.” In the Uniform Code of Military Justice, sexual assault is a specific serious offense that carries a possible sentence of up to 30 years confinement, but the annual SAPRO report uses the term sexual assault to refer to the range of sexual offenses.

Similarly, the WGRS measured the incidences of “unwanted sexual contact”, defined as “intentional sexual contact that was against a person’s will or which occurred when the person did not or could not consent”, finding that 6.1 percent of female respondents and 1.2 percent of male respondents experienced unwanted sexual contact in 2012. The Department then used these figures to estimate that 26,000 incidences of unwanted sexual contact occurred in 2012, but provided no numbers on the estimated number of rapes, sexual assaults, and other unwanted sexual acts that occurred.

Using the imprecise terms “sexual assault” and “unwanted sexual contact” to refer to a range of sexual offenses creates confusion about the types of unwanted sexual acts that are being perpetrated against members of the military. To address this issue, the committee directs the Department to modify the language used in the annual SAPRO report and the WGRS to clearly report the number of instances of each type of unwanted sexual act, to include rape, sexual assault, forcible sodomy, and attempts to commit those acts.

General and flag officer billets

The committee recommends that, in concert with any plans to streamline the Department of Defense command, management, and headquarters support staff organizations, the Secretary of Defense develop a plan to ensure that the number of general and flag officer billets are adjusted appropriately to achieve a proper ratio relative to end strength and complies with guidance in section 525, title 10, United States Code.

Medical management of sexual assault cases

The committee notes that the Assistant Secretary of Defense for Health Affairs, in a memorandum dated April 15, 2013, provided Department of Defense (DOD) guidance to each of the services on medical management of sexual assault cases based on the revision to DOD Instruction 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” to include provision of standardized, timely, and comprehensive medical care. The committee directs the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than February 1, 2014 outlining the Department’s plan to ensure that health care providers are appropriately trained to manage the acute and long-term health needs of victims of sexual assault, accredited as necessary to properly handle evidence collected from victims of sexual assault, and to ensure that these trained health care providers are located in military treatment facilities based on the Department’s projection of needs.

Military dependent suicides

The committee remains extremely troubled by the numbers of suicides in each of the services in both the active duty and the reserve components, and has recently been informed by the National Military Family Association and other military family advocacy groups that anecdotal reports indicate the number of suicides committed by dependents of service members is increasing. However, the committee notes that the Department of Defense does not currently track the suicides of military family members.

Therefore, the committee directs the Secretary of Defense to submit a report no later than February 1, 2014, to the Committees on Armed Services of the Senate and the House of Representatives on the Department's current capabilities to track the suicides of military dependents of both active duty and reserve component members, the feasibility and advisability of tracking such suicides, a description of any impediments to the ability to track suicides by military family members, and a description of current resiliency programs provided to family members by each of the services.

Prohibition of sale of sexually explicit material

The committee notes that section 2495b(a) of title 10, United States Code, prohibits the sale or rental of sexually explicit material on Department of Defense property. The committee has been made aware that despite this prohibition, sexually explicit material remains available for sale on certain Department of Defense premises. The committee is concerned about the impact this material may have on the health and wellness of military service members and their families. Therefore, the committee directs the Secretary of Defense, in consultation with the service chiefs, to submit to the Committees on Armed Services of the Senate and the House of Representatives a report, within 180 days of the enactment of this Act, that outlines the Department's efforts to comply with the statutory prohibition.

Report to Congress on the implementation of the recommendations made by the Military Leadership Diversity Commission

The Military Leadership Diversity Commission established in section 596 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) made recommendations for improving diversity within the armed forces after conducting a comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the armed forces.

It has been 2 years since the Commission made these recommendations. The committee continues to be interested in increasing diversity in the armed forces and the services' progress in implementing the Commission's recommendations.

The committee directs the Secretary of Defense to assess the services' progress in implementing the Commission's recommendations and to report to the Committees on Armed Services of the Senate and the House of Representatives on that assessment by December 31, 2013.

