

**H.R. 4310—FY13 NATIONAL DEFENSE
AUTHORIZATION BILL**

SUBCOMMITTEE ON MILITARY PERSONNEL

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

SUBTITLE A—ACTIVE FORCES

Section 401—End Strengths for Active Forces

This section would authorize the following end strengths for Active Duty personnel of the Armed Forces as of September 30, 2013:

Service	FY 2012	FY 2013		Change from	
	Authorized	Request	Committee Recommendation	FY 2013 Request	FY 2012 Authorized
Army	562,000	552,100	552,100	0	-9,900
Navy	325,700	322,700	322,700	0	-3,000
USMC	202,100	197,300	197,300	0	-4,800
Air Force	332,800	328,900	329,460	560	-3,340
DOD	1,422,600	1,401,000	1,401,560	560	-21,040

The committee recommends an increase in end strengths to reflect the corresponding manpower requirements to maintain 18 Air Force Block 30 RQ-4 Global Hawks. The committee also notes the Navy end strength is approximately 5,000 less than the fiscal year 2012 authorized end strength of 325,700 and is projected to end the year at the current level. This is a drastic change from the fiscal year 2012 budget plan and what was submitted and briefed to Congress for the fiscal year 2013 budget. The committee is concerned about the Navy's ability to properly manage its manpower requirements. Over the past several years, the Navy has been over its authorized end strength levels, particularly within its officer corps, by several thousand and executed drastic force shaping measures in fiscal year 2012 to ensure that they were in compliance. As a result, the Navy took more reductions than were necessary for budget saving measures, involuntarily forcing enlisted sailors out of the Navy. Although the committee authorizes the President's request for the Navy's end strength for fiscal year 2013, the committee is doubtful of the Navy's ability to reverse course and meet this increased authorization level. As such, the committee believes an additional 1,008 sailors to maintain 3 Cruisers in fiscal year 2013 is not needed based on current manning levels.

Section 402—Revision in Permanent Active Duty End Strength Minimum Levels

This section would establish new minimum Active Duty end strengths for the Army, Navy, Marine Corps, and Air Force as of September 30, 2013. The committee recommends 552,100 as the minimum Active Duty end strength for the Army, 322,700 as the minimum Active Duty end strength for the Navy, 197,300 as the minimum Active Duty end strength for the Marine Corps, and 329,460 as the minimum Active Duty end strength for the Air Force.

Section 403—Limitations on End Strength Reductions for Regular Component of the Army and Marine Corps

This section would limit the end strength reductions for the Regular Component of the Army to no more than 15,000 members per year, and for the Regular Component of the Marine Corps to no more than 5,000 members per year between fiscal years 2014-17. In addition, if the President determines a reduction in end strength of the Regular Component of the Army or Marine Corps (or both) is necessary, this section would require the President to submit an annual

certification with the budget request that the reduction will not: undermine the ability of the Armed Forces to meet the requirements of the National Security Strategy; increase security risks for the United States; or compel members of the Armed Forces to endure diminished dwell time and repeated deployments. This section also would require that the Department of Defense budget request include amounts for the end strength of the regular component of the Army and the Marine Corps in the base budget and not through emergency, supplemental, or overseas contingency operations funds.

SUBTITLE B—RESERVE FORCES

Section 411—End Strengths for Selected Reserve

This section would authorize the following end strengths for Selected Reserve personnel, including the end strength for Reserves on Active Duty in support of the Reserves, as of September 30, 2013:

Service	FY 2012	FY 2013		Change from	
	Authorized	Request	Committee Recommendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	358,200	358,200	358,200	0	0
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	66,200	62,500	62,500	0	-3,700
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,700	101,600	101,600	0	-5,100
Air Force Reserve	71,400	70,500	70,500	0	-900
DOD Total	847,100	837,400	837,400	0	-9,700
Coast Guard Reserve	10,000	9,000	9,000	0	-1,000

Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves

This section would authorize the following end strengths for Reserves on Active Duty in support of the Reserves as of September 30, 2013:

Service	FY 2012	FY 2013		Change from	
	Authorized	Request	Committee Recommendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,261	16,277	16,277	0	16
Naval Reserve	10,337	10,114	10,114	0	-223
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,833	14,305	14,305	0	-528
Air Force Reserve	2,662	2,888	2,888	0	226
DOD Total	78,414	77,905	77,905	0	-509

Section 413—End Strengths for Military Technicians (Dual Status)

This section would authorize the following end strengths for military technicians (dual status) as of September 30, 2013:

Service	FY 2012	FY 2013		Change from	
	Authorized	Request	Committee Recommendation	FY 2013 Request	FY 2012 Authorized
Army Reserve	8,395	8,445	8,395	-50	0
Army National Guard	27,210	28,380	27,210	-1,170	0
Air Force Reserve	10,777	10,283	10,283	0	-494
Air National Guard	22,509	21,101	21,101	0	-1,408
DOD Total	68,891	68,209	66,989	-1,220	-1,902

This section would establish limits for fiscal year 2013 on the number of dual status technicians authorized for the Reserve Components of the Army and Air Force. The budget request included an increase in the statutory limit on dual status technicians for the Army Reserve by 50 members and the Army National Guard by 1,170 members. Although the committee is supportive of the operational reserve and believes that there are requirements for increases in full time support, the committee cannot support an increase in the number of technicians at this time. In the committee report (H. Rept. 110-652) accompanying the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the committee directed the Secretary of the Army to review the projected 5-year requirements for the Army National Guard and the Army Reserve full-time manning and implement a plan to increase full time manning in both those components. The committee has yet to receive the review and the implementation plan from this directive. After several field visits and meetings with the Army National Guard and the Army Reserve, the committee believes it is best to take a comprehensive approach to the full-time manning of the operational reserve rather than piecemeal which has been the case over the past 5 years. The committee encourages the Secretary of the Army to conclude the review and provide a comprehensive full time support implementation plan to the committee.

Section 414—Fiscal Year 2013 Limitation on Number of Non-Dual Status Technicians

This section would establish the maximum end strengths for the Reserve Components of the Army and Air Force for non-dual status technicians as of September 30, 2013:

Service	FY 2012	FY 2013		Change from	
	Authorized	Request	Committee Recommendation	FY 2013 Request	FY 2012 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

Section 415—Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support

This section would authorize, as required by section 115(b) of title 10, United States Code, the maximum number of Reserve Component personnel who may be on Active Duty or full-time National Guard duty during fiscal year 2013 to provide operational support. The personnel authorized here do not count against the end strengths authorized by section 401 or section 412 of this Act unless the duration on Active Duty exceeds the limitations in section 115(b)(2) of title 10, United States Code.

Service	FY 2012	FY 2013		Change from	
	Authorized	Request	Committee Recommendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Naval 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—AUTHORIZATION OF APPROPRIATIONS

Section 421—Military Personnel

This section would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of division D of this Act.

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS

SUBTITLE A—OFFICER PERSONNEL POLICY GENERALLY

Section 501—Limitation on Number of Navy Flag Officers on Active Duty

This section would eliminate the exemption for the Director of the Nurse Corps and the Director of the Medical Service Corps from counting against the statutory limits on Navy flag officers on Active Duty.

Section 502—Exception to Required Retirement After 30 Years of Service for Regular Navy Warrant Officers in the Grade of Chief Warrant Officer, W-5

This section would increase from 30 years to 33 years the total active military service a Navy warrant officer in the grade of chief warrant officer, W-5, may serve prior to being statutorily retired for length of service.

Section 503—Air Force Chief and Deputy Chief of Chaplains

This section would establish the positions of Chief of Chaplains and Deputy Chief of Chaplains in the Air Force in statute. This section would replace the Air Force's current central selection process for the Chief of Chaplains, which is restrictive, with a process similar to that used for the selection of Staff Judge Advocates General of the military services. This section would also allow candidates in the grade of colonel and above to be considered for selection.

SUBTITLE B—RESERVE COMPONENT MANAGEMENT

Section 511—Codification of Staff Assistant Positions for Joint Staff Related to National Guard and Reserve Matters

This section would repeal section 901 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) and make the provisions of that section part of title 10, United States Code. This section would also amend the language of the new section in title 10 by requiring the assistants to the Chairman of the Joint Chiefs of Staff have significant joint duty experience, as determined by the Chairman, and that the assistants be included in the limited exclusions for joint duty assignments, under section 526(b) of title 10, United States Code.

Section 512—Automatic Federal Recognition of Promotion of Certain National Guard Warrant Officers

This section would automatically confer Federal recognition on members of the National Guard who are promoted from the grade of warrant officer 1, W-1, to chief warrant officer 2, W-2.

SUBTITLE C—GENERAL SERVICE AUTHORITIES

Section 521—Modifications to Career Intermission Pilot Program

This section would expand the population eligible for the Career Intermission Pilot Program to include Reserve Component members serving on Active Duty. This section would also authorize service members to retain their earned leave balance as well as to go through processing for disability separation while participating in the program.

Section 522—Authority for Additional Behavioral Health Professionals to Conduct Pre-Separation Medical Exams for Post-Traumatic Stress Disorder

This section would authorize licensed clinical social workers and psychiatric nurse practitioners to conduct pre-administrative separation medical examinations to determine if the service member suffers from post-traumatic stress disorder, a factor that should be considered by the service member's commander prior to administrative separation.

Section 523—Authority to Accept Voluntary Services to Assist Department of Defense Efforts To Account for Missing Persons

This section would amend section 1501(a)(6) of title 10, United States Code, to authorize the Secretary of Defense to accept gratuitous or voluntary services in circumstances in which the Secretary deems that such services may assist in accounting for missing personnel.

Section 524—Command Responsibility and Accountability for Remains of Members of the Army, Navy, Air Force, and Marine Corps Who Die Outside the United States

This section would require the Secretary of Defense to ensure that there is a continuous military command responsibility and accountability for the remains of each deceased member of the military services who died outside of the United States.

Section 525—Report on Feasibility of Developing Gender-Neutral Occupational Standards for Military Occupational Specialties Currently Closed to Women

This section would require the Secretary of Defense to submit to the congressional defense committees within 60 days after the date of the enactment of this Act, a report on the feasibility of incorporating gender-neutral occupational standards for military occupational specialties closed to female members of the Armed Forces.

SUBTITLE D—MILITARY JUSTICE AND LEGAL MATTERS

Section 531—Clarification and Enhancement of the Role of Staff Judge Advocate to the Commandant of the Marine Corps

This section would authorize the Staff Judge Advocate to the Commandant of the Marine Corps to supervise the administration of justice and delivery of legal assistance within the Marine Corps; provide professional supervision over all judge advocates of the Marine Corps; and establish a direct relationship with the Secretary of the Navy.

Section 532—Persons Who May Exercise Disposition Authority Regarding Charges Involving Certain Sexual Misconduct Offenses Under the Uniform Code of Military Justice

This section would require the Secretary of Defense to implement a policy to have the Secretaries of the military departments withhold disposition authority under the Uniform Code of Military Justice for certain sexual offenses under sections 920, 925 and 880 of title 10, United States Code. The policy required by this section would establish that the disposition authority in such cases would be no lower than the special court-martial convening authority, who holds the grade of colonel, or in the case of the Navy, the grade of captain, who has a legal advisor and is in the chain of command of the person accused of committing the offense. This section would not preclude the general-court martial convening authority from acting in lieu of the special court-martial convening authority, nor would this section preclude other offenses related to the alleged sexual offenses from being considered by the special court-martial convening authority.

Section 533—Briefing, Plan, and Recommendations Regarding Efforts To Prevent and Respond to Hazing Incidents Involving Members of the Armed Forces

This section would require the Secretary of Defense to brief the Senate Committee on Armed Services and the House Committee on Armed Services by May 1, 2013, on the plan to establish the Department of Defense effort to prevent hazing in the Armed Forces, and to respond to and resolve alleged hazing incidents. This section would also require the Secretary to provide recommendations for changes to the Uniform Code of Military Justice and the Manual for Courts-Martial to improve the prosecution of hazing incidents as part of the briefing. In addition, this section would require the Secretary to establish a database to determine the extent to which hazing incidents are occurring and the nature of such incidents, as well as to track, respond to, and resolve hazing incidents involving members of the Armed Forces.

SUBTITLE E—MEMBER EDUCATION AND TRAINING OPPORTUNITIES AND ADMINISTRATION

Section 541—Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and Enhancements to the Program

This section would transfer responsibility and authority for operation and administration of the Troops to Teachers Program from the Department of Education to the Department of Defense.

Section 542—Support of Naval Academy Athletic and Physical Fitness Programs

This section would amend chapter 603 of title 10, United States Code, to grant the Secretary of the Navy authority to enter into a collaborative agreement with the Naval Academy Athletic Association in support of the United States Naval Academy's athletic and physical fitness programs.

SUBTITLE F—DECORATIONS AND AWARDS

Section 551—Issuance of Prisoner-of-War Medal

This section would amend section 1128 of title 10, United States Code, to permit the prisoner-of-war medal to be awarded to any person serving in any capacity with the Armed Forces who was taken prisoner or held captive by a foreign armed force under circumstances that the Secretary concerned finds to have been comparable to those under which persons have generally been held captive by enemy armed forces. Under current law, the foreign armed forces must have been found to be hostile to the United States.

Section 552—Award of Purple Heart to Members of the Armed Forces Who Were Victims of the Attacks at Recruiting Station in Little Rock, Arkansas, and at Fort Hood, Texas

This section would require the Secretary concerned to award the Purple Heart to members of the Armed Forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

SUBTITLE G—DEFENSE DEPENDENTS' EDUCATION AND MILITARY FAMILY READINESS MATTERS

Section 561—Continuation of Authority to Assist Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees

This section would authorize \$25.0 million for the continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by the enrollment of dependent children of military members and

DOD civilian employees. This section would also authorize \$5.0 million for assistance to local educational agencies with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

Section 562—Transitional Compensation for Dependent Children Who Were Carried During Pregnancy at the Time of the Dependent-Abuse Offense Committed by an Individual While a Member of the Armed Forces

This section would extend transitional compensation benefits and payments provided to victims of dependent abuse under section 1059 of title 10, United States Code, to children carried during pregnancy at the time of a dependent-abuse offense.

Section 563—Modification of Authority to Allow Department of Defense Domestic Dependent Elementary and Secondary Schools to Enroll Certain Students

This section would authorize the dependent of a member of the Armed Forces or a dependent of a Federal employee who had been enrolled in the overseas Defense Dependents' Education System and was evacuated, to enroll in a Department of Defense domestic elementary and secondary education school near the safe haven where they were evacuated. This section would also authorize the dependent of an Active Duty member of the Armed Forces who upon return to the United States is enrolled in the elementary or secondary school of a local educational agency, to enroll in the Department of Defense's virtual elementary and secondary education program on a tuition-paying basis.

Section 564—Protection of Child Custody Arrangements for Parents Who Are Members of the Armed Forces

This section would amend title II of the Service Members Civil Relief Act (50 U.S.C. app. 521) to require a court that issued a temporary custody order based solely on the deployment or anticipated deployment of a service member to reinstate the custody order that was in effect immediately preceding the temporary order, unless the court finds reinstatement is not in the best interest of the child. This section would also prohibit a court from using deployment or the possibility of deployment against a service member when determining the best interest of a child.

Section 565—Treatment of Relocation of Members of the Armed Forces for Active Duty for Purposes of Mortgage Refinancing

This section would amend the Servicemembers Civil Relief Act (50 U.S.C. App. 533) to authorize a service member to refinance a principal residence if the service member does not reside in the residence because of a permanent change of duty station.

Section 566—Sense of Congress Regarding Support for Yellow Ribbon Day

This section would express the sense of Congress supporting the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces and U.S. civilians who are serving overseas apart from their families and loved ones.

SUBTITLE H—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

Section 571—Establishment of Special Victim Teams to Respond to Allegations of Child Abuse, Serious Domestic Violence, or Sexual Offenses

This section would require the Secretaries of the military departments to establish special victim teams for the investigation, prosecution, and victim support in connection with child abuse, serious domestic violence, or sexual offenses under the Uniform Code of Military Justice. In addition, this section would require the Secretary of each military department to determine the number of special victim teams to be established, and prescribe regulations for the management and employment of the teams in order to provide effective, timely, and responsive world-wide support. This section would also require that at least one special victim team in each military department be available for employment not later than 1 year after the date of the enactment of this Act. Furthermore, this section would require each Secretary to provide to the Senate Committee on Armed Services and the House Committee on Armed Services, not later than 270 days after the date of enactment of this Act, a plan and time line for the establishment of the remainder of the special victim teams that the Secretary has determined are needed.