Report on whereabouts of Army Sergeant Bowe Bergdahl

Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees an unclassified report, with a classified annex, regarding the status of the search for U.S. Army Sergeant Bowe Bergdahl who was captured by the Taliban on June 30, 2009, in Paktika Province in eastern Afghanistan. The report should include Sergeant Bergdahl's suspected whereabouts, his likely captors, and what efforts are being made to find and recover him.

Retention, career progression, and promotion opportunities for female members of the Armed Forces

The committee notes and is encouraged by the efforts of the Department of Defense to expand service opportunities for women in the military. In February, the Secretary of Defense rescinded the ground-combat exclusion policy and required that the services open all positions to service by women by January 1, 2016, or request an exception to policy by that date to keep certain positions closed, an exception that must be approved by the Secretary and Chairman of the Joint Chiefs of Staff. The Department is moving toward an assignment system that is gender-neutral and performance-based, and the committee supports that effort and encourages the Department to continue to work toward full integration of women in all military occupations to the maximum extent practicable, consistent with military capabilities required for our Nation's defense.

Even with the increasing service opportunities for women, however, the committee remains concerned that women may not always be afforded the maximum opportunity to serve a full career. The committee is particularly interested in addressing the balance between career and personal goals of all service members—both men and women—and how the ability of a service member to meet his or her personal goals may impact a decision to remain in military service, while being mindful of the military mission and the core need for all service members to be fully trained, ready, and available for deployment.

Therefore, the committee directs the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report by no later than December 31, 2013, examining:

- (1) retention rates and career progression opportunities for female service members;
- (2) causes of voluntary mid-career separations, especially those related to childbirth, to include disparities in service policies on postpartum leave, deferral from deployment, and service member accommodation for infant nursing; and
- (3) how the Department might better accommodate service members in a manner consistent with military necessity and without degrading unit readiness, to include consideration of wider use of temporary assignments to the reserve components or other career intermission programs as a way to allow service members to pursue personal or family goals while maintaining a commitment to a full military career.

Sexual assault first responder training

The committee continues to be concerned with sexual assaults in the military. The effect on good order and discipline of a unit is immeasurable. It ruins the trust that individuals have in the institution. One of the aspects that is vital in order to hold confidence in the reporting system for sexual assaults is to ensure that the sexual assault response coordinators, victim advocates, health care personnel, law enforcement personnel, judge advocates, and chaplains are trained on topics to include available medical and mental health treatment options. A Government Accountability Office (GAO) report from January 2013 indicates that some first responders interviewed were unsure of the health care services available to sexual assault victims at their respective locations.

The GAO also reported that sexual assault response coordinators, victim advocates, and health care personnel differed in their understanding of where to take sexual assault victims for forensic examinations. Given that the quality of this evidence diminishes as the period of time from the actual assault increases, this could become a serious issue.

The committee understands and appreciates that the Department is focusing additional resources to increase the numbers of first responders. This is a positive step. However, it is also important that first responders thoroughly understand the options available in general as well as at their specific duty location.

Therefore, the committee directs the secretaries of each of the military departments to submit a report to the congressional defense committees within 90 days of enactment of this Act with details on how each service will ensure that first responders are adequately trained to be able to deal with sexual assault victims. The report should also indicate how each service will keep track and enforce service specific refresher training requirements.

By December 1, 2013, the Secretary of Defense shall submit a report to the congressional defense committees indicating the number of first responders who should have had either initial or refresher training during the fiscal year and how many actually completed this required training. The statistics should be broken out by service.

Suicide prevention screening

The committee recognizes that the Department of Defense (DOD) and each of the military services have made suicide prevention a priority. In addition, Congress has attempted to enhance DOD efforts to address military suicides. Even though military suicide rates are lower than comparable civilian suicide rates, work must be done in the area of early detection of mental health conditions and suicide risk. The committee notes that many of the existing programs designed for suicide prevention and screening of service members for mental health issues are linked to the deployment cycle. Yet, DOD Suicide Event Reports from recent years indicate that less than half of the service members who have committed suicide had deployed, and only a small number were involved with direct combat.