Section 572—Modification of Annual Department of Defense Reporting Requirements Regarding Sexual Assaults

This section would require the Secretaries of the military departments to include additional information in the case synopsis portion of the report on sexual assaults required by section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

Section 573—Continued Submission of Progress Reports Regarding Certain Incident Information Management Tools

This section would require the Secretary of Defense to continue to provide to the Senate Committee on Armed Services and the House Committee on Armed Services a report on the establishment of the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database until the Secretary certifies that both systems are fully functional and operational.

Section 574—Briefings on Department of Defense Actions Regarding Sexual Assault
Prevention and Response in the Armed Forces

This section requires the Secretary of Defense, or his designee, to brief the Senate Committee Armed Services and the House Committee on Armed Services on the status of implementation of the sexual assault provisions in the National Defense Authorization Act for Fiscal Year 2011 (Public Law 112-81) and the initiative announced by the Secretary of Defense on April 24, 2012.

SUBTITLE I—OTHER MATTERS

Section 581—Inclusion of Freely Associated States Within Scope of Junior Reserve
Officers' Training Corps Program

This section would amend section 2031(a) of title 10, United States Code, to authorize the Secretary of a military department to establish and maintain a unit of the Junior Reserve Officers' Training Corps at a secondary education institution if the conditions of section 2031(b) of title 10, United States Code, are met.

Section 582—Preservation of Editorial Independence of Stars and Stripes

This section would require the Secretary of Defense to extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial staff and management operations of "Stars and Stripes." This section would extend the lease until the Secretary can provide space and support for the operations of "Stars and Stripes" in a Government-owned facility that is located within the National Capital Region that is geographically remote from the Defense Media Activity's facilities at Fort Meade, Maryland. The committee believes it is critically important to preserving the editorial independence of "Stars and Stripes."

Section 583—Sense of Congress Regarding Designation of Bugle Call Commonly
Known as "Taps" as National Song of Remembrance

This section would express the sense of Congress that "Taps" should be designated as the National Song of Remembrance.

Section 584—Recommended Conduct During Sounding of Bugle Call Commonly
Known as "Taps"

This section would establish the recommended conduct of persons during the sounding of the bugle call known as "Taps".

Section 585—Inspection of Military Cemeteries Under the Jurisdiction of
Department of Defense

This section would amend section 1(d)1 of Public Law 111-339 to eliminate the requirement for the Secretary of the Army to report on Arlington National Cemetery, Virginia, and the U.S. Soldiers' and Airmen's Home National Cemetery, District of Columbia, in fiscal year 2013. Instead, this section would require the Inspector General of the Department of Defense to conduct the inspection, hereby eliminating the current requirement that both the Secretary of the Army and the Inspector General of the Department of Defense conduct inspections in 2013.

This section would also provide both the Inspector General of the Department of Defense and the Secretaries of the military departments an additional 6 months to meet the inspection and reporting requirements in section 592(d)(2) of Public Law 112-81, which requires the Inspector General of the Department of Defense to inspect a statistically valid sample of cemeteries under the jurisdiction of the Secretaries of the military departments and for the Secretaries of the military departments to report their plans for corrective actions to the Senate Committee on Armed Services and the House Committee on Armed Services. The new suspense dates for the Inspector General and the Secretaries of the military departments would be June 29, 2013, and October 1, 2013, respectively.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

SUBTITLE A—PAY AND ALLOWANCES

Section 601—Fiscal Year 2013 Increase in Military Basic Pay

This section would increase basic pay for members of the uniform services by 1.7 percent, effective January 1, 2013. This raise would match the pay raise rate in the private sector as measured by the Employment Cost Index.

Section 602—Basic Allowance for Housing for Two-Member Couples When One Member is on Sea Duty

This section would authorize dual military couples without dependents below the grade of E-6 to receive basic allowance for housing while serving on sea duty. This section would also eliminate the requirement that such couples must be simultaneously serving on sea duty before becoming eligible to receive basic allowance for housing.

Section 603—No Reduction in Basic Allowance for Housing for Army National Guard and Air National Guard Members Who Transition Between Active Duty and Full-Time National Guard Duty Without a Break in Active Service

This section would prevent reductions in the rate of basic allowance for housing for National Guard service members who transition from full-time National

Guard duty to Active Duty, or from Active Duty to full-time National Guard duty, when the transition occurs without a break in active service.

Section 604—Modification of Program Guidance Relating to the Award of Post-Deployment/Mobilization Respite Absence Administrative Absence Days to Members of the Reserve Components Under DOD Instruction 1327.06

This section would grandfather members of the Reserve Component mobilized under wartime or national emergency circumstances prior to October 1, 2011, from the policy changes implemented on that date by the Secretary of Defense relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days under DOD Instruction 1327.06.

SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

Section 611—One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces

This section would extend the authority for 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, income replacement payments for Reserve Component members experiencing extended and frequent mobilization for active duty service, and the authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance until December 31, 2013.

Section 612—One-Year Extension of Certain Bonus and Special Pay Authorities for Health Care Professionals

This section would extend the authority for the nurse officer candidate accession program, repayment of educational loans for certain health professionals who serve in the Selected Reserve, the accession and retention bonuses for psychologists, the accession bonus for registered nurses, the incentive special pay for nurse anesthetists, the special pay for Selected Reserve health care 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 until December 31, 2013.

Section 613—One-Year Extension of Special Pay and Bonus Authorities for Nuclear Officers

This section would extend the authority for the special pay for nuclear-qualified officers extending a period of active service, nuclear career accession bonus, and the nuclear career annual incentive bonus until December 31, 2013.

Section 614—One-Year Extension of Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities

This section would extend the general bonus authority for enlisted members, the general bonus authority for officers, the special bonus and incentive pay authority for nuclear officers, special aviation incentive pay and bonus authorities, the special health professions incentive pay and bonus authorities, hazardous duty pay, assignment pay or special duty pay, skill incentive pay or proficiency bonus, and the retention bonus for members with critical military skills or assigned to high-priority units until December 31, 2013.

Section 615—One-Year Extension of Authorities Relating to Payment of Other Title 37 Bonuses and Special Pays

This section would extend the authority for the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus for active members, 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 until December 31, 2013.

Section 616—Increase in Maximum Amount of Officer Affiliation Bonus for Officers in the Selected Reserve

This section would increase the maximum amount that may be paid to officers who enter into an agreement to serve in the Selected Reserve for a specified contract period from \$10,000 to \$20,000.

Section 617—Increase in Maximum Amount of Incentive Bonus for Reserve Component Members Who Convert Military Occupational Specialty to Ease Personnel Shortages

This section would increase to \$4,000 the amount of the bonus that may be paid to Reserve Component members who convert their military occupational specialty to ease personnel shortages.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY

Section 621—Travel and Transportation Allowances for Non-Medical Attendants for Members Receiving Care in a Residential Treatment Program

This section would authorize non-medical attendants to receive travel and transportation benefits when assisting a service member receiving care in a residential treatment program if medical authorities determine that the presence and participation of such an attendant is essential to the treatment of the member.

SUBTITLE D—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED

Section 631—Extension of Authority To Provide Two Years of Commissary and Exchange Benefits After Separation

This section would extend the period of eligibility from December 31, 2012, to December 31, 2018, in which service members who are involuntarily separated may continue to use commissary and exchange stores for 2 years following the date of separation.

Section 632—Transitional Use of Military Family Housing

This section would establish October 1, 2012, through December 31, 2018, as the period of eligibility in which service members who are involuntarily separated may remain in Government-provided family housing for up to 180 days after the date of separation.

SUBTITLE E—COMMISSARY AND NONAPPROPRIATED FUND INSTRUMENTALITY BENEFITS AND OPERATIONS

Section 641—Charitable Organizations Eligible for Donations of Unusable Commissary Store Food and Other Food Prepared for the Armed Forces

This section would clarify that the Secretary of Defense may make donations of unusable food to charitable food banks, food pantries, and soup kitchens.

Section 642—Repeal of Certain Recordkeeping and Reporting Requirements Applicable to Commissary and Exchange Stores Overseas

This section would eliminate the requirement that the Secretary of Defense report to Congress the changes in restrictions on the sale of merchandise by commissary and exchange stores overseas that are required to prevent the resale of such merchandise in violation of treaty obligations of the United States or host-nation laws.

Section 643—Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House

This section would codify in title 10, United States Code, the designation of the Fisher House for Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, and clarify that authorized Fisher House residents of that facility include the primary next of kin, other family members of a member of the Armed Forces who dies while serving overseas, and escorts of those family members.

Section 644—Purchase of Sustainable Products, Local Food Products, and Recyclable Materials for Resale in Commissary and Exchange Store Systems

This section would require the governing body giving oversight and management direction to the military exchange and commissary systems in accordance with section 2481(c) of title 10, United States Code, to establish guidelines for the identification of fresh meat, poultry, seafood, produce, and other products raised or produced through sustainable methods that are not harmful to the ecology. This section would require the guidelines to be established not later than 2 years from the date of the enactment of this Act. The committee believes the guidelines should consider the impact of implementing sustainable product policies on the cost of goods and the pricing of the products offered to patrons. This section would also require that the governing body to establish, not later than September 30, 2017, goals for all exchange and commissary stores to purchase sustainable products, local food products, and recyclable materials.

SUBTITLE F—DISABILITY, RETIRED PAY AND SURVIVOR BENEFITS

Section 651—Repeal of Requirement for Payment of Survivor Benefit Plan Premiums When Participant Waives Retired Pay to Provide a Survivor Annuity Under Federal Employees Retirement System and Terminating Payment of the Survivor Benefit Plan Annuity

This section would authorize retired military service members when retiring under the Federal Employees Retirement System to forgo the payment of premiums under the Survivor Benefit Plan. The option would occur when the retired service member waives military retired pay in order to elect a civil service retirement and provide a survivor annuity.

SUBTITLE G—OTHER MATTERS

Section 661—Consistent Definition of Dependent for Purposes of Applying Limitations on Terms of Consumer Credit Extended to Certain Members of the Armed Forces and Their Dependents

This section would change the definition of "dependent" with regard to the limitations on the terms of consumer credit extended to service members and their dependents to align with the definition of "dependent" as used to establish eligibility

for military medical care in section 1072 of title 10, United States Code. The change would simplify the process for determining which family members are covered by the limits on the terms of consumer credit.

Section 662—Limitation on Reduction in Number of Military and Civilian Personnel Assigned to Duty with Service Review Agencies

This section would extend from December 31, 2013, to December 31, 2016, the limitation that the manpower levels within the service review agencies of the military departments shall not be reduced below the manpower levels that existed on January 1, 2002, unless the Secretary of a military department reports the scope and purpose of the reduction and a 90-day period elapses.

Section 663—Equal Treatment for Members of Coast Guard Reserve Called to Active Duty Under Title 14, United States Code

This section would authorize certain benefits for members of the Coast Guard Reserve when mobilized to ensure that they are provided equal benefits as those received by reserve members of the military departments. The benefits would include eligibility for retired pay and educational assistance.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE A—IMPROVEMENTS TO HEALTH BENEFITS

Section 701—Sense of Congress on Nonmonetary Contributions to Health Care Benefits Made by Career Members of the Armed Forces and Their Families

This section would express the sense of Congress that career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a military career and those decades of sacrifice constitute a significant pre-paid premium for health care during a career member's retirement that is over and above what the member pays with money.

Section 702—Extension of TRICARE Standard Coverage and TRICARE Dental Program for Members of the Selected Reserve Who Are Involuntarily Separated

This section would authorize the Secretary of Defense to provide TRICARE Reserve Select and TRICARE dental insurance coverage for 180 days to members of the Selected Reserve who are involuntarily separated from the Selected Reserve.

Section 703—Medical and Dental Care Contracts for Certain Members of the National Guard

This section would require the Secretary of Defense to ensure that members of the National Guard and the Reserves who receive medical and dental care under contracts by the National Guard or State meet medical and dental readiness standards upon mobilization.

SUBTITLE B—HEALTH CARE ADMINISTRATION

Section 711—Unified Medical Command

This section would require the Secretary of Defense to establish a unified medical command to provide medical services to the Armed Forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of title 10, United States Code. This section would also require the Secretary to develop a comprehensive plan to establish a unified medical command.

Section 712—Authority for Automatic Enrollment in TRICARE Prime of Dependents of Members in Pay Grades Above Pay Grade E-4

This section would authorize the Secretary of Defense to automatically enroll dependents of a service member in TRICARE Prime. This section also would allow Active Duty service members the option to terminate the enrollment of a dependent at any time.

Section 713—Cooperative Health Care Agreements Between the Military Departments and Non-Military Health Care Entities

This section would permit the Secretaries of the military departments to establish cooperative health care arrangements and agreements between military installations and local and regional non-military health care entities.

Section 714—Requirement To Ensure the Effectiveness and Efficiency of Health Engagements

This section would direct the Secretary of Defense to develop a process to ensure that health engagements conducted by the Department of Defense are effective and efficient in meeting the national security goals of the United States. This section would provide the Secretary authority to conduct pilot programs to assess the effectiveness of any process developed to ensure the applicability of the process.

Section 715—Clarification of Applicability of Federal Tort Claims Act to Subcontractors Employed to Provide Health Care Services to the Department of Defense

This section would include individuals working under a subcontract of a personal services contract for health care as covered Government employees for medical malpractice purposes under the Federal Tort Claims Act.

SUBTITLE C—OTHER MATTERS

Section 721—Extension of Comptroller General Report on Contract Health Care Staffing for Military Medical Treatment Facilities

This section would extend the deadline for the Comptroller General of the United States to submit the report required by section 726 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) on the contracting activities used by the military departments to provide health care professional services by civilian providers.

Section 722—Extension of Comptroller General Report on Women-Specific Health Services and Treatment for Female Members of the Armed Forces

This section would extend the deadline for the Comptroller General of the United States to submit the report required by section 725 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) on health care services for female members of the Armed Forces.

TITLE XIV—OTHER AUTHORIZATIONS

LEGISLATIVE PROVISIONS

SUBTITLE A—MILITARY PROGRAMS

Section 1422—Authority for Transfer of Funds to Joint Department of Defense-Department Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois

This section would authorize the Secretary of Defense to transfer funds from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

BILL LANGUAGE

Titles 4, 5, 6, 7, & 14

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

- Sec. 401. [Log ID 12105]End strengths for active forces.
- Sec. 402. [Log ID 12106]Revision in permanent active duty end strength minimum levels.
- Sec. 403. [Log ID 13692]Limitations on end strength reductions for regular component of the Army and Marine Corps.

Subtitle B—Reserve Forces

- Sec. 411. [Log ID 12107]End strengths for Selected Reserve.
- Sec. 412. [Log ID 12108]End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. [Log ID 12109]End strengths for military technicians (dual status).
- Sec. 414. [Log ID 12110]Fiscal year 2013 limitation on number of non-dual status technicians.
- Sec. 415. [Log ID 12111]Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. [Log ID 12112]Military personnel.

1 **Subtitle A—Active Forces**

2 **SEC. 401. [LOG ID 12105]END STRENGTHS FOR ACTIVE**
3 **FORCES.**

4 The Armed Forces are authorized strengths for active
5 duty personnel as of September 30, 2013, as follows:

- 6 (1) The Army, 552,100.
7 (2) The Navy, 322,700.
8 (3) The Marine Corps, 197,300.
9 (4) The Air Force, 329,460.

1 **SEC. 402. [LOG ID 12106]REVISION IN PERMANENT ACTIVE**
2 **DUTY END STRENGTH MINIMUM LEVELS.**

3 Section 691(b) of title 10, United States Code, is
4 amended by striking paragraphs (1) through (4) and in-
5 serting the following new paragraphs:

6 “(1) For the Army, 552,100.

7 “(2) For the Navy, 322,700.

8 “(3) For the Marine Corps, 197,300.

9 “(4) For the Air Force, 329,460.”.

1 **SEC. 403. [LOG ID 13692]LIMITATIONS ON END STRENGTH**
2 **REDUCTIONS FOR REGULAR COMPONENT OF**
3 **THE ARMY AND MARINE CORPS.**

4 (a) ANNUAL CERTIFICATION.—Subject to sub-
5 sections (b) and (c), if the President determines that a
6 reduction in end strength of the regular component of the
7 Army or Marine Corps (or both) is necessary for any of
8 fiscal years 2014 through 2017, the President shall submit
9 to Congress, with the budget request for that fiscal year,
10 a certification that the reduction in end strength, should
11 the assumptions of the National Security Strategy pre-
12 scribed by the President in the most recent annual na-
13 tional security strategy report under section 108 of the
14 National Security Act of 1947 (50 U.S.C. 404a) prove to
15 be incorrect, will not—

16 (1) undermine the ability of the Armed Forces
17 to meet the requirements of the National Security
18 Strategy;

19 (2) increase security risks for the United
20 States; or

21 (3) compel members of the Armed Forces to en-
22 dure diminished dwell time and repeated deploy-
23 ments.

24 (b) ANNUAL LIMITATION ON REDUCTIONS.—

25 (1) ARMY.—The end strength of the regular
26 component of the Army shall not be reduced by

1 more than 15,000 members during each of fiscal
2 years 2014 through 2017 from the end strength of
3 the regular component of the Army at the end of the
4 preceding fiscal year.

5 (2) MARINE CORPS.—The end strength of the
6 regular component of the Marine Corps shall not be
7 reduced by more than 5,000 members during each
8 of fiscal years 2014 through 2017 from the end
9 strength of the regular component of the Marine
10 Corps at the end of the preceding fiscal year.

11 (c) BUDGETING REQUIREMENT.—The budget for the
12 Department of Defense for each of fiscal years 2014
13 through 2017 as submitted to Congress—

14 (1) shall include amounts for maintaining an
15 end strength of the regular component of the Army
16 and the Marine Corps sufficient to comply with the
17 active duty end strengths prescribed in section
18 691(b) of title 10, United States Code; and

19 (2) shall not rely on any emergency, supple-
20 mental, or overseas contingency operations funding.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. [LOG ID 12107]END STRENGTHS FOR SELECTED**
3 **RESERVE.**

4 (a) IN GENERAL.—The Armed Forces are authorized
5 strengths for Selected Reserve personnel of the reserve
6 components as of September 30, 2013, as follows:

7 (1) The Army National Guard of the United
8 States, 358,200.

9 (2) The Army Reserve, 205,000.

10 (3) The Navy Reserve, 62,500.

11 (4) The Marine Corps Reserve, 39,600.

12 (5) The Air National Guard of the United
13 States, 101,600.

14 (6) The Air Force Reserve, 70,500.

15 (7) The Coast Guard Reserve, 9,000.

16 (b) END STRENGTH REDUCTIONS.—The end
17 strengths prescribed by subsection (a) for the Selected Re-
18 serve of any reserve component shall be proportionately
19 reduced by—

20 (1) the total authorized strength of units orga-
21 nized to serve as units of the Selected Reserve of
22 such component which are on active duty (other
23 than for training) at the end of the fiscal year; and

24 (2) the total number of individual members not
25 in units organized to serve as units of the Selected

1 Reserve of such component who are on active duty
2 (other than for training or for unsatisfactory partici-
3 pation in training) without their consent at the end
4 of the fiscal year.

5 (c) END STRENGTH INCREASES.—Whenever units or
6 individual members of the Selected Reserve of any reserve
7 component are released from active duty during any fiscal
8 year, the end strength prescribed for such fiscal year for
9 the Selected Reserve of such reserve component shall be
10 increased proportionately by the total authorized strengths
11 of such units and by the total number of such individual
12 members.

1 **SEC. 412. [LOG ID 12108]END STRENGTHS FOR RESERVES**
2 **ON ACTIVE DUTY IN SUPPORT OF THE RE-**
3 **SERVES.**

4 Within the end strengths prescribed in section
5 411(a), the reserve components of the Armed Forces are
6 authorized, as of September 30, 2013, the following num-
7 ber of Reserves to be serving on full-time active duty or
8 full-time duty, in the case of members of the National
9 Guard, for the purpose of organizing, administering, re-
10 cruiting, instructing, or training the reserve components:

11 (1) The Army National Guard of the United
12 States, 32,060.

13 (2) The Army Reserve, 16,277.

14 (3) The Navy Reserve, 10,114.

15 (4) The Marine Corps Reserve, 2,261.

16 (5) The Air National Guard of the United
17 States, 14,305.

18 (6) The Air Force Reserve, 2,888.

1 **SEC. 413. [LOG ID 12109]END STRENGTHS FOR MILITARY**
2 **TECHNICIANS (DUAL STATUS).**

3 The minimum number of military technicians (dual
4 status) as of the last day of fiscal year 2013 for the re-
5 serve components of the Army and the Air Force (notwith-
6 standing section 129 of title 10, United States Code) shall
7 be the following:

8 (1) For the Army Reserve, 8,395.

9 (2) For the Army National Guard of the United
10 States, 27,210.

11 (3) For the Air Force Reserve, 10,283.

12 (4) For the Air National Guard of the United
13 States, 21,101.

1 **SEC. 414. [LOG ID 12110]FISCAL YEAR 2013 LIMITATION ON**
2 **NUMBER OF NON-DUAL STATUS TECHNI-**
3 **CIANS.**

4 (a) LIMITATIONS.—

5 (1) NATIONAL GUARD.—Within the limitation
6 provided in section 10217(c)(2) of title 10, United
7 States Code, the number of non-dual status techni-
8 cians employed by the National Guard as of Sep-
9 tember 30, 2013, may not exceed the following:

10 (A) For the Army National Guard of the
11 United States, 1,600.

12 (B) For the Air National Guard of the
13 United States, 350.

14 (2) ARMY RESERVE.—The number of non-dual
15 status technicians employed by the Army Reserve as
16 of September 30, 2013, may not exceed 595.

17 (3) AIR FORCE RESERVE.—The number of non-
18 dual status technicians employed by the Air Force
19 Reserve as of September 30, 2013, may not exceed
20 90.

21 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
22 this section, the term “non-dual status technician” has the
23 meaning given that term in section 10217(a) of title 10,
24 United States Code.

1 **SEC. 415. [LOG ID 12111]MAXIMUM NUMBER OF RESERVE**
2 **PERSONNEL AUTHORIZED TO BE ON ACTIVE**
3 **DUTY FOR OPERATIONAL SUPPORT.**

4 During fiscal year 2013, the maximum number of
5 members of the reserve components of the Armed Forces
6 who may be serving at any time on full-time operational
7 support duty under section 115(b) of title 10, United
8 States Code, is the following:

9 (1) The Army National Guard of the United
10 States, 17,000.

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

13 (4) The Marine Corps Reserve, 3,000.

14 (5) The Air National Guard of the United
15 States, 16,000.

16 (6) The Air Force Reserve, 14,000.

1 **Subtitle C—Authorization of**
2 **Appropriations**

3 **SEC. 421. [LOG ID 12112]MILITARY PERSONNEL.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
5 are hereby authorized to be appropriated for fiscal year
6 2013 for the use of the Armed Forces and other activities
7 and agencies of the Department of Defense for expenses,
8 not otherwise provided for, for military personnel, as spec-
9 ified in the funding table in section 4401.

10 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
11 thorization of appropriations in subsection (a) supersedes
12 any other authorization of appropriations (definite or in-
13 definite) for such purpose for fiscal year 2013.

1 **TITLE V—MILITARY PERSONNEL**

2 **POLICY**

Subtitle A—Officer Personnel Policy Generally

- Sec. 501. [Log ID 14686]Limitation on number of Navy flag officers on active duty.
- Sec. 502. [Log ID 12488]Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 503. [Log ID 13275]Air Force Chief and Deputy Chief of Chaplains.

Subtitle B—Reserve Component Management

- Sec. 511. [Log ID 13273]Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters.
- Sec. 512. [Log ID 13267]Automatic Federal recognition of promotion of certain National Guard warrant officers.

Subtitle C—General Service Authorities

- Sec. 521. [Log ID 27292]Modifications to career intermission pilot program.
- Sec. 522. [Log ID 12490]Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
- Sec. 523. [Log ID 26339]Authority to accept voluntary services to assist Department of Defense efforts to account for missing persons.
- Sec. 524. [Log ID 17416]Command responsibility and accountability for remains of members of the Army, Navy, Air Force, and Marine Corps who die outside the United States.
- Sec. 525. [Log ID 29220]Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women.

Subtitle D—Military Justice and Legal Matters

- Sec. 531. [Log ID 13274]Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 532. [Log ID 23844]Persons who may exercise disposition authority regarding charges involving certain sexual misconduct offenses under the Uniform Code of Military Justice.
- Sec. 533. [Log ID 26315]Briefing, plan, and recommendations regarding efforts to prevent and respond to hazing incidents involving members of the Armed Forces.

Subtitle E—Member Education and Training Opportunities and Administration

- Sec. 541. [Log ID 18084]Transfer of Troops-to-Teachers program from Department of Education to Department of Defense and enhancements to the program.

Sec. 542. [Log ID 18089]Support of Naval Academy athletic and physical fitness programs.

Subtitle F—Decorations and Awards

Sec. 551. [Log ID 13271]Issuance of prisoner-of-war medal.

Sec. 552. [Log ID 26316]Award of Purple Heart to members of the Armed Forces who were victims of the attacks at recruiting station in Little Rock, Arkansas, and at Fort Hood, Texas.

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

Sec. 561. [Log ID 18091]Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 562. [Log ID 12492]Transitional compensation for dependent children who were carried during pregnancy at the time of dependent-abuse offense committed by an individual while a member of the Armed Forces.

Sec. 563. [Log ID 14193]Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.

Sec. 564. [Log ID 16855]Protection of child custody arrangements for parents who are members of the Armed Forces.

Sec. 565. [Log ID 23077]Treatment of relocation of members of the Armed Forces for active duty for purposes of mortgage refinancing.

Sec. 566. [Log ID 19437]Sense of Congress regarding support for Yellow Ribbon Day.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 571. [Log ID 23843]Establishment of special victim teams to respond to allegations of child abuse, serious domestic violence, or sexual offenses.

Sec. 572. [Log ID 24624]Modification of annual Department of Defense reporting requirements regarding sexual assaults.

Sec. 573. [Log ID 20121]Continued submission of progress reports regarding certain incident information management tools.

Sec. 574. [Log ID 36278]Briefings on Department of Defense actions regarding sexual assault prevention and response in the Armed Forces.

Subtitle I—Other Matters

Sec. 581. [Log ID 13718]Inclusion of Freely Associated States within scope of Junior Reserve Officers' Training Corps program.

Sec. 582. [Log ID 13270]Preservation of editorial independence of Stars and Stripes.

Sec. 583. [Log ID 14204]Sense of Congress regarding designation of bugle call commonly known as "Taps" as National Song of Remembrance.

Sec. 584. [Log ID 14206]Recommended conduct during sounding of bugle call commonly known as "Taps".

Sec. 585. [Log ID 14194]Inspection of military cemeteries under the jurisdiction of Department of Defense.

1 **Subtitle A—Officer Personnel**
2 **Policy Generally**

3 **SEC. 501. [LOG ID 14686]LIMITATION ON NUMBER OF NAVY**
4 **FLAG OFFICERS ON ACTIVE DUTY.**

5 (a) **ADDITIONAL FLAG OFFICER AUTHORIZED.**—Sec-
6 tion 526(a)(2) of title 10, United States Code, is amended
7 by striking “160” and inserting “161”.

8 (b) **CORRESPONDING CHANGE IN COMPUTING NUM-**
9 **BER OF FLAG OFFICERS IN STAFF CORPS OF THE**
10 **NAVY.**—Section 5150(c) of such title is amended by strik-
11 ing the last sentence.

1 **SEC. 502. [LOG ID 12488]EXCEPTION TO REQUIRED RETIRE-**
2 **MENT AFTER 30 YEARS OF SERVICE FOR REG-**
3 **ULAR NAVY WARRANT OFFICERS IN THE**
4 **GRADE OF CHIEF WARRANT OFFICER, W-5.**

5 Section 1305(a) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (1)—

8 (A) by striking “A regular warrant officer
9 (other than a regular Army warrant officer)”
10 and inserting “Subject to paragraphs (2) and
11 (3), a regular warrant officer”; and

12 (B) by striking “he” and inserting “the of-
13 ficer”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(3) In the case of a regular Navy warrant officer
17 in the grade of chief warrant officer, W-5, the officer shall
18 be retired 60 days after the date on which the officer com-
19 pletes 33 years of total active service.”.

1 **SEC. 503. [LOG ID 13275]AIR FORCE CHIEF AND DEPUTY**
2 **CHIEF OF CHAPLAINS.**

3 (a) ESTABLISHMENT OF POSITIONS; APPOINT-
4 MENT.—Chapter 805 of title 10, United States Code, is
5 amended by adding at the end the following new section:

6 **“§ 8039. Chief and Deputy Chief of Chaplains: ap-**
7 **pointment; duties**

8 “(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of
9 Chaplains in the Air Force, appointed by the President,
10 by and with the advice and consent of the Senate, from
11 officers of the Air Force designated under section 8067(h)
12 of this title as chaplains who—

13 “(A) are serving in the grade of colonel or
14 above;

15 “(B) are serving on active duty; and

16 “(C) have served on active duty as a chaplain
17 for at least eight years.

18 “(2) An officer appointed as the Chief of Chaplains
19 shall be appointed for a term of three years. However, the
20 President may terminate or extend the appointment at
21 any time.

22 “(3) The Chief of Chaplains shall perform such du-
23 ties as may be prescribed by the Secretary of the Air Force
24 and by law.

25 “(b) DEPUTY CHIEF OF CHAPLAINS.—(1) There is
26 a Deputy Chief of Chaplains in the Air Force, appointed

1 by the President, by and with the advice and consent of
2 the Senate, from officers of the Air Force designated
3 under section 8067(h) of this title as chaplains who—

4 “(A) are serving in the grade of colonel;

5 “(B) are serving on active duty; and

6 “(C) have served on active duty as a chaplain
7 for at least eight years.

8 “(2) An officer appointed as the Deputy Chief of
9 Chaplains shall be appointed for a term of three years.
10 However, the President may terminate or extend the ap-
11 pointment at any time.

12 “(3) The Deputy Chief of Chaplains shall perform
13 such duties as may be prescribed by the Secretary of the
14 Air Force and the Chief of Chaplains and by law.

15 “(c) SELECTION BOARD.—Under regulations ap-
16 proved by the Secretary of Defense, the Secretary of the
17 Air Force, in selecting an officer for recommendation to
18 the President for appointment as the Chief of Chaplains
19 or the Deputy Chief of Chaplains, shall ensure that the
20 officer selected is recommended by a board of officers that,
21 insofar as practicable, is subject to the procedures applica-
22 ble to the selection boards convened under chapter 36 of
23 this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“8039. Chief and Deputy Chief of Chaplains: appointment; duties.”.

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 511. [LOG ID 13273]CODIFICATION OF STAFF ASSIST-**
4 **ANT POSITIONS FOR JOINT STAFF RELATED**
5 **TO NATIONAL GUARD AND RESERVE MAT-**
6 **TERS.**

7 (a) CODIFICATION OF EXISTING POSITIONS.—Chap-
8 ter 5 of title 10, United States Code, is amended by insert-
9 ing after section 155 the following new section:

10 **“§ 155a. Assistants to the Chairman of the Joint**
11 **Chiefs of Staff for National Guard mat-**
12 **ters and for Reserve matters**

13 “(a) ESTABLISHMENT OF POSITIONS.—The Sec-
14 retary of Defense shall establish the following positions
15 within the Joint Staff:

16 “(1) Assistant to the Chairman of the Joint
17 Chiefs of Staff for National Guard Matters.

18 “(2) Assistant to the Chairman of the Joint
19 Chiefs of Staff for Reserve Matters.

20 “(b) SELECTION.—(1) The Assistant to the Chair-
21 man of the Joint Chiefs of Staff for National Guard Mat-
22 ters shall be selected by the Chairman from officers of the
23 Army National Guard of the United States or the Air
24 Guard of the United States who—

1 “(A) are recommended for such selection by
2 their respective Governors or, in the case of the Dis-
3 trict of Columbia, the commanding general of the
4 District of Columbia National Guard;

5 “(B) have had at least 10 years of federally rec-
6 ognized commissioned service in the National Guard
7 and significant joint duty experience, as determined
8 by the Chairman of the Joint Chiefs of Staff; and

9 “(C) are in a grade above the grade of colonel.

10 “(2) The Assistant to the Chairman of the Joint
11 Chiefs of Staff for Reserve Matters shall be selected by
12 the Chairman from officers of the Army Reserve, the Navy
13 Reserve, the Marine Corps Reserve, or the Air Force Re-
14 serve who—

15 “(A) are recommended for such selection by the
16 Secretary of the military department concerned;

17 “(B) have had at least 10 years of commis-
18 sioned service in their reserve component and signifi-
19 cant joint duty experience, as determined by the
20 Chairman of the Joint Chiefs of Staff; and

21 “(C) are in a grade above the grade of colonel
22 or, in the case of the Navy Reserve, captain.

23 “(c) TERM OF OFFICE.—Each Assistant to the
24 Chairman of the Joint Chiefs of Staff under subsection
25 (a) serves at the pleasure of the Chairman for a term of

1 two years and may be continued in that assignment in
2 the same manner for one additional term. However, in
3 time of war there is no limit on the number of terms.