The committee remains committed to exploring new means to identify mental health concerns and prevent suicides, and expects

the Department to continually monitor best practices in other government agencies, academia, and the private sector in order to recognize when a service member may need psychological help. Therefore, the committee directs the Secretary of Defense, in collaboration with each of the military services and the reserve component, to assess the feasibility and advisability of utilizing innovative tools to screen service members for mental health conditions and risk of suicide, and to submit a report not later than February 1, 2014, that includes the following elements:

- (1) current ways in which each of the services and reserve components screen service members for mental health conditions;
- (2) an assessment of utilizing a computerized adaptive test during a service member's annual physical health assessment;
- (3) an assessment of incorporating input through a computerized survey from a service member's first-line supervisor with regard to any behavioral changes observed in the service member;
- (4) an assessment of analyzing the wellness of a service member utilizing publicly available data to develop predictive analytical models that may identify individuals that could be more susceptible to suicide;
- (5) a description of how a pilot program to evaluate these new screening tools could be designed in a manner consistent with medical testing procedures and ethical and privacy requirements; and
- (6) a description of any other innovative methods to enable early identification of mental health conditions or risk of suicide that the Department has recently considered and the reasons why the Department decided not to utilize those methods.

U.S. Special Operations Command Preservation of the Force and Families Initiatives

The Commander of U.S. Special Operations Command (USSOCOM) testified before the committee that "USSOCOM must ensure our SOF [Special Operations Force] warriors and their families are properly cared for and that we work to help them reduce the stress they face related to high operation tempos. Difficulty also occurs as forces reconnect and reintegrate into garrison and family activities. The Department of Defense provides preventive and responsive counseling, medical, psychological, and rehabilitative care to institutionalize the resiliency of our SOF warriors and their families."

The committee applauds USSOCOM for its focus on the support and resiliency of SOF and their families through various initiatives, including human performance, personnel tempo, and family programs. The committee also supports the decision of the Commander of USSOCOM to use special operations-peculiar, or Major Force Program-11, funds to augment family support programs provided by the services to meet the unique needs of the SOF families when there is a "clear and demonstrable connection between the services provided and the combat readiness of the service member."

According to USSOCOM, "while the services offer a host of excellent family support programs, there are aspects of SOF that neces-

sitate innovations and the expansion of programs that are not common to the general purpose forces Currently, many of the family programs sponsored by the services are limited in scope, and are centric to the sponsoring service. Despite a recent emphasis by the services to bolster family support programs, we still find that there is limited access to some services and a dearth of programs that adequately account for the unique needs of the SOF community.” The committee believes the services have a responsibility to provide appropriate family readiness support to all service members and their families, including the SOF community.

Therefore, the committee directs the Under Secretary of Defense for Personnel and Readiness, in coordination with the Commander of USSOCOM, to submit a report not later than 90 days after enactment of this Act that, at a minimum: (1) describes any family support requirements that are unique to the SOF community; (2) offers an analysis of support provided by the services to address these unique requirements; (3) identifies any gaps in family support provided by the services to the SOF community; (4) provides recommended actions for addressing identified gaps; and (5) relates any other matters deemed appropriate by the Under Secretary of Defense for Personnel and Readiness or the Commander of USSOCOM.

Veteran unemployment

The committee is concerned about the high rate of unemployment that persists for our youngest veterans. The unemployment rate also impacts the Department of Defense budget. Over the past 10 years, the Department of Defense expended more than \$6.0 billion in unemployment compensation for veterans.

The Departments of Defense and Labor should review and place emphasis on improving the management and oversight associated with the veteran unemployment compensation program and payments.