4 “(d) GRADE.—Each Assistant to the Chairman of the
5 Joint Chiefs of Staff under subsection (a), while so serv-
6 ing, holds the grade of major general or, in the case of
7 the Navy Reserve, rear admiral. Each such officer shall
8 be considered to be serving in a position covered by the
9 limited exclusion from the authorized strength of general
10 officers and flag officers on active duty provided by section
11 526(b) of this title.

12 “(e) DUTIES.—(1) The Assistant to the Chairman of
13 the Joint Chiefs of Staff for National Guard Matters is
14 an adviser to the Chairman on matters relating to the Na-
15 tional Guard and performs the duties prescribed for that
16 position by the Chairman.

17 “(2) The Assistant to the Chairman of the Joint
18 Chiefs of Staff for Reserve Matters is an adviser to the
19 Chairman on matters relating to the reserves and per-
20 forms the duties prescribed for that position by the Chair-
21 man.

22 “(f) OTHER RESERVE COMPONENT REPRESENTA-
23 TION ON JOINT STAFF.—The Secretary of Defense, in
24 consultation with the Chairman of the Joint Chiefs, shall
25 develop appropriate policy guidance to ensure that, to the

1 maximum extent practicable, the level of representation of
2 reserve component officers on the Joint Staff is commensurate
3 with the significant role of the reserve components
4 within the armed forces.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item related to section 155 the following new
8 item:

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National
Guard matters and for Reserve matters.”.

9 (c) REPEAL OF SUPERSEDED LAW.—Section 901 of
10 the National Defense Authorization Act for Fiscal Year
11 1998 (Public Law 105–85; 10 U.S.C. 155 note) is re-
12 pealed.

1 **SEC. 512. [LOG ID 13267]AUTOMATIC FEDERAL RECOGNI-**
2 **TION OF PROMOTION OF CERTAIN NATIONAL**
3 **GUARD WARRANT OFFICERS.**

4 Section 310(a) of title 32, United States Code, is
5 amended—

6 (1) by inserting “(1)” before “Notwith-
7 standing”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(2) Notwithstanding sections 307 and 309 of this
11 title, if a warrant officer, W-1, of the National Guard is
12 promoted to the grade of chief warrant officer, W-2, to
13 fill a vacancy in a federally recognized unit in the National
14 Guard, Federal recognition is automatically extended to
15 that officer in the grade of chief warrant officer, W-2,
16 effective as of the date on which that officer has completed
17 the service in the grade prescribed by the Secretary con-
18 cerned under section 12242 of title 10, if the warrant offi-
19 cer has remained in an active status since the warrant
20 officer was so recommended.”.

1 **Subtitle C—General Service**
2 **Authorities**

3 **SEC. 521. [LOG ID 27292]MODIFICATIONS TO CAREER INTER-**
4 **MISSION PILOT PROGRAM.**

5 (a) EXTENSION OF PROGRAMS TO INCLUDE ACTIVE
6 GUARD AND RESERVE PERSONNEL.—Subsection (a)(1) of
7 section 533 of Duncan Hunter National Defense Author-
8 ization Act for Fiscal Year 2009 (Public Law 110–417;
9 122 Stat. 4449; 10 U.S.C. 701 prec.) is amended by in-
10 serting after “officers and enlisted members of the regular
11 components” the following: “, and members of the Active
12 Guard and Reserve (as defined in section 101(b)(16) of
13 title 10, United States Code),”.

14 (b) AUTHORITY TO CARRY FORWARD UNUSED AC-
15 CRUED LEAVE.—Subsection (h) of such section is amend-
16 ed by adding at the end the following new paragraph:

17 “(5) LEAVE.—A member who participates in a
18 pilot program is entitled to carry forward the leave
19 balance, existing as of the day on which the member
20 begins participation and accumulated in accordance
21 with section 701 of title 10, United States Code, but
22 not to exceed 60 days.”.

23 (c) AUTHORITY FOR DISABILITY PROCESSING.—Sub-
24 section (j) of such section is amended—

1 (1) by striking “for purposes of the entitle-
2 ment” and inserting “for purposes of—
3 “(1) the entitlement”;
4 (2) by striking the period at the end and insert-
5 ing “; and”; and
6 (3) by adding at the end the following new
7 paragraph:
8 “(2) retirement or separation for physical dis-
9 ability under the provisions of chapters 55 and 61
10 of title 10, United States Code.”.

1 **SEC. 522. [LOG ID 12490]AUTHORITY FOR ADDITIONAL BE-**
2 **HAVIORAL HEALTH PROFESSIONALS TO CON-**
3 **DUCT PRE-SEPARATION MEDICAL EXAMS**
4 **FOR POST-TRAUMATIC STRESS DISORDER.**

5 Section 1177(a) of title 10, United States Code, is
6 amended—

- 7 (1) in paragraph (1), by striking “or psychia-
8 trist” and inserting “psychiatrist, licensed clinical
9 social worker, or psychiatric nurse practitioner”; and
10 (2) in paragraph (3), by striking “or psychia-
11 trist” and inserting “, psychiatrist, licensed clinical
12 social worker, or psychiatric nurse practitioner”.

1 **SEC. 523. [LOG ID 26339]AUTHORITY TO ACCEPT VOL-**
2 **UNTARY SERVICES TO ASSIST DEPARTMENT**
3 **OF DEFENSE EFFORTS TO ACCOUNT FOR**
4 **MISSING PERSONS.**

5 Section 1501(a)(6) of title 10, United States Code,
6 is amended by adding at the end the following new sub-
7 paragraph:

8 “(D) Notwithstanding section 1342 of title 31, the
9 Secretary of Defense may accept voluntary services pro-
10 vided by individuals or non–Federal entities to further the
11 purposes of this chapter.”.

1 **SEC. 524. [LOG ID 17416]COMMAND RESPONSIBILITY AND**
2 **ACCOUNTABILITY FOR REMAINS OF MEM-**
3 **BERS OF THE ARMY, NAVY, AIR FORCE, AND**
4 **MARINE CORPS WHO DIE OUTSIDE THE**
5 **UNITED STATES.**

6 Not later than 60 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall take such
8 steps as may be necessary to ensure that there is contin-
9 uous, designated military command responsibility and ac-
10 countability for the care, handling, and transportation of
11 the remains of each deceased member of the Army, Navy,
12 Air Force, or Marine Corps who died outside the United
13 States, beginning with the initial recovery of the remains,
14 through the defense mortuary system, until the interment
15 of the remains or the remains are otherwise accepted by
16 the person designated as provided by section 1482(e) of
17 title 10, United States Code, to direct disposition of the
18 remains.

1 **SEC. 525. [LOG ID 29220]REPORT ON FEASIBILITY OF DE-**
2 **VELOPING GENDER-NEUTRAL OCCUPA-**
3 **TIONAL STANDARDS FOR MILITARY OCCUPA-**
4 **TIONAL SPECIALTIES CURRENTLY CLOSED**
5 **TO WOMEN.**

6 Not later than 60 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall submit
8 to the congressional defense committees a report evalu-
9 ating the feasibility of incorporating gender-neutral occu-
10 pational standards for military occupational specialties
11 closed, as of the date of the enactment of this Act, to fe-
12 male members of the Armed Forces.

1 **Subtitle D—Military Justice and**
2 **Legal Matters**

3 **SEC. 531. [LOG ID 13274]CLARIFICATION AND ENHANCE-**
4 **MENT OF THE ROLE OF STAFF JUDGE ADVO-**
5 **CATE TO THE COMMANDANT OF THE MARINE**
6 **CORPS.**

7 (a) APPOINTMENT BY THE PRESIDENT AND PERMA-
8 NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—
9 Subsection (a) of section 5046 of title 10, United States
10 Code, is amended—

11 (1) in the first sentence, by striking “detailed”
12 and inserting “appointed by the President, by and
13 with the advice and consent of the Senate,”; and

14 (2) by striking the second sentence and insert-
15 ing the following: “If the officer to be appointed as
16 the Staff Judge Advocate to the Commandant of the
17 Marine Corps holds a grade lower than the grade of
18 major general immediately before the appointment,
19 the officer shall be appointed in the grade of major
20 general.”.

21 (b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—
22 Such section is further amended—

23 (1) by redesignating subsection (c) as sub-
24 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing new subsection (c):

3 “(c) The Staff Judge Advocate to the Commandant
4 of the Marine Corps, under the direction of the Com-
5 mandant of the Marine Corps and the Secretary of the
6 Navy, shall—

7 “(1) perform such duties relating to legal mat-
8 ters arising in the Marine Corps as may be assigned
9 to the Staff Judge Advocate;

10 “(2) perform the functions and duties, and ex-
11 ercise the powers, prescribed for the Staff Judge Ad-
12 vocate to the Commandant of the Marine Corps in
13 chapters 47 (the Uniform Code of Military Justice)
14 and 53 of this title; and

15 “(3) perform such other duties as may be as-
16 signed to the Staff Judge Advocate.”.

17 (c) COMPOSITION OF HEADQUARTERS, MARINE
18 CORPS.—Section 5041(b) of such title is amended—

19 (1) by redesignating paragraphs (4) and (5) as
20 paragraphs (5) and (6), respectively; and

21 (2) by inserting after paragraph (3) the fol-
22 lowing new paragraph (4):

23 “(4) The Staff Judge Advocate to the Com-
24 mandant of the Marine Corps.”.

25 (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

1 (1) ADMINISTRATION OF MILITARY JUSTICE.—
2 Section 806(a) of such title (article 6(a) of the Uni-
3 form Code of Military Justice) is amended in the
4 third sentence by striking “or senior members of his
5 staff” and inserting “, the Staff Judge Advocate to
6 the Commandant of the Marine Corps, or senior
7 members of their staffs”.

8 (2) DELIVERY OF LEGAL ASSISTANCE.—Section
9 1044(b) of such title is amended by inserting “and,
10 within the Marine Corps, the Staff Judge Advocate
11 to the Commandant of the Marine Corps” after “ju-
12 risdiction of the Secretary”.

1 **SEC. 532. [LOG ID 23844]PERSONS WHO MAY EXERCISE DIS-**
2 **POSITION AUTHORITY REGARDING CHARGES**
3 **INVOLVING CERTAIN SEXUAL MISCONDUCT**
4 **OFFENSES UNDER THE UNIFORM CODE OF**
5 **MILITARY JUSTICE.**

6 (a) PERSONS WHO MAY EXERCISE DISPOSITION AU-
7 THORITY.—

8 (1) DISPOSITION AUTHORITY.—With respect to
9 any charge under chapter 47 of title 10, United
10 States Code (the Uniform Code of Military Justice)
11 that alleges an offense specified in paragraph (2),
12 the Secretary of Defense shall require the Secre-
13 taries of the military departments to restrict dispo-
14 sition authority under section 830 of such chapter (ar-
15 ticle 30 of the Uniform Code of Military Justice) to
16 officers of the Armed Forces who have the authority
17 to convene special courts-martial under section 823
18 of such chapter (article 23 of the Uniform Code of
19 Military Justice), but no lower than the first colonel,
20 or in the case of the Navy, the first captain, with
21 a legal advisor (or access to a legal advisor) in the
22 chain of command of the person accused of commit-
23 ting the offense.

24 (2) COVERED OFFENSES.—Paragraph (1) ap-
25 plies with respect to a charge that alleges any of the
26 following offenses under chapter 47 of title 10,

1 United States Code (the Uniform Code of Military
2 Justice):

3 (A) Rape or sexual assault under sub-
4 section (a) or (b) of section 920 of such chapter
5 (article 120).

6 (B) Forcible sodomy under section 925 of
7 such chapter (article 125).

8 (C) An attempt to commit an offense spec-
9 ified in paragraph (1) or (2), as punishable
10 under section 880 of such chapter (article 80).

11 (b) IMPLEMENTATION.—

12 (1) SERVICE SECRETARIES.—The Secretaries of
13 the military departments shall revise policies and
14 procedures as necessary to comply with subsection
15 (a).

16 (2) SECRETARY OF DEFENSE.—Not later than
17 180 days after the date of the enactment of this Act,
18 the Secretary of Defense shall recommend such
19 changes to the Manual for Courts-Martial as are
20 necessary to ensure compliance with subsection (a).

21 (c) RECOMMENDATION OF ADDITIONAL CHANGES TO
22 MANUAL FOR COURTS-MARTIAL OR UCMJ POLICY.—Not
23 later than 180 days after the date of the enactment of
24 this Act, the Secretary of Defense shall make rec-
25 ommendations for additional changes to the Manual for

1 Courts-Martial or to Department of Defense policies that
2 would—

3 (1) ensure the consideration of the material
4 facts regarding an alleged offense specified in sub-
5 section (a)(2) or other sexual offense under sections
6 920 through 920c of title 10, United States Code
7 (articles 120 through 120c of the Uniform Code of
8 Military Justice) is given precedence over the consid-
9 eration of the character of the military service of the
10 person accused of the sexual offense; and

11 (2) require all commanders who receive a report
12 or complaint alleging an offense specified in sub-
13 section (a)(2) to refer the report or complaint to the
14 Defense Criminal Investigative Service, Army Crimi-
15 nal Investigative Command, Naval Criminal Inves-
16 tigative Service, or Air Force Office of Special Inves-
17 tigation, as the case may be.

1 **SEC. 533. [LOG ID 26315] BRIEFING, PLAN, AND REC-**
2 **COMMENDATIONS REGARDING EFFORTS TO**
3 **PREVENT AND RESPOND TO HAZING INCI-**
4 **DENTS INVOLVING MEMBERS OF THE ARMED**
5 **FORCES.**

6 (a) BRIEFING AND PLAN REQUIRED.—Not later than
7 May 1, 2013, the Secretary of Defense shall provide to
8 the Committees on Armed Services of the Senate and
9 House of Representatives a briefing and plan that outlines
10 efforts by the Department of Defense—

11 (1) to prevent the hazing of members of the
12 Armed Forces by other members of the Armed
13 Forces; and

14 (2) to respond to and resolve alleged hazing in-
15 cidents involving members of the Armed Forces, in-
16 cluding the prosecution of offenders through the use
17 of punitive articles under subchapter X of chapter
18 47 of title 10, United States Code (the Uniform
19 Code of Military Justice).

20 (b) DATABASE.—The plan required by subsection (a)
21 shall include the establishment of a database for the pur-
22 pose of improving the ability of the Department of De-
23 fense—

24 (1) to determine the extent to which hazing in-
25 cidents involving members of the Armed Forces are

1 occurring and the nature of such hazing incidents;
2 and

3 (2) to track, respond to, and resolve hazing in-
4 cidents involving members of the Armed Forces.

5 (c) RECOMMENDATIONS.—As part of the briefing re-
6 quired by subsection (a), the Secretary of Defense shall
7 submit such recommendations for changes to the Uniform
8 Code of Military Justice and the Manual for Courts-Mar-
9 tial as the Secretary of Defense considers necessary to im-
10 prove the prosecution of hazing incidents.

11 (d) CONSULTATION.—The Secretary of Defense shall
12 prepare the plan, database, and recommendations required
13 by this section in consultation with the Secretaries of the
14 military departments.

15 (e) HAZING DESCRIBED.—For purposes of carrying
16 out this section, the Secretary of Defense shall use the
17 definition of hazing contained in the August 28, 1997,
18 Secretary of Defense Policy Memorandum, which defined
19 hazing as any conduct whereby a member of the Armed
20 Forces, regardless of branch or rank, without proper au-
21 thority causes another member to suffer, or be exposed
22 to, any activity which is cruel, abusive, humiliating, op-
23 pressive, demeaning, or harmful. Soliciting or coercing an-
24 other person to perpetrate any such activity is also consid-
25 ered hazing. Hazing need not involve physical contact

1 among or between members of the Armed Forces. Hazing
2 can be verbal or psychological in nature. Actual or implied
3 consent to acts of hazing does not eliminate the culpability
4 of the perpetrator.

1 **Subtitle E—Member Education and**
2 **Training Opportunities and Ad-**
3 **ministration**

4 **SEC. 541. [LOG ID 18084]TRANSFER OF TROOPS-TO-TEACH-**
5 **ERS PROGRAM FROM DEPARTMENT OF EDU-**
6 **CATION TO DEPARTMENT OF DEFENSE AND**
7 **ENHANCEMENTS TO THE PROGRAM.**

8 (a) TRANSFER OF FUNCTIONS.—

9 (1) TRANSFER.—The responsibility and author-
10 ity for operation and administration of the Troops-
11 to-Teachers Program in chapter A of subpart 1 of
12 part C of title II of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6671 et seq.) is
14 transferred from the Secretary of Education to the
15 Secretary of Defense.

16 (2) EFFECTIVE DATE.—The transfer under
17 paragraph (1) shall take effect on the first day of
18 the first month beginning more than 90 days after
19 the date of the enactment of this Act, or on such
20 earlier date as the Secretary of Education and the
21 Secretary of Defense may jointly provide.

22 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE
23 10, UNITED STATES CODE.—

1 (1) IN GENERAL.—Chapter 58 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 1154. Assistance to eligible members and former**
5 **members to obtain employment as teach-**
6 **ers: troops-to-teachers program**

7 “(a) DEFINITIONS.—In this section:

8 “(1) CHARTER SCHOOL.—The term ‘charter
9 school’ has the meaning given that term in section
10 5210(1) of the Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 7221i(1)).

12 “(2) ELIGIBLE SCHOOL.—The term ‘eligible
13 school’ means—

14 “(A) a public school, including a charter
15 school, at which—

16 “(i) at least 30 percent of the stu-
17 dents enrolled in the school are from fami-
18 lies with incomes below 185 percent of pov-
19 erty level (as defined by the Office of Man-
20 agement and Budget and revised at least
21 annually in accordance with section 9(b)(1)
22 of the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1758(b)(1)) applica-
24 ble to a family of the size involved; or

1 “(ii) at least 13 percent of the stu-
2 dents enrolled in the school qualify for as-
3 sistance under part B of the Individuals
4 with Disabilities Education Act; or

5 “(B) a Bureau-funded school as defined in
6 section 1141(3) of the Education Amendments
7 of 1978 (25 U.S.C. 2021(3)).

8 “(3) HIGH-NEED SCHOOL.—The term ‘high-
9 need school’ means—

10 “(A) an elementary or middle school in
11 which at least 50 percent of the enrolled stu-
12 dents are children from low-income families,
13 based on the number of children eligible to for
14 free and reduced priced lunches under the Rich-
15 ard B. Russell National School Lunch Act (42
16 U.S.C. 1751 et seq.), the number of children in
17 families receiving assistance under the State
18 program funded under part A of title IV of the
19 Social Security Act (42 U.S.C. 601 et seq.), the
20 number of children eligible to receive medical
21 assistance under the Medicaid program, or a
22 composite of these indicators;

23 “(B) a high school in which at least 40
24 percent of enrolled students are children from

1 low-income families, which may be calculated
2 using comparable data from feeder schools; or

3 “(C) a school that is in a local educational
4 agency that is eligible under section 6211(b) of
5 the Elementary and Secondary Education Act
6 of 1965 (20 U.S.C. 7345(b)).

7 “(4) MEMBER OF THE ARMED FORCES.—The
8 term ‘member of the armed forces’ includes a retired
9 or former member of the armed forces.

10 “(5) PARTICIPANT.—The term ‘participant’
11 means an eligible member of the armed forces se-
12 lected to participate in the Program.

13 “(6) PROGRAM.—The term ‘Program’ means
14 the Troops-to-Teachers Program authorized by this
15 section.

16 “(7) SECRETARY.—The term ‘Secretary’ means
17 the Secretary of Defense.

18 “(8) ADDITIONAL TERMS.—The terms ‘elemen-
19 tary school’, ‘local educational agency’, ‘secondary
20 school’, and ‘State’ have the meanings given those
21 terms in section 9101 of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 7801).

23 “(b) PROGRAM AUTHORIZATION.—The Secretary of
24 Defense may carry out a Troops-to-Teachers Program—

1 “(1) to assist eligible members of the armed
2 forces described in subsection (d) to obtain certifi-
3 cation or licensing as elementary school teachers,
4 secondary school teachers, or career or technical
5 teachers; and

6 “(2) to facilitate the employment of such mem-
7 bers—

8 “(A) by local educational agencies or char-
9 ter schools that the Secretary of Education
10 identifies as—

11 “(i) receiving grants under part A of
12 title I of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6301
14 et. seq.) as a result of having within their
15 jurisdictions concentrations of children
16 from low-income families; or

17 “(ii) experiencing a shortage of teach-
18 ers, in particular a shortage of science,
19 mathematics, special education, foreign
20 language, or career or technical teachers;
21 and

22 “(B) in elementary schools or secondary
23 schools, or as career or technical teachers.

24 “(c) COUNSELING AND REFERRAL SERVICES.—The
25 Secretary may provide counseling and referral services to

1 members of the armed forces who do not meet the eligi-
2 bility criteria described in subsection (d), including the
3 education qualification requirements under paragraph
4 (3)(B) of such subsection.

5 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

6 “(1) ELIGIBLE MEMBERS.—The following mem-
7 bers of the armed forces are eligible for selection to
8 participate in the Program:

9 “(A) Any member who—

10 “(i) on or after October 1, 1999, be-
11 comes entitled to retired or retainer pay
12 under this title or title 14;

13 “(ii) has an approved date of retire-
14 ment that is within one year after the date
15 on which the member submits an applica-
16 tion to participate in the Program; or

17 “(iii) has been transferred to the Re-
18 tired Reserve.

19 “(B) Any member who, on or after Janu-
20 ary 8, 2002—

21 “(i)(I) is separated or released from
22 active duty after four or more years of con-
23 tinuous active duty immediately before the
24 separation or release; or

1 “(II) has completed a total of at least
2 six years of active duty service, six years of
3 service computed under section 12732 of
4 this title, or six years of any combination
5 of such service; and

6 “(ii) executes a reserve commitment
7 agreement for a period of not less than
8 three years under paragraph (5)(B).

9 “(C) Any member who, on or after Janu-
10 ary 8, 2002, is retired or separated for physical
11 disability under chapter 61 of this title.

12 “(2) SUBMISSION OF APPLICATIONS.—(A) Se-
13 lection of eligible members of the armed forces to
14 participate in the Program shall be made on the
15 basis of applications submitted to the Secretary
16 within the time periods specified in subparagraph
17 (B). An application shall be in such form and con-
18 tain such information as the Secretary may require.

19 “(B) In the case of an eligible member of the
20 armed forces described in subparagraph (A)(i), (B),
21 or (C) of paragraph (1), an application shall be con-
22 sidered to be submitted on a timely basis under if
23 the application is submitted not later than three
24 years after the date on which the member is retired,

1 separated, or released from active duty, whichever
2 applies to the member.

3 “(3) SELECTION CRITERIA; EDUCATIONAL
4 BACKGROUND REQUIREMENTS; HONORABLE SERVICE
5 REQUIREMENT.—(A) The Secretary shall prescribe
6 the criteria to be used to select eligible members of
7 the armed forces to participate in the Program.

8 “(B) If a member of the armed forces is apply-
9 ing for the Program to receive assistance for place-
10 ment as an elementary school or secondary school
11 teacher, the Secretary shall require the member to
12 have received a baccalaureate or advanced degree
13 from an accredited institution of higher education.

14 “(C) If a member of the armed forces is apply-
15 ing for the Program to receive assistance for place-
16 ment as a career or technical teacher, the Secretary
17 shall require the member—

18 “(i) to have received the equivalent of one
19 year of college from an accredited institution of
20 higher education or the equivalent in military
21 education and training as certified by the De-
22 partment of Defense; or

23 “(ii) to otherwise meet the certification or
24 licensing requirements for a career or technical

1 teacher in the State in which the member seeks
2 assistance for placement under the Program.

3 “(D) A member of the armed forces is eligible
4 to participate in the Program only if the member’s
5 last period of service in the armed forces was honor-
6 able, as characterized by the Secretary concerned. A
7 member selected to participate in the Program be-
8 fore the retirement of the member or the separation
9 or release of the member from active duty may con-
10 tinue to participate in the Program after the retire-
11 ment, separation, or release only if the member’s
12 last period of service is characterized as honorable
13 by the Secretary concerned.

14 “(4) SELECTION PRIORITIES.—In selecting eli-
15 gible members of the armed forces to receive assist-
16 ance under the Program, the Secretary—

17 “(A) shall give priority to members who—

18 “(i) have educational or military expe-
19 rience in science, mathematics, special edu-
20 cation, foreign language, or career or tech-
21 nical subjects; and

22 “(ii) agree to seek employment as
23 science, mathematics, foreign language, or
24 special education teachers in elementary
25 schools or secondary schools or in other

1 schools under the jurisdiction of a local
2 educational agency; and

3 “(B) may give priority to members who
4 agree to seek employment in a high-need school.

5 “(5) OTHER CONDITIONS ON SELECTION.—(A)
6 Subject to subsection (i), the Secretary may not se-
7 lect an eligible member of the armed forces to par-
8 ticipate in the Program and receive financial assist-
9 ance unless the Secretary has sufficient appropria-
10 tions for the Program available at the time of the
11 selection to satisfy the obligations to be incurred by
12 the United States under subsection (e) with respect
13 to the member.

14 “(B) The Secretary may not select an eligible
15 member of the armed forces described in paragraph
16 (1)(B)(i) to participate in the Program and receive
17 financial assistance under subsection (e) unless the
18 member executes a written agreement to serve as a
19 member of the Selected Reserve of a reserve compo-
20 nent of the armed forces for a period of not less
21 than three years.

22 “(e) PARTICIPATION AGREEMENT AND FINANCIAL
23 ASSISTANCE.—

24 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
25 gible member of the armed forces selected to partici-

1 pate in the Program under subsection (b) and to re-
2 ceive financial assistance under this subsection shall
3 be required to enter into an agreement with the Sec-
4 retary in which the member agrees—

5 “(i) within such time as the Secretary may
6 require, to obtain certification or licensing as an
7 elementary school teacher, secondary school
8 teacher, or career or technical teacher; and

9 “(ii) to accept an offer of full-time employ-
10 ment as an elementary school teacher, sec-
11 ondary school teacher, or career or technical
12 teacher for not less than three school years in
13 an eligible school to begin the school year after
14 obtaining that certification or licensing.

15 “(B) The Secretary may waive the three-year
16 commitment described in subparagraph (A)(ii) for a
17 participant if the Secretary determines such waiver
18 to be appropriate. If the Secretary provides the
19 waiver, the participant shall not be considered to be
20 in violation of the agreement and shall not be re-
21 quired to provide reimbursement under subsection
22 (f), for failure to meet the three-year commitment.

23 “(2) VIOLATION OF PARTICIPATION AGREE-
24 MENT; EXCEPTIONS.—A participant shall not be
25 considered to be in violation of the participation

1 agreement entered into under paragraph (1) during
2 any period in which the participant—

3 “(A) is pursuing a full-time course of
4 study related to the field of teaching at an in-
5 stitution of higher education;

6 “(B) is serving on active duty as a member
7 of the armed forces;

8 “(C) is temporarily totally disabled for a
9 period of time not to exceed three years as es-
10 tablished by sworn affidavit of a qualified physi-
11 cian;

12 “(D) is unable to secure employment for a
13 period not to exceed 12 months by reason of the
14 care required by a spouse who is disabled;

15 “(E) is unable to find full-time employ-
16 ment as a teacher in an elementary school or
17 secondary school or as a career or technical
18 teacher for a single period not to exceed 27
19 months; or

20 “(F) satisfies the provisions of additional
21 reimbursement exceptions that may be pre-
22 scribed by the Secretary.

23 “(3) STIPEND AND BONUS FOR PARTICI-
24 PANTS.—(A) Subject to subparagraph (C), the Sec-
25 retary may pay to a participant a stipend to cover

1 expenses incurred by the participant to obtain the
2 required educational level, certification or licensing.
3 Such stipend may not exceed \$5,000 and may vary
4 by participant.

5 “(B)(i) Subject to subparagraph (C), the Sec-
6 retary may pay a bonus to a participant who agrees
7 in the participation agreement under paragraph (1)
8 to accept full-time employment as an elementary
9 school teacher, secondary school teacher, or career
10 or technical teacher for not less than three school
11 years in an eligible school.

12 “(ii) The amount of the bonus may not exceed
13 \$5,000, unless the eligible school is a high-need
14 school, in which case the amount of the bonus may
15 not exceed \$10,000. Within such limits, the bonus
16 may vary by participant and may take into account
17 the priority placements as determined by the Sec-
18 retary.

19 “(C)(i) The total number of stipends that may
20 be paid under subparagraph (A) in any fiscal year
21 may not exceed 5,000.

22 “(ii) The total number of bonuses that may be
23 paid under subparagraph (B) in any fiscal year may
24 not exceed 3,000.

1 “(iii) A participant may not receive a stipend
2 under subparagraph (A) if the participant is eligible
3 for benefits under chapter 33 of title 38.

4 “(iv) The combination of a stipend under sub-
5 paragraph (A) and a bonus under subparagraph (B)
6 for any one participant may not exceed \$10,000.

7 “(4) TREATMENT OF STIPEND AND BONUS.—A
8 stipend or bonus paid under this subsection to a
9 participant shall be taken into account in deter-
10 mining the eligibility of the participant for Federal
11 student financial assistance provided under title IV
12 of the Higher Education Act of 1965 (20 U.S.C.
13 1070 et seq.).

14 “(f) REIMBURSEMENT UNDER CERTAIN CIR-
15 CUMSTANCES.—

16 “(1) REIMBURSEMENT REQUIRED.—A partici-
17 pant who is paid a stipend or bonus under this sub-
18 section shall be subject to the repayment provisions
19 of section 373 of title 37 under the following cir-
20 cumstances:

21 “(A) The participant fails to obtain teach-
22 er certification or licensing or to obtain employ-
23 ment as an elementary school teacher, sec-
24 ondary school teacher, or career or technical

1 teacher as required by the participation agree-
2 ment under subsection (e)(1).

3 “(B) The participant voluntarily leaves, or
4 is terminated for cause from, employment as an
5 elementary school teacher, secondary school
6 teacher, or career or technical teacher during
7 the three years of required service in violation
8 of the participation agreement.

9 “(C) The participant executed a written
10 agreement with the Secretary concerned under
11 subsection (d)(5)(B) to serve as a member of a
12 reserve component of the armed forces for a pe-
13 riod of three years and fails to complete the re-
14 quired term of service.

15 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
16 pant required to reimburse the Secretary for a sti-
17 pend or bonus paid to the participant under sub-
18 section (e) shall pay an amount that bears the same
19 ratio to the amount of the stipend or bonus as the
20 unserved portion of required service bears to the
21 three years of required service.

22 “(3) INTEREST.—Any amount owed by a par-
23 ticipant under this subsection shall bear interest at
24 the rate equal to the highest rate being paid by the
25 United States on the day on which the reimburse-

1 ment is determined to be due for securities having
2 maturities of 90 days or less and shall accrue from
3 the day on which the participant is first notified of
4 the amount due.

5 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
6 QUIREMENT.—A participant shall be excused from
7 reimbursement under this subsection if the partici-
8 pant becomes permanently totally disabled as estab-
9 lished by sworn affidavit of a qualified physician.
10 The Secretary may also waive the reimbursement in
11 cases of extreme hardship to the participant, as de-
12 termined by the Secretary.

13 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
14 UNDER MONTGOMERY GI BILL.—Except as provided in
15 subsection (e)(3)(C)(ii), the receipt by a participant of a
16 stipend or bonus under subsection (e) shall not reduce or
17 otherwise affect the entitlement of the participant to any
18 benefits under chapter 30 or 33 of title 38 or chapter 1606
19 of this title.

20 “(h) PARTICIPATION BY STATES.—

21 “(1) DISCHARGE OF STATE ACTIVITIES
22 THROUGH CONSORTIA OF STATES.—The Secretary
23 may permit States participating in the Program to
24 carry out activities authorized for such States under

1 the Program through one or more consortia of such
2 States.

3 “(2) ASSISTANCE TO STATES.—(A) Subject to
4 subparagraph (B), the Secretary may make grants
5 to States participating in the Program, or to con-
6 sortia of such States, in order to permit such States
7 or consortia of States to operate offices for purposes
8 of recruiting eligible members of the armed forces
9 for participation in the Program and facilitating the
10 employment of participants as elementary school
11 teachers, secondary school teachers, and career or
12 technical teachers.

13 “(B) The total amount of grants made under
14 subparagraph (A) in any fiscal year may not exceed
15 \$5,000,000.

16 “(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGA-
17 TIONS.—The total amount obligated by the Secretary
18 under the Program for any fiscal year may not exceed
19 \$15,000,000.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of such chapter is amended
22 by adding at the end the following new item:

“1154. Assistance to eligible members and former members to obtain employ-
ment as teachers: Troops-to-Teachers Program.”.

23 (c) CONFORMING AMENDMENT.—Subparagraph (C)
24 of section 1142(b)(4) of such title is amended by striking

1 “section 2302” and all that follows through the end of
2 the subparagraph and inserting “under section 1154 of
3 this title.”.