In addition to the unemployment compensation issue, both veterans and prospective employers have brought to our attention that there is no single portal for veterans to find jobs, and employers to post jobs. There are numerous redundant websites and portals managed by federal agencies to provide employment services to veterans.

As such, the committee strongly urges the Departments of Labor, Defense, and Veterans Affairs to continue the process of streamlining existing employment portals into a consolidated portal.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Fiscal year 2014 increase in military basic pay (sec. 601)

The committee recommends a provision that would authorize an across-the-board pay raise for members of the uniformed services of 1 percent effective January 1, 2014.

Repeal of authority relating to commencement of basic pay for members of the National Guard called into Federal service for less than 30 days (sec. 602)

The committee recommends a provision that would repeal subsection (c) of section 204 of title 37, United States Code, to remove the existing limitation on when members of the National Guard are entitled to receive basic pay when called into federal service for a period of 30 days or less.

Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 603)

The committee recommends a provision that would extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of basic allowance for housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

Subtitle B—Bonuses and Special and Incentive Pays

One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The committee recommends a provision that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, and income replacement for reserve component members experiencing extended and frequent mobilization for active duty service.

One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The committee recommends a provision that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals

who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The committee recommends a provision that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)

The committee recommends a provision that would extend for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, and special bonus and incentive pay authorities for officers in health professions. The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)

The committee recommends a provision that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between armed forces, and the accession bonus for officer candidates.

Correction of citation for extension of reimbursement authority for travel expenses for inactive-duty training outside of normal commuting distance and additional one-year extension (sec. 616)

The committee recommends a provision that would correct an erroneous citation in section 611(7) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) that extended authority to pay travel expenses for certain inactive-duty training outside of normal commuting distances. The provision would further extend the authority to December 31, 2014.

Expansion to all reserve components of stipend for registered nurses in critical specialties under health professions stipend program (sec. 617)

The committee recommends a provision that would amend section 16201(d) of title 10, United States Code, to authorize payment of the health professions stipend to a nurse enrolled in an accredited program of nursing in a specialty designated as critical by the Secretary of Defense who is eligible for appointment as a Reserve officer in any of the reserve components.

Subtitle C—Travel and Transportation Allowances

Technical and standardizing amendments to Department of Defense travel and transportation authorities in connection with reform of such authorities (sec. 631)

The committee recommends a provision that would amend sections 1040, 1074i, 1482, and 1491 of title 10, United States Code, and sections 451 and 453 of title 37, United States Code, to make technical changes to those sections to conform with the travel consolidation reform enacted in sections 631 and 632 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81). The provision would also repeal sections 1036, 1053a, and 2634 of title 10, United States Code, as superseded.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Clarification of prevention of retired pay inversion in the case of members whose retired pay is computed using high-three (sec. 641)

The committee recommends a provision that would make a technical amendment to section 1401a of title 10, United States Code, to clarify that certain provisions of subsection (f) of that section do not apply to the computation of retired pay of members who first entered active duty on or after September 8, 1980.

Effect on division of retired pay of election to receive combat-related special compensation after previous election to receive concurrent retirement and disability compensation (sec. 642)

The committee recommends a provision that would amend section 1414 of title 10, United States Code, to clarify the effect on prior payments of an election to receive combat-related special compensation after a previous election to receive concurrent retirement and disability compensation was made relative to the division of retired pay under section 1408 of title 10, United States Code.

Survivor Benefit Plan annuities for special needs trusts established for the benefit of dependent children incapable of self-support (sec. 643)

The committee recommends a provision that would amend sections 1450 and 1455 of title 10, United States Code, to authorize the payment of the Survivor Benefit Plan annuity to a special needs trust created under subparagraph (A) or (C) of section 1396p(d)(4) of title 42, United States Code, for the sole benefit of

a disabled dependent child incapable of self-support because of mental or physical incapacity.