4 (d) TERMINATION OF DEPARTMENT OF EDUCATION
5 TROOPS-TO-TEACHERS PROGRAM.—

6 (1) TERMINATION.—Chapter A of subpart 1 of
7 part C of title II of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6671 et seq.) is
9 repealed.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents in section 2 of the Elementary and Secondary
12 Education Act 1965 is amended by striking the
13 items relating to chapter A of subpart 1 of part C
14 of title II of such Act.

15 (3) EXISTING AGREEMENTS.—The repeal of
16 chapter A of subpart 1 of part C of title II of the
17 Elementary and Secondary Education Act of 1965
18 (20 U.S.C. 6671 et seq.) by paragraph (1) shall not
19 affect—

20 (A) the validity or terms of any agreement
21 entered into under such chapter, as in effect
22 immediately before such repeal, before the ef-
23 fective date of the transfer of the Troops-to-
24 Teachers Program under subsection (a); or

1 (B) the authority to pay assistance, make
2 grants, or obtain reimbursement in connection
3 with such an agreement as in effect before the
4 effective date of the transfer of the Troops-to-
5 Teachers Program under subsection (a).

1 **SEC. 542. [LOG ID 18089]SUPPORT OF NAVAL ACADEMY ATH-**
2 **LETIC AND PHYSICAL FITNESS PROGRAMS.**

3 (a) **AUTHORITY TO SUPPORT PROGRAMS.**—Chapter
4 603 of title 10, United States Code, is amended by adding
5 at the end the following new section:

6 **“§ 6981. Support of athletic and physical fitness pro-**
7 **grams**

8 “(a) **AUTHORITY.**—The Secretary of the Navy may
9 enter into agreements, including cooperative agreements
10 (as described in section 6305 of title 31), with the Naval
11 Academy Athletic Association and its successors and as-
12 signs (in this section referred to as the ‘association’) to
13 manage any aspect of the athletic and physical fitness pro-
14 grams of the Naval Academy.

15 “(b) **AUTHORITY TO PROVIDE SUPPORT TO ASSOCIA-**
16 **TION.**—(1) The Secretary of the Navy may to transfer
17 funds to the association to pay expenses incurred by the
18 association in managing the athletic and physical fitness
19 programs of the Naval Academy.

20 “(2) The Secretary may provide personal property
21 and the services of members of the naval service and civil-
22 ian personnel of the Department of the Navy to assist the
23 association in managing the athletic and physical fitness
24 programs of the Naval Academy.

25 “(c) **ACCEPTANCE OF GIFTS FROM THE ASSOCIA-**
26 **TION.**—The Secretary of the Navy may accept from the

1 association funds, supplies, and services for the support
2 of the athletic and physical fitness programs of the Naval
3 Academy.

4 “(d) RECEIPT AND RETENTION OF FUNDS FROM AS-
5 SOCIATION AND OTHER SOURCES.—(1) The Secretary of
6 the Navy may receive from the association funds gen-
7 erated by the athletic and physical fitness programs of the
8 Naval Academy and any other activity of the association
9 and to retain and use such funds to further the mission
10 of the Naval Academy. Receipt and retention of such
11 funds shall be subject to oversight by the Secretary.

12 “(2) The Secretary may accept, use, and retain funds
13 from the National Collegiate Athletic Association and to
14 transfer all or part of those funds to the association for
15 the support of the athletic and physical fitness programs
16 of the Naval Academy.

17 “(e) USER FEES.—The Secretary of the Navy may
18 charge user fees to the association for the association’s
19 use of Naval Academy facilities for the conduct of summer
20 athletic camps. Fees collected under this subsection may
21 be retained for use in support of the Naval Academy ath-
22 letic program and shall remain available until expended.

23 “(f) LICENSING, MARKETING, AND SPONSORSHIP
24 AGREEMENTS.—(1) The Secretary of the Navy may enter
25 into an agreement with the association authorizing the as-

1 sociation to represent the Department of the Navy in con-
2 nection with licensing, marketing, and sponsorship agree-
3 ments relating to trademarks and service marks identi-
4 fying the Naval Academy, to the extent authorized by the
5 Chief of Naval Research and in accordance with sections
6 2260 and 5022 of this title.

7 “(2) Notwithstanding section 2260(d)(2) of this title,
8 any funds generated by the licensing, marketing, and
9 sponsorship under a agreement entered into under para-
10 graph (1) may be accepted, used, and retained by the Sec-
11 retary, or transferred by the Secretary to the association,
12 for—

13 “(A) payment of the costs of securing trade-
14 mark registrations and operating of licensing pro-
15 grams; or

16 “(B) supporting the athletic and physical fit-
17 ness programs of the Naval Academy.

18 “(g) AUTHORIZED SERVICE ON BOARD OF DIREC-
19 TORS.—The Secretary may authorize members of the
20 naval service and civilian personnel of the Department of
21 the Navy to serve in accordance with sections 1033 and
22 1589 of this title as members of the governing board of
23 the association.

1 “(h) CONDITIONS.—The authority provided in this
2 section with respect to the association is available only so
3 long as the association continues—

4 “(1) to qualify as a nonprofit organization
5 under section 501(c)(3) of the Internal Revenue
6 Code of 1986

7 “(2) to operate in accordance with this section,
8 the laws of the State of Maryland, and the constitu-
9 tion and bylaws of the association; and

10 “(3) to operate exclusively to support the ath-
11 letic and physical fitness programs of the Naval
12 Academy.

13 “(i) CONGRESSIONAL NOTIFICATION.—Not later
14 than 60 days after the date on which the Secretary of the
15 Navy enters into an agreement under the authority of this
16 section, the Secretary shall provide a copy of the agree-
17 ment to the congressional defense committees.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new item:

“6981. Support of athletic and physical fitness programs.”.

1 **Subtitle F—Decorations and**
2 **Awards**

3 **SEC. 551. [LOG ID 13271]ISSUANCE OF PRISONER-OF-WAR**
4 **MEDAL.**

5 Section 1128(a)(4) of title 10, United States Code,
6 is amended by striking “that are hostile to the United
7 States,”.

1 **SEC. 552. [LOG ID 26316]AWARD OF PURPLE HEART TO**
2 **MEMBERS OF THE ARMED FORCES WHO**
3 **WERE VICTIMS OF THE ATTACKS AT RE-**
4 **CRUITING STATION IN LITTLE ROCK, ARKAN-**
5 **SAS, AND AT FORT HOOD, TEXAS.**

6 (a) AWARD REQUIRED.—The Secretary of the mili-
7 tary department concerned shall award the Purple Heart
8 to the members of the Armed Forces who were killed or
9 wounded in the attacks that occurred at the recruiting sta-
10 tion in Little Rock, Arkansas, on June 1, 2009, and at
11 Fort Hood, Texas, on November 5, 2009.

12 (b) EXCEPTION.—Subsection (a) shall not apply to
13 a member of the Armed Forces whose wound was the re-
14 sult of the willful misconduct of the member.

1 **Subtitle G—Defense Dependents’**
2 **Education and Military Family**
3 **Readiness Matters**

4 **SEC. 561. [LOG ID 18091]CONTINUATION OF AUTHORITY TO**
5 **ASSIST LOCAL EDUCATIONAL AGENCIES**
6 **THAT BENEFIT DEPENDENTS OF MEMBERS**
7 **OF THE ARMED FORCES AND DEPARTMENT**
8 **OF DEFENSE CIVILIAN EMPLOYEES.**

9 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
10 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
11 amount authorized to be appropriated for fiscal year 2013
12 by section 301 and available for operation and mainte-
13 nance for Defense-wide activities as specified in the fund-
14 ing table in section 4301, \$25,000,000 shall be available
15 only for the purpose of providing assistance to local edu-
16 cational agencies under subsection (a) of section 572 of
17 the National Defense Authorization Act for Fiscal Year
18 2006 (Public Law 109–163; 20 U.S.C. 7703b).

19 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
20 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
21 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
22 thorized to be appropriated for fiscal year 2013 by section
23 301 and available for operation and maintenance for De-
24 fense-wide activities as specified in the funding table in
25 section 4301, \$5,000,000 shall be available only for the

1 purpose of providing assistance to local educational agen-
2 cies under subsection (b) of section 572 of the National
3 Defense Authorization Act for Fiscal Year 2006 (Public
4 Law 109–163; 20 U.S.C. 7703b).

5 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
6 this section, the term “local educational agency” has the
7 meaning given that term in section 8013(9) of the Ele-
8 mentary and Secondary Education Act of 1965 (20 U.S.C.
9 7713(9)).

1 **SEC. 562. [LOG ID 12492]TRANSITIONAL COMPENSATION**
2 **FOR DEPENDENT CHILDREN WHO WERE CAR-**
3 **RIED DURING PREGNANCY AT THE TIME OF**
4 **DEPENDENT-ABUSE OFFENSE COMMITTED**
5 **BY AN INDIVIDUAL WHILE A MEMBER OF THE**
6 **ARMED FORCES.**

7 (a) DEFINITION OF DEPENDENT CHILD.—Sub-
8 section (l) of section 1059 of title 10, United States Code,
9 is amended in the matter preceding paragraph (1) by
10 striking “at the time of the dependent-abuse offense re-
11 sulting in the separation of the former member” and in-
12 serting “or eligible spouse or former spouse at the time
13 of the dependent-abuse offense resulting in the separation
14 of the former member or who was carried during preg-
15 nancy at the time of the dependent-abuse offense resulting
16 in the separation of the former member and was subse-
17 quently born alive to the eligible spouse or former spouse”.

18 (b) DETERMINATION OF PAYMENT AMOUNT.—Sub-
19 section (f) of such section is amended by adding at the
20 end the following new paragraph:

21 “(4) A payment to a child under this section shall
22 not cover any period during which the child was in utero.”.

23 (c) PROSPECTIVE APPLICABILITY.—No benefits shall
24 accrue by reason of the amendments made by this section
25 for any month that begins before the date of the enact-
26 ment of this Act.

1 **SEC. 563. [LOG ID 14193]MODIFICATION OF AUTHORITY TO**
2 **ALLOW DEPARTMENT OF DEFENSE DOMES-**
3 **TIC DEPENDENT ELEMENTARY AND SEC-**
4 **ONDARY SCHOOLS TO ENROLL CERTAIN STU-**
5 **DENTS.**

6 Section 2164 of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 sections:

9 “(k) ENROLLMENT OF RELOCATED DEFENSE DE-
10 PENDENTS’ EDUCATION SYSTEM STUDENTS.—(1) The
11 Secretary of Defense may authorize the enrollment in a
12 Department of Defense education program provided by
13 the Secretary pursuant to subsection (a) of a dependent
14 of a member of the armed forces or a dependent of a Fed-
15 eral employee who is enrolled in the defense dependents’
16 education system established under section 1402 of the
17 Defense Dependents’ Education Act of 1978 (20 U.S.C.
18 921) if—

19 “(A) the dependents departed the overseas loca-
20 tion as a result of a evacuation order;

21 “(B) the designated safe haven of the depend-
22 ent is located within reasonable commuting distance
23 of a school operated by the Department of Defense
24 education program; and

1 “(C) the school possesses the capacity and re-
2 sources necessary to enable the student to attend the
3 school.

4 “(2) A dependent described in paragraph (1) who is
5 enrolled in a school operated by the Department of De-
6 fense education program pursuant to such paragraph may
7 attend the school only through the end of the school year.

8 “(1) ENROLLMENT IN VIRTUAL ELEMENTARY AND
9 SECONDARY EDUCATION PROGRAM.—(1) Under regula-
10 tions prescribed by the Secretary of Defense, the Secretary
11 may authorize the enrollment in the virtual elementary
12 and secondary education program established as a compo-
13 nent of the Department of Defense education program of
14 a dependent of a member of the armed forces on active
15 duty who—

16 “(A) is enrolled in an elementary or secondary
17 school operated by a local educational agency or an-
18 other accredited educational program in the United
19 States (other than a school operated by the Depart-
20 ment of Defense education program); and

21 “(B) immediately before such enrollment, was
22 enrolled in the defense dependents’ education system
23 established under section 1402 of the Defense De-
24 pendents’ Education Act of 1978 (20 U.S.C. 921).

1 “(2) Enrollment of a dependent described in para-
2 graph (1) pursuant to such paragraph shall be on a tuition
3 basis.”.

1 **SEC. 564. [LOG ID 16855]PROTECTION OF CHILD CUSTODY**
2 **ARRANGEMENTS FOR PARENTS WHO ARE**
3 **MEMBERS OF THE ARMED FORCES.**

4 (a) CHILD CUSTODY PROTECTION.—Title II of the
5 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et
6 seq.) is amended by adding at the end the following new
7 section:

8 **“SEC. 208. CHILD CUSTODY PROTECTION.**

9 “(a) RESTRICTION ON TEMPORARY CUSTODY
10 ORDER.—If a court renders a temporary order for custo-
11 dial responsibility for a child based solely on a deployment
12 or anticipated deployment of a parent who is a
13 servicemember, then the court shall require that, upon the
14 return of the servicemember from deployment, the custody
15 order that was in effect immediately preceding the tem-
16 porary order shall be reinstated, unless the court finds
17 that such a reinstatement is not in the best interest of
18 the child, except that any such finding shall be subject
19 to subsection (b).

20 “(b) EXCLUSION OF MILITARY SERVICE FROM DE-
21 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
22 or a petition is filed seeking a permanent order to modify
23 the custody of the child of a servicemember, no court may
24 consider the absence of the servicemember by reason of
25 deployment, or the possibility of deployment, in deter-
26 mining the best interest of the child.

1 “(c) NO FEDERAL JURISDICTION OR RIGHT OF AC-
2 TION OR REMOVAL.—Nothing in this section shall create
3 a Federal right of action or otherwise give rise to Federal
4 jurisdiction or create a right of removal.

5 “(d) PREEMPTION.—In any case where State law ap-
6 plicable to a child custody proceeding involving a tem-
7 porary order as contemplated in this section provides a
8 higher standard of protection to the rights of the parent
9 who is a deploying servicemember than the rights provided
10 under this section with respect to such temporary order,
11 the appropriate court shall apply the higher State stand-
12 ard.

13 “(e) DEPLOYMENT DEFINED.—In this section, the
14 term ‘deployment’ means the movement or mobilization of
15 a servicemember to a location for a period of longer than
16 60 days and not longer than 18 months pursuant to tem-
17 porary or permanent official orders—

18 “(1) that are designated as unaccompanied;

19 “(2) for which dependent travel is not author-
20 ized; or

21 “(3) that otherwise do not permit the move-
22 ment of family members to that location.”.

23 “(b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of such Act is amended by adding at the
25 end of the items relating to title II the following new item:

“208. Child custody protection.”.

1 **SEC. 565. [LOG ID 23077]TREATMENT OF RELOCATION OF**
2 **MEMBERS OF THE ARMED FORCES FOR AC-**
3 **TIVE DUTY FOR PURPOSES OF MORTGAGE**
4 **REFINANCING.**

5 (a) IN GENERAL.—Title III of the Servicemembers
6 Civil Relief Act is amended by inserting after section 303
7 (50 U.S.C. App. 533) the following new section:

8 **“SEC. 303A. TREATMENT OF RELOCATION OF**
9 **SERVICEMEMBERS FOR ACTIVE DUTY FOR**
10 **PURPOSES OF MORTGAGE REFINANCING.**

11 “(a) TREATMENT OF ABSENCE FROM RESIDENCE
12 DUE TO ACTIVE DUTY.—While a servicemember who is
13 the mortgagor under an existing mortgage does not reside
14 in the residence that secures the existing mortgage be-
15 cause of a relocation described in subsection (c)(1)(B), if
16 the servicemember inquires about or applies for a covered
17 refinancing mortgage, the servicemember shall be consid-
18 ered, for all purposes relating to the covered refinancing
19 mortgage (including such inquiry or application and eligi-
20 bility for, and compliance with, any underwriting criteria
21 and standards regarding such covered refinancing mort-
22 gage) to occupy the residence that secures the existing
23 mortgage to be paid or prepaid by such covered reffi-
24 nancing mortgage as the principal residence of the
25 servicemember during the period of such relocation.

1 “(b) LIMITATION.—Subsection (a) shall not apply
2 with respect to a servicemember who inquires about or ap-
3 plies for a covered refinancing mortgage if, during the 5-
4 year period preceding the date of such inquiry or applica-
5 tion, the servicemember entered into a covered refinancing
6 mortgage pursuant to this section.

7 “(c) DEFINITIONS.—In this section:

8 “(1) EXISTING MORTGAGE.—The term ‘existing
9 mortgage’ means a mortgage that is secured by a 1-
10 to 4-family residence, including a condominium or a
11 share in a cooperative ownership housing associa-
12 tion, that was the principal residence of a
13 servicemember for a period that—

14 “(A) had a duration of 13 consecutive
15 months or longer; and

16 “(B) ended upon the relocation of the
17 servicemember caused by the servicemember re-
18 ceiving military orders for a permanent change
19 of station or to deploy with a military unit, or
20 as an individual in support of a military oper-
21 ation, for a period of not less than 18 months
22 that did not allow the servicemember to con-
23 tinue to occupy such residence as a principal
24 residence.

1 “(2) COVERED REFINANCING MORTGAGE.—The
2 term ‘covered refinancing mortgage’ means any
3 mortgage that—

4 “(A) is made for the purpose of paying or
5 prepaying, and extinguishing, the outstanding
6 obligations under an existing mortgage or mort-
7 gages; and

8 “(B) is secured by the same residence that
9 secured such existing mortgage or mortgages.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of such Act is amended by inserting after
12 the item relating to section 303 the following new item:

 “303A. Treatment of relocation of servicemembers for active duty for purposes
 of mortgage refinancing.”.

1 **SEC. 566. [LOG ID 19437]SENSE OF CONGRESS REGARDING**
2 **SUPPORT FOR YELLOW RIBBON DAY.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The hopes and prayers of the American peo-
6 ple for the safe return of members of the Armed
7 Forces serving overseas are demonstrated through
8 the proud display of yellow ribbons.

9 (2) The designation of a “Yellow Ribbon Day”
10 would serve as an additional reminder for all Ameri-
11 cans of the continued sacrifice of members of the
12 Armed Forces.

13 (3) Yellow Ribbon Day would also recognize the
14 history and meaning of the Yellow Ribbon as the
15 symbol of support for members of the Armed Forces
16 and American civilians serving in combat or crisis
17 situations overseas.

18 (b) SENSE OF CONGRESS.—Congress supports the
19 goals and ideals of Yellow Ribbon Day, observed on April
20 9th each year, in honor of members of the Armed Forces
21 and American civilians who are serving overseas in defense
22 of the United States apart from their families and loved
23 ones.

1 **Subtitle H—Improved Sexual As-**
2 **sault Prevention and Response**
3 **in the Armed Forces**

4 **SEC. 571. [LOG ID 23843]ESTABLISHMENT OF SPECIAL VIC-**
5 **TIM TEAMS TO RESPOND TO ALLEGATIONS**
6 **OF CHILD ABUSE, SERIOUS DOMESTIC VIO-**
7 **LENCE, OR SEXUAL OFFENSES.**

8 (a) ESTABLISHMENT REQUIRED.—The Secretary of
9 each military department shall establish special victim
10 teams for the purpose of—

11 (1) investigating and prosecuting allegations of
12 child abuse, serious domestic violence, or sexual of-
13 fenses; and

14 (2) providing support for the victims of such of-
15 fenses.

16 (b) PERSONNEL.—A special victim team shall be
17 comprised of specially trained and selected—

18 (1) investigators from the Defense Criminal In-
19 vestigative Service, Army Criminal Investigative
20 Command, Naval Criminal Investigative Service, or
21 Air Force Office of Special Investigations;

22 (2) judge advocates;

23 (3) victim witness assistance personnel; and

24 (4) administrative paralegal support personnel.

1 (c) TRAINING, SELECTION, AND CERTIFICATION
2 STANDARDS.—The Secretary of each military department
3 shall prescribe standards for the training, selection, and
4 certification of personnel for special victim teams estab-
5 lished by that Secretary.

6 (d) TIME FOR ESTABLISHMENT.—

7 (1) DISCRETION REGARDING NUMBER OF
8 TEAMS NEEDED.—The Secretary of a military de-
9 partment shall determine the total number of special
10 victim teams to be established, and prescribe regula-
11 tions for their management and use, in order to pro-
12 vide effective, timely, and responsive world-wide sup-
13 port for the purposes described in subsection (a).
14 Not later than 270 days after the date of the enact-
15 ment of this Act, each Secretary shall submit to the
16 Committees on Armed Services of the Senate and
17 the House of Representatives a plan and time line
18 for the establishment of the special victim teams
19 that the Secretary has determined are needed.

20 (2) INITIAL TEAM.—Not later than one year
21 after the date of the enactment of this Act, the Sec-
22 retary of each military department shall have avail-
23 able for use at least one special victim team.

24 (e) EVALUATION OF EFFECTIVENESS.—Not later
25 than 180 days after the date of the enactment of this Act,

1 the Secretary of Defense shall prescribe the common cri-
2 teria to be used by the Secretaries of the military depart-
3 ments to measure the effectiveness and impact of the spe-
4 cial victim teams from the investigative, prosecutorial, and
5 victim’s perspectives, and require the Secretaries of the
6 military departments to collect and report the data re-
7 quired by the Secretary of Defense.

8 (f) SPECIAL VICTIM TEAM DEFINED.—In this sec-
9 tion, the term “special victim team” means a distinct, rec-
10 ognizable group of appropriately skilled professionals who
11 work collaboratively to achieve the purposes described in
12 subsection (a). This section does not require that a special
13 victim team be created as separate military unit or have
14 a separate chain of command.

1 **SEC. 572. [LOG ID 24624]MODIFICATION OF ANNUAL DE-**
2 **PARTMENT OF DEFENSE REPORTING RE-**
3 **QUIREMENTS REGARDING SEXUAL AS-**
4 **SAULTS.**

5 (a) GREATER DETAIL IN CASE SYNOPSES PORTION
6 OF REPORT.—Section 1631 of the Ike Skelton National
7 Defense Authorization Act for Fiscal Year 2011 (Public
8 Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is
9 amended by adding at the end the following new sub-
10 section:

11 “(f) ADDITIONAL DETAILS FOR CASE SYNOPSES
12 PORTION OF REPORT.—The Secretary of each military de-
13 partment shall include in the case synopses portion of each
14 report described in subsection (b)(3) the following addi-
15 tional information:

16 “(1) If an Article 32 Investigating Officer rec-
17 ommends dismissal of the charges against a member
18 of the Armed Forces accused of committing a sexual
19 assault, the case synopsis shall explicitly state the
20 reasons for that recommendation.

21 “(2) If the case synopsis states that a member
22 of the Armed Forces accused of committing a sexual
23 assault was administratively separated or, in the
24 case of an officer, allowed to resign in lieu of facing
25 a court martial, the case synopsis shall include the
26 characterization (honorable, general, or other than

1 honorable) given the service of the member upon
2 separation.

3 “(3) The case synopsis shall indicate whether a
4 member of the Armed Forces accused of committing
5 a sexual assault was ever previously accused of a
6 substantiated sexual assault.

7 “(4) The case synopsis shall indicate the branch
8 of the Armed Forces of each member accused of
9 committing a sexual assault and the branch of the
10 Armed Forces of each member who is a victim of a
11 sexual assault.

12 “(5) If the case disposition includes non-judicial
13 punishment, the case synopsis shall explicitly state
14 the nature of the punishment.

15 “(6) If alcohol was involved in any way in a
16 substantiated sexual assault incident, the case syn-
17 opsis shall specify whether the member of the Armed
18 Forces accused of committing the sexual assault had
19 previously been ordered to attend substance abuse
20 counseling.”.

21 (b) APPLICATIONS FOR CERTAIN TRANSFERS BY
22 SEXUAL ASSAULT VICTIMS.—Subsection (b) of such sec-
23 tion is amended by adding at the end the following new
24 paragraph:

1 “(7) The number of applications submitted
2 under section 673 of title 10, United States Code,
3 during the year covered by the report for a perma-
4 nent change of station or unit transfer for members
5 of the Armed Forces on active duty who are the vic-
6 tim of a sexual assault or related offense, the num-
7 ber of applications denied, and, for each application
8 denied, a description of the reasons why the applica-
9 tion was denied.”.

10 (c) APPLICATION OF AMENDMENTS.—The amend-
11 ments made by this section shall apply beginning with the
12 report regarding sexual assaults involving members of the
13 Armed Forces required to be submitted by March 1, 2013,
14 under section 1631 of the Ike Skelton National Defense
15 Authorization Act for Fiscal Year 2011.

1 **SEC. 573. [LOG ID 20121]CONTINUED SUBMISSION OF**
2 **PROGRESS REPORTS REGARDING CERTAIN**
3 **INCIDENT INFORMATION MANAGEMENT**
4 **TOOLS.**

5 (a) **REPORTS REQUIRED.**—Not later than August 28,
6 2012, and every six months thereafter until the date deter-
7 mined under subsection (b), the Secretary of Defense shall
8 submit to the Committees on Armed Services of the Sen-
9 ate and the House of Representatives a report describing
10 the progress made during the previous six months to en-
11 sure that both of the following are fully functional and
12 operational:

- 13 (1) The Defense Incident-Based Reporting Sys-
14 tem.
15 (2) The Defense Sexual Assault Incident Data-
16 base.

17 (b) **DURATION OF REPORTING REQUIREMENT.**—The
18 reporting requirement imposed by subsection (a) shall con-
19 tinue until the date on which the Secretary of Defense
20 certifies, in a report submitted under such subsection,
21 that—

- 22 (1) the Defense Incident-Based Reporting Sys-
23 tem and the Defense Sexual Assault Incident Data-
24 base are fully functional and operational throughout
25 the Department of Defense; and

1 (2) each of the military departments is using
2 the Defense Incident-Based Reporting System or
3 providing data for inclusion in the Defense Sexual
4 Assault Incident Database.

5 (c) REPEAL OF SUPERSEDED REPORTING REQUIRE-
6 MENT.—Section 598 of the National Defense Authoriza-
7 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
8 Stat. 2345; 10 U.S.C. 113 note) is repealed.

1 **SEC. 574. [LOG ID 36278] BRIEFINGS ON DEPARTMENT OF**
2 **DEFENSE ACTIONS REGARDING SEXUAL AS-**
3 **SAULT PREVENTION AND RESPONSE IN THE**
4 **ARMED FORCES.**

5 Not later than October 31, 2012, and April 30, 2013,
6 the Secretary of Defense (or the designee of the Secretary
7 of Defense) shall provide to the Committees on Armed
8 Services of the Senate and House of Representatives a
9 briefing that outlines efforts by the Department of De-
10 fense to implement—

11 (1) subtitle H of title V of the National Defense
12 Authorization Act for Fiscal Year 2012 (Public Law
13 112–81; 125 Stat. 1430) and the amendments made
14 by that subtitle;

15 (2) the additional initiatives announced by the
16 Secretary of Defense on April 17, 2012, to address
17 sexual assault involving members of the Armed
18 Forces; and

19 (3) any other initiatives, policies, or programs
20 being undertaken by the Secretary of Defense and
21 the Secretaries of the military departments to ad-
22 dress sexual assault involving members of the Armed
23 Forces.

1 **Subtitle I—Other Matters**

2 **SEC. 581. [LOG ID 13718]INCLUSION OF FREELY ASSOCI-**
3 **ATED STATES WITHIN SCOPE OF JUNIOR RE-**
4 **SERVE OFFICERS' TRAINING CORPS PRO-**
5 **GRAM.**

6 Section 2031(a) of title 10, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(3) If a secondary educational institution in the
10 Federated States of Micronesia, the Republic of the Mar-
11 shall Islands, or the Republic of Palau otherwise meets
12 the conditions imposed by subsection (b) on the establish-
13 ment and maintenance of units of the Junior Reserve Offi-
14 cers' Training Corps, the Secretary of a military depart-
15 ment may establish and maintain a unit of the Junior Re-
16 serve Officers' Training Corps at the secondary edu-
17 cational institution even though the secondary educational
18 institution is not a United States secondary educational
19 institution.”.

1 **SEC. 582. [LOG ID 13270]PRESERVATION OF EDITORIAL**
2 **INDEPENDENCE OF STARS AND STRIPES.**

3 To preserve the actual and perceived editorial and
4 management independence of the Stars and Stripes news-
5 paper, the Secretary of Defense shall extend the lease for
6 the commercial office space in the District of Columbia
7 currently occupied by the editorial and management oper-
8 ations of the Stars and Stripes newspaper until such time
9 as the Secretary provides space and information tech-
10 nology and other support for such operations in a Govern-
11 ment-owned facility in the National Capital Region geo-
12 graphically remote from facilities of the Defense Media
13 Activity at Fort Meade, Maryland.

1 **SEC. 583. [LOG ID 14204]SENSE OF CONGRESS REGARDING**
2 **DESIGNATION OF BUGLE CALL COMMONLY**
3 **KNOWN AS “TAPS” AS NATIONAL SONG OF RE-**
4 **MEMBRANCE.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The bugle call commonly known as “Taps”
8 is known throughout the United States.

9 (2) In July 1862, following the Seven Days
10 Battles, Union General Daniel Butterfield and bu-
11 gler Oliver Willcox Norton created “Taps” at Berk-
12 ley Plantation, Virginia, as a way to signal the end
13 of daily military activities.

14 (3) “Taps” is now established by the uniformed
15 services as the last call of the day and is sounded
16 at the completion of a military funeral.

17 (4) “Taps” has become the signature, solemn
18 musical farewell for members of the uniformed serv-
19 ices and veterans who have faithfully served the
20 United States during times of war and peace.

21 (5) Over its 150 years of use, “Taps” has been
22 woven into the historical fabric of the United States.

23 (6) When sounded, “Taps” summons emotions
24 of loss, pride, honor, and respect and encourages
25 Americans to remember patriots who served the
26 United States with honor and valor.

1 (7) The 150th anniversary of the writing of
2 “Taps” will be observed with events culminating in
3 June 2012 with a rededication of the Taps Monu-
4 ment at Berkley Plantation, Virginia.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the bugle call commonly known as “Taps”
7 should be designated as the National Song of Remem-
8 brance.

1 **SEC. 584. [LOG ID 14206]RECOMMENDED CONDUCT DURING**
2 **SOUNDING OF BUGLE CALL COMMONLY**
3 **KNOWN AS “TAPS”.**

4 (a) CONDUCT DURING SOUNDING OF “TAPS”.—
5 Chapter 3 of title 36, United States Code, is amended by
6 adding at the end the following new section:

7 **“§ 306. Conduct during sounding of ‘Taps’**

8 “(a) DEFINITION.—In this section, the term ‘Taps’
9 refers to the bugle call consisting of 24 notes normally
10 sounded on a bugle or trumpet without accompaniment
11 or embellishment as the last call of the day on a military
12 base, at the completion of a military funeral, or on other
13 occasions as the solemn musical farewell to members of
14 the uniform services and veterans.

15 “(b) CONDUCT DURING SOUNDING.—

16 “(1) IN GENERAL.—During a performance of
17 Taps—

18 “(A) all present, except persons in uni-
19 form, should stand at attention with the right
20 hand over the heart;

21 “(B) men not in uniform should remove
22 their headdress with their right hand and hold
23 the headdress at the left shoulder, the hand
24 being over the heart; and

25 “(C) persons in uniform should stand at
26 attention and give the military salute at the

1 first note of Taps and maintain that position
2 until the last note.

3 “(2) EXCEPTION.—Paragraph (1) shall not
4 apply when Taps is sounded as the final bugle call
5 of the day at a military base.

6 “(c) DEFINITION OF MILITARY BASE.—In this sec-
7 tion, the term ‘military base’ means a base, camp, post,
8 station, yard, center, homeport facility for any ship, or
9 other activity under the jurisdiction of the Department of
10 Defense, including any leased facility, which is located
11 within any of the several States, the District of Columbia,
12 the Commonwealth of Puerto Rico, American Samoa, the
13 Virgin Islands, the Commonwealth of the Northern Mar-
14 iana Islands, or Guam.”.

15 (b) CONFORMING AND CLERICAL AMENDMENTS.—

16 (1) CHAPTER HEADING.—The heading of chap-
17 ter 3 of title 36, United States Code, is amended to
18 read as follows:

19 **“CHAPTER 3—NATIONAL ANTHEM, MOTTO,
20 AND OTHER NATIONAL DESIGNATIONS”.**

21 (2) TABLE OF CHAPTERS.—The item relating
22 to chapter 3 in the table of chapters for such title
23 is amended to read as follows:

“3. National Anthem, Motto, and Other National Designations 301”.

- 1 (3) TABLE OF SECTIONS.—The table of sections
- 2 at the beginning of such chapter is amended by add-
- 3 ing at the end the following new item:

“306. Conduct during sounding of ‘Taps’.”.