Periodic notice to members of the Ready Reserve on early retirement credit earned for significant periods of active Federal status or active duty (sec. 644)

The committee recommends a provision that would amend section 12731 of title 10, United States Code, to require the service secretaries to provide periodic notice to reserve component members of any early retirement credit they have earned for service described in that section by such means as the secretary concerned considers appropriate.

Preservation of retiree dependent status for certain dependents upon death or permanent incapacitation of the retired member on whom dependent status is based (sec. 645)

The committee recommends a provision that would amend section 1060b of title 10, United States Code, to clarify that no further certification of a dependent for financial support shall be required or carried out in the case of a dependent who has been granted a permanent identification card by reason of permanent disability when the member or retiree providing the basis for dependency dies or becomes permanently incapacitated.

Subtitle E—Military Lending Matters

Enhanced role for the Department of Justice under the Military Lending Act (sec. 661)

The committee recommends a provision that would amend section 987 of title 10, United States Code, to provide civil enforcement authority over the Military Lending Act to the Department of Justice.

Subtitle F—Other Matters

Authority to provide certain expenses for care and disposition of human remains that were retained by the Department of Defense for forensic pathology investigation (sec. 671)

The committee recommends a provision that would authorize the payment of certain expenses for the care and disposition of human remains retained by a service secretary pursuant to a forensic pathology investigation by the Armed Forces Medical Examiner under section 1471 of title 10, United States Code.

Extension of ongoing pilot programs under temporary Army incentive to provide additional recruitment incentives (sec. 672)

The committee recommends a provision that would amend section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to authorize the Secretary of the Army to continue through December 31, 2015, any pilot program carried out under that section that was ongoing as of December 31, 2012.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle B—Health Care Administration

Pilot program on increased collection of third-party reimbursements for health care services provided in military medical treatment facilities (sec. 711)

The committee recommends a provision that would require the Secretary of Defense, in coordination with the service secretaries, to carry out a pilot program to assess the feasibility and advisability of using commercially available enhanced recovery practices for medical payment collection at military treatment facilities. The provision would also require the Secretary to submit to the congressional defense committees a report on the pilot program not later than 180 days after completion of the program.

The committee is concerned that the lack of an effective collection process in each of the services has resulted in lost reimbursement to the government for medical services rendered. While the committee understands that the Department of Defense is currently exploring options to outsource third party collections, the committee believes that such action has been delayed.

Sense of Senate on implementation of integrated electronic health records for the Department of Defense and the Department of Veterans Affairs (sec. 712)

The committee recommends a provision that would express the sense of the Senate that: despite years of effort and the expenditure of significant resources, full electronic interoperability between the health record systems of the Department of Defense and the Department of Veterans Affairs has not yet been achieved; the Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, should fully staff the Interagency Program Office and establish challenging, but achievable, deadlines for development and implementation of measures and goals for electronic health record interoperability; and the Interagency Program Office should establish a secure, remote, network-accessible computer storage system.

Subtitle C—Reports and Other Matters

Report on provision of advanced prosthetics and orthotics to members of the Armed Forces and veterans (sec. 721)

The committee recommends a provision that would require the Secretary of Defense and the Secretary of Veterans Affairs to report, not later than 180 days after the date of the enactment of this Act, on the plans of the Department of Defense and the Department of Veterans Affairs to ensure that the most clinically appropriate prosthetics and orthotics are made available to injured serv-

ice members and veterans using technological advances as appropriate.

Items of Special Interest

Autism spectrum disorder services

The committee commends the Department of Defense for its continued efforts to ensure that military families have access to appropriate autism spectrum disorder diagnosis, intervention, and treatment services. The committee expects the Department to continue to assist eligible autistic beneficiaries to receive effective, evidence-based intervention and treatment approaches, and to ensure the provision of such services for autistic dependents of service members living in rural or underserved communities.

Education and training of the acquisition workforce of the TRICARE Management Activity

The Department of Defense Inspector General (DOD IG) released a report on May 1, 2013, titled, “TRICARE Management Activity Needs to Improve Oversight of Acquisition Workforce.” The DOD IG audit found that acquisition personnel of the TRICARE Management Activity (TMA) “did not have required certifications for their functional areas, accurate position descriptions for their assigned duties, or proper training.” Additionally, the DOD IG discovered that the Component Acquisition Executive “did not have procedures to adequately monitor the acquisition workforce and did not place the required emphasis on the identification, development, training, and assignment of acquisition workforce personnel.” The committee notes that in the DOD IG’s view, these deficiencies placed the TMA at “increased risk for fraud, waste and abuse.” While the TMA has agreed with and worked to address the DOD IG’s findings and recommendations, the committee remains extremely concerned about the findings in the DOD IG’s report.

The committee believes that with the significant number of high value contracts awarded by the TMA—over \$11.0 billion in fiscal year 2012 alone—the Department of Defense must ensure that the TMA’s acquisition management process meets workforce training and certification requirements. Therefore, the committee directs the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the actions the Department is taking to correct the education and training challenges facing the TRICARE acquisition workforce.

Hyperbaric oxygen therapy for mild traumatic brain injury

The committee remains extremely concerned about the effects of traumatic brain injury (TBI) on our service members and veterans, as TBI is a signature wound of Operations Enduring Freedom and Iraqi Freedom. The committee notes that the Department of Defense (DOD) reports that there were over 266,000 TBI cases in service members, both active and reserve component, from 2000 through 2012. The committee applauds DOD for its significant investment in TBI research with a focus on development of diagnostic tools and evidence-based care protocols, and understands that DOD

is currently conducting three randomized, placebo-controlled pilot studies to determine the effectiveness of hyperbaric oxygen therapy for alleviating symptoms following mild TBI in military personnel. The committee expects that these pilot studies will inform the Department about the efficacy of hyperbaric oxygen therapy for mild TBI.

Therefore, the committee directs the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of completion of the pilot studies that describes the methodology, results, and conclusions of the studies. If hyperbaric oxygen therapy is determined to be effective, the report should address any changes in policy or legislation that may be needed regarding the provision of hyperbaric oxygen services to patients with mild TBI.

Mental health counselors for service members, veterans, and their families

The committee recognizes that many years of combat operations have caused service members in both the active and reserve components to experience increased exposure to unique and significant stressors. Additionally, service members and their families face daily stress in every phase of military life and as they transition to veteran status. The committee believes that mental health counseling needs of service members, veterans, and their families will continue to increase for the foreseeable future.

Therefore, the committee directs the Secretary of Defense and the Secretary of Veterans Affairs to provide a joint report within 270 days of the enactment of this Act that describes a coordinated, unified plan to ensure adequate mental health counseling resources to address the long-term needs of all members of the armed forces, veterans, and their families. In developing the plan and report, the committee expects the Department of Defense and the Department of Veterans Affairs to consider all available types of trained counseling providers, including psychiatrists, psychologists, social workers, chaplains, and other counseling professionals, as appropriate. The report shall also include a comprehensive staffing plan to ensure an appropriate alignment of mental health resources and needs.

Ribonucleic acid research

The committee notes with concern that service members are hospitalized more often for infectious diseases than service members who are wounded in combat, and commends the Department of Defense for its ongoing efforts to address these diseases. Therefore, the committee supports Department of Defense investment to further improve prevention, diagnosis, and treatment for service members from rare and infectious viral, bacterial, immune, and neurological diseases through research initiatives such as ribonucleic acid-based research addressing proteins.

TRICARE appeals process

The committee believes that a fundamental right of TRICARE beneficiaries is a fair and efficient process for resolving disputes with the TRICARE program. The committee notes that the

TRICARE appeals process is a multi-level sequential process that allows beneficiaries to request reconsideration from the managed care support contractor, file an appeal with the TRICARE Management Activity (TMA), and finally, request an independent hearing if they dispute either a medical necessity determination or a factual determination made in their case. If a case dispute moves to the final stage of the appeals process, a hearing officer examines the available evidence and issues a recommended decision on the case.

The committee has learned that the Director of the TMA or their designee, after consideration of a hearing officer's recommended decision, may unilaterally issue a final decision that overturns the independent hearing officer's recommendation. Advocacy groups have informed the committee that beneficiaries who have pursued the full range of options in the appeals process and received a favorable recommendation from the independent hearing officer perceive the process as unfair when the TMA summarily overturns the hearing officer's recommended decision.

Therefore, the committee directs the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of the enactment of this Act, that: (1) describes the current TRICARE appeals process; (2) provides summary data showing the numbers and types of cases submitted by beneficiaries for appeals and hearings over the previous 5 fiscal years; (3) provides data to show both the favorable and unfavorable beneficiary outcomes of all independent hearing cases over the previous 5 fiscal years; (4) describes the average length of time for beneficiaries to obtain a decision from the TMA either from an appeal or a hearing; and (5) provides data on the number of cases in which the Director of the TMA makes a determination different than the recommended decision of the hearing officer to grant a beneficiary appeal.

TRICARE emergency department utilization

The committee is concerned about the rate of emergency department utilization by TRICARE beneficiaries. The committee understands that families often seek 24-hour emergency department care rather than urgent care clinics to manage after-hours health concerns, and that active-duty family members in transition are a population with a particularly high incidence of emergency room usage.

The committee notes that current regulations require that TRICARE Prime beneficiaries seeking care from a provider other than their primary care manager, to include visits to urgent care clinics or facilities, must first obtain a referral. In addition, the average cost of a private sector emergency department visit under TRICARE is \$541 per visit, while the average cost for a visit at a private sector urgent care clinic is only \$88 per visit.

The committee is aware that the Department of Defense (DOD) is currently conducting a demonstration program that allows TRICARE Prime and TRICARE Prime Remote U.S. Coast Guard beneficiaries in the southern region four unmanaged urgent care visits per fiscal year without point-of-service charges, and that thus far, the demonstration has shown promising results in reducing

emergency room utilization. The committee commends DOD for conducting this demonstration and requests to be kept apprised of its results.

In addition, the committee has learned that DOD plans to implement a nurse advice line across the military health system to provide around-the-clock medical information and advice to TRICARE beneficiaries through registered nurses who would guide them to the most appropriate level of care required and assist them with appointment scheduling for conditions that can be treated during routine hours. The committee has been informed that implementation of this advice line has been delayed until at least the fall.

The committee believes that current TRICARE policy may incentivize emergency department use by requiring TRICARE Prime beneficiaries to obtain pre-authorizations for urgent care visits, and that this requirement places an administrative burden on families and discourages utilization of less costly urgent care options. While the committee does not want to discourage emergency department use when a true emergency exists, the committee strongly urges the Secretary of Defense to revise existing policy to encourage beneficiaries to use urgent care, when appropriate, rather than more expensive emergency department care, and to field its nurse advice line without further delay.

Use of simulation technology in medical training

The committee appreciates the Department of Defense's work to reduce the use of live animals in combat training courses when appropriate as detailed in the April 2013 "Report to Congress on the Strategy to Transition to Use of Human-Based Methods for Certain Medical Training." The committee commends the Department's interest in the development of simulation technology and shares its commitment to improve and modernize the training of military medical personnel without degradation to combat trauma care. The Department's 2009 "Final Report on the Use of Live Animals in Medical Education and Training Joint Analysis Team" projected that validated simulators for many "high volume/high value" medical procedures could be developed by 2014. The 2013 report provides an updated timeline indicating that a more realistic timeline for the development and procurement of simulation products would be in 2017 and beyond. In light of this, the committee encourages the Department to expedite wherever practicable the transition to human-based medical training methods and replacement of live animals in combat trauma training courses when appropriate and where modern validated simulators can provide equally effective training that achieves established combat casualty survival rates.