1 **SEC. 585. [LOG ID 14194]INSPECTION OF MILITARY CEME-**
2 **TERIES UNDER THE JURISDICTION OF DE-**
3 **PARTMENT OF DEFENSE.**

4 (a) DOD INSPECTOR GENERAL INSPECTION OF AR-
5 LINGTON NATIONAL CEMETERY AND UNITED STATES
6 SOLDIERS' AND AIRMEN'S HOME NATIONAL CEME-
7 TERY.—Section 1(d) of Public Law 111–339; 124 Stat.
8 3592) is amended—

9 (1) in paragraph (1), by striking “The Sec-
10 retary” in the first sentence and inserting “Subject
11 to paragraph (2), the Secretary”; and

12 (2) in paragraph (2), by adding at the end the
13 following new sentence: “However, in the case of the
14 report required to be submitted during 2013, the as-
15 sessment described in paragraph (1) shall be con-
16 ducted, and the report shall be prepared and sub-
17 mitted, by the Inspector General of the Department
18 of Defense instead of the Secretary of the Army.”.

19 (b) TIME FOR SUBMISSION OF REPORT AND PLAN
20 OF ACTION REGARDING INSPECTION OF CEMETERIES AT
21 MILITARY INSTALLATIONS.—Section 592(d)(2) of the Na-
22 tional Defense Authorization Act for Fiscal Year 2012
23 (Public Law 112–81; 125 Stat. 1443) is amended—

24 (1) by striking “December 31, 2012” and in-
25 serting “June 29, 2013”; and

- 1 (2) by striking “April 1, 2013” and inserting
- 2 “October 1, 2013”.

1 **TITLE VI—COMPENSATION AND**

2 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

- Sec. 601. [Log ID 10427]Fiscal year 2013 increase in military basic pay.
- Sec. 602. [Log ID 20133]Basic allowance for housing for two-member couples when one member is on sea duty.
- Sec. 603. [Log ID 25476]No reduction in basic allowance for housing for Army National Guard and Air National Guard members who transition between active duty and full-time National Guard duty without a break in active service.
- Sec. 604. [Log ID 11402]Modification of Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components under DOD Instruction 1327.06.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. [Log ID 10428]One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. [Log ID 10429]One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. [Log ID 10430]One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. [Log ID 10431]One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. [Log ID 10432]One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. [Log ID 20132]Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve.
- Sec. 617. [Log ID 25477]Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

Subtitle C—Travel and Transportation Allowances Generally

- Sec. 621. [Log ID 10426]Travel and transportation allowances for non-medical attendants for members receiving care in a residential treatment program.

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

- Sec. 631. [Log ID 10434]Extension of authority to provide two years of commissary and exchange benefits after separation.
- Sec. 632. [Log ID 10433]Transitional use of military family housing.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 641. [Log ID 19432]Charitable organizations eligible for donations of unusable commissary store food and other food prepared for the Armed Forces.
- Sec. 642. [Log ID 12487]Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas.
- Sec. 643. [Log ID 20130]Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.
- Sec. 644. [Log ID 34241]Purchase of sustainable products, local food products, and recyclable materials for resale in commissary and exchange store systems.

Subtitle F—Disability, Retired Pay, and Survivor Benefits

- Sec. 651. [Log ID 12491]Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.

Subtitle G—Other Matters

- Sec. 661. [Log ID 20134]Consistent definition of dependent for purposes of applying limitations on terms of consumer credit extended to certain members of the Armed Forces and their dependents.
- Sec. 662. [LOG ID 11403]Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
- Sec. 663. [Log ID 12869]Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. [LOG ID 10427]FISCAL YEAR 2013 INCREASE IN** 3 **MILITARY BASIC PAY.**

4 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
5 adjustment to become effective during fiscal year 2013 re-
6 quired by section 1009 of title 37, United States Code,
7 in the rates of monthly basic pay authorized members of
8 the uniformed services shall not be made.

9 (b) INCREASE IN BASIC PAY.—Effective on January
10 1, 2013, the rates of monthly basic pay for members of
11 the uniformed services are increased by 1.7 percent.

1 **SEC. 602. [LOG ID 20133]BASIC ALLOWANCE FOR HOUSING**
2 **FOR TWO-MEMBER COUPLES WHEN ONE**
3 **MEMBER IS ON SEA DUTY.**

4 (a) **IN GENERAL.**—Subparagraph (C) of section
5 403(f)(2) of title 37, United States Code, is amended to
6 read as follows:

7 “(C) Notwithstanding section 421 of this title, a
8 member of a uniformed service in a pay grade below pay
9 grade E–6 who is assigned to sea duty and is married
10 to another member of a uniformed service is entitled to
11 a basic allowance for housing subject to the limitations
12 of subsection (e).”.

13 (b) **EFFECTIVE DATE.**—The amendment made by
14 subsection (a) shall take effect on January 1, 2013.

1 **SEC. 603. [LOG ID 25476]NO REDUCTION IN BASIC ALLOW-**
2 **ANCE FOR HOUSING FOR ARMY NATIONAL**
3 **GUARD AND AIR NATIONAL GUARD MEMBERS**
4 **WHO TRANSITION BETWEEN ACTIVE DUTY**
5 **AND FULL-TIME NATIONAL GUARD DUTY**
6 **WITHOUT A BREAK IN ACTIVE SERVICE.**

7 Section 403(g) of title 37, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(6)(A) The rate of basic allowance for housing to
11 be paid to a member of the Army National Guard of the
12 United States or the Air National Guard of the United
13 States shall not be reduced upon the transition of the
14 member from active duty to full-time National Guard
15 duty, or from full-time National Guard duty to active
16 duty, when the transition occurs without a break in active
17 service.

18 “(B) For the purposes of this paragraph, a break in
19 active service occurs when one or more calendar days be-
20 tween active service periods do not qualify as active serv-
21 ice.”.

1 **SEC. 604. [LOG ID 11402]MODIFICATION OF PROGRAM GUID-**
2 **ANCE RELATING TO THE AWARD OF POST-DE-**
3 **PLOYMENT/MOBILIZATION RESPITE ABSENCE**
4 **ADMINISTRATIVE ABSENCE DAYS TO MEM-**
5 **BERS OF THE RESERVE COMPONENTS UNDER**
6 **DOD INSTRUCTION 1327.06.**

7 Effective as of October 1, 2011, the changes made
8 by the Secretary of Defense to the Program Guidance re-
9 lating to the award of Post-Deployment/Mobilization Res-
10 pite Absence administrative absence days to members of
11 the reserve components under DOD Instruction 1327.06
12 shall not apply to a member of a reserve component whose
13 qualified mobilization (as described in such program guid-
14 ance) commenced before October 1, 2011, and continued
15 on or after that date until the date the mobilization is
16 terminated.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. [LOG ID 10428]ONE-YEAR EXTENSION OF CERTAIN**
4 **BONUS AND SPECIAL PAY AUTHORITIES FOR**
5 **RESERVE FORCES.**

6 The following sections of title 37, United States
7 Code, are amended by striking “December 31, 2012” and
8 inserting “December 31, 2013”:

9 (1) Section 308b(g), relating to Selected Re-
10 serve reenlistment bonus.

11 (2) Section 308c(i), relating to Selected Reserve
12 affiliation or enlistment bonus.

13 (3) Section 308d(c), relating to special pay for
14 enlisted members assigned to certain high-priority
15 units.

16 (4) Section 308g(f)(2), relating to Ready Re-
17 serve enlistment bonus for persons without prior
18 service.

19 (5) Section 308h(e), relating to Ready Reserve
20 enlistment and reenlistment bonus for persons with
21 prior service.

22 (6) Section 308i(f), relating to Selected Reserve
23 enlistment and reenlistment bonus for persons with
24 prior service.

1 (7) Section 408a(e), relating to reimbursement
2 of travel expenses for inactive-duty training outside
3 of normal commuting distance.

4 (8) Section 910(g), relating to income replace-
5 ment payments for reserve component members ex-
6 periencing extended and frequent mobilization for
7 active duty service.

1 **SEC. 612. [LOG ID 10429]ONE-YEAR EXTENSION OF CERTAIN**
2 **BONUS AND SPECIAL PAY AUTHORITIES FOR**
3 **HEALTH CARE PROFESSIONALS.**

4 (a) TITLE 10 AUTHORITIES.—The following sections
5 of title 10, United States Code, are amended by striking
6 “December 31, 2012” and inserting “December 31,
7 2013”:

8 (1) Section 2130a(a)(1), relating to nurse offi-
9 cer candidate accession program.

10 (2) Section 16302(d), relating to repayment of
11 education loans for certain health professionals who
12 serve in the Selected Reserve.

13 (b) TITLE 37 AUTHORITIES.—The following sections
14 of title 37, United States Code, are amended by striking
15 “December 31, 2012” and inserting “December 31,
16 2013”:

17 (1) Section 302e–1(f), relating to accession and
18 retention bonuses for psychologists.

19 (2) Section 302d(a)(1), relating to accession
20 bonus for registered nurses.

21 (3) Section 302e(a)(1), relating to incentive
22 special pay for nurse anesthetists.

23 (4) Section 302g(e), relating to special pay for
24 Selected Reserve health professionals in critically
25 short wartime specialties.

1 (5) Section 302h(a)(1), relating to accession
2 bonus for dental officers.

3 (6) Section 302j(a), relating to accession bonus
4 for pharmacy officers.

5 (7) Section 302k(f), relating to accession bonus
6 for medical officers in critically short wartime spe-
7 cialties.

8 (8) Section 302l(g), relating to accession bonus
9 for dental specialist officers in critically short war-
10 time specialties.

1 **SEC. 613. [LOG ID 10430]ONE-YEAR EXTENSION OF SPECIAL**
2 **PAY AND BONUS AUTHORITIES FOR NUCLEAR**
3 **OFFICERS.**

4 The following sections of title 37, United States
5 Code, are amended by striking “December 31, 2012” and
6 inserting “December 31, 2013”:

7 (1) Section 312(f), relating to special pay for
8 nuclear-qualified officers extending period of active
9 service.

10 (2) Section 312b(c), relating to nuclear career
11 accession bonus.

12 (3) Section 312c(d), relating to nuclear career
13 annual incentive bonus.

1 **SEC. 614. [LOG ID 10431]ONE-YEAR EXTENSION OF AU-**
2 **THORITIES RELATING TO TITLE 37 CONSOLI-**
3 **DATED SPECIAL PAY, INCENTIVE PAY, AND**
4 **BONUS AUTHORITIES.**

5 The following sections of title 37, United States
6 Code, are amended by striking “December 31, 2012” and
7 inserting “December 31, 2013”:

8 (1) Section 331(h), relating to general bonus
9 authority for enlisted members.

10 (2) Section 332(g), relating to general bonus
11 authority for officers.

12 (3) Section 333(i), relating to special bonus and
13 incentive pay authorities for nuclear officers.

14 (4) Section 334(i), relating to special aviation
15 incentive pay and bonus authorities for officers.

16 (5) Section 335(k), relating to special bonus
17 and incentive pay authorities for officers in health
18 professions.

19 (6) Section 351(h), relating to hazardous duty
20 pay.

21 (7) Section 352(g), relating to assignment pay
22 or special duty pay.

23 (8) Section 353(i), relating to skill incentive
24 pay or proficiency bonus.

1 (9) Section 355(h), relating to retention incen-
2 tives for members qualified in critical military skills
3 or assigned to high priority units.

1 **SEC. 615. [LOG ID 10432]ONE-YEAR EXTENSION OF AU-**
2 **THORITIES RELATING TO PAYMENT OF**
3 **OTHER TITLE 37 BONUSES AND SPECIAL**
4 **PAYS.**

5 The following sections of title 37, United States
6 Code, are amended by striking “December 31, 2012” and
7 inserting “December 31, 2013”:

8 (1) Section 301b(a), relating to aviation officer
9 retention bonus.

10 (2) Section 307a(g), relating to assignment in-
11 centive pay.

12 (3) Section 308(g), relating to reenlistment
13 bonus for active members.

14 (4) Section 309(e), relating to enlistment
15 bonus.

16 (5) Section 324(g), relating to accession bonus
17 for new officers in critical skills.

18 (6) Section 326(g), relating to incentive bonus
19 for conversion to military occupational specialty to
20 ease personnel shortage.

21 (7) Section 327(h), relating to incentive bonus
22 for transfer between armed forces.

23 (8) Section 330(f), relating to accession bonus
24 for officer candidates.

1 **SEC. 616. [LOG ID 20132]INCREASE IN MAXIMUM AMOUNT**
2 **OF OFFICER AFFILIATION BONUS FOR OFFI-**
3 **CERS IN THE SELECTED RESERVE.**

4 Section 308j(d) of title 37, United States Code, is
5 amended by striking “\$10,000” and inserting “\$20,000”.

1 **SEC. 617. [LOG ID 25477]INCREASE IN MAXIMUM AMOUNT**
2 **OF INCENTIVE BONUS FOR RESERVE COMPO-**
3 **NENT MEMBERS WHO CONVERT MILITARY**
4 **OCCUPATIONAL SPECIALTY TO EASE PER-**
5 **SONNEL SHORTAGES.**

6 Section 326(c)(1) of title 37, United States Code, is
7 amended by striking “\$4,000, in the case of a member
8 of a regular component of the armed forces, and \$2,000,
9 in the case of a member of a reserve component of the
10 armed forces.” and inserting “\$4,000.”.

1 **Subtitle C—Travel and Transpor-**
2 **tation Allowances Generally**

3 **SEC. 621. [LOG ID 10426]TRAVEL AND TRANSPORTATION AL-**
4 **LOWANCES FOR NON-MEDICAL ATTENDANTS**
5 **FOR MEMBERS RECEIVING CARE IN A RESI-**
6 **DENTIAL TREATMENT PROGRAM.**

7 (a) AUTHORIZED TRAVEL AND TRANSPORTATION.—
8 Subsection (a) of section 481k of title 37, United States
9 Code, is amended—

10 (1) by inserting “(1)” before “Under uniform
11 regulations”; and

12 (2) by adding at the end the following new
13 paragraph:

14 “(2) Travel and transportation described in sub-
15 section (d) also may be provided for a qualified non-med-
16 ical attendant for a member of the uniformed services who
17 is receiving care in a residential treatment program if the
18 attending physician or other mental health professional
19 and the commander or head of the military medical facility
20 exercising control over the member determine that the
21 presence and participation of such an attendant is essen-
22 tial to the treatment of the member.”.

23 (b) CONFORMING AMENDMENTS.—Such section is
24 further amended—

25 (1) in subsection (b)—

1 (A) by striking “covered member” in the
2 matter preceding paragraph (1) and inserting
3 “member”; and

4 (B) in paragraph (2), by striking “surgeon
5 and the commander or head of the military
6 medical facility” and inserting “surgeon (or
7 mental health professional in the case of a
8 member described in subsection (a)(2)) and the
9 commander or head of the military medical fa-
10 cility exercising control over the member”; and
11 (2) in subsection (c), by striking “this section”
12 in the matter preceding paragraph (1) and inserting
13 “subsection (a)(1)”.

1 **Subtitle D—Benefits and Services**
2 **for Members Being Separated or**
3 **Recently Separated**

4 **SEC. 631. [LOG ID 10434]EXTENSION OF AUTHORITY TO PRO-**
5 **VIDE TWO YEARS OF COMMISSARY AND EX-**
6 **CHANGE BENEFITS AFTER SEPARATION.**

7 (a) EXTENSION OF AUTHORITY.—Section 1146 of
8 title 10, United States Code, is amended—

9 (1) in subsection (a), by striking “2012” and
10 inserting “2018”; and

11 (2) in subsection (b), by striking “2012” and
12 inserting “2018”.

13 (b) CORRECTION OF REFERENCE TO ADMINISTERING
14 SECRETARY.—Such section is further amended—

15 (1) in subsection (a), by striking “The Sec-
16 retary of Transportation” and inserting “The Sec-
17 retary concerned”; and

18 (2) in subsection (b), by striking “The Sec-
19 retary of Homeland Security” and inserting “The
20 Secretary concerned”.

1 **SEC. 632. [LOG ID 10433]TRANSITIONAL USE OF MILITARY**
2 **FAMILY HOUSING.**

3 (a) RESUMPTION OF AUTHORITY TO AUTHORIZE
4 TRANSITIONAL USE.—Subsection (a) of section 1147 of
5 title 10, United States Code, is amended—

6 (1) in paragraph (1), by striking “October 1,
7 1990, and ending on December 31, 2001” and in-
8 serting “October 1, 2012, and ending on December
9 31, 2018”; and

10 (2) in paragraph (2), by striking “October 1,
11 1994, and ending on December 31, 2001” and in-
12 serting “October 1, 2012, and ending on December
13 31, 2018”.

14 (b) PROHIBITION ON PROVISION OF TRANSITIONAL
15 BASIC ALLOWANCE FOR HOUSING.—Such section is fur-
16 ther amended by adding at the end the following new sub-
17 section:

18 “(c) NO TRANSITIONAL BASIC ALLOWANCE FOR
19 HOUSING.—Nothing in this section shall be construed to
20 authorize the Secretary concerned to continue to provide
21 for any period of time to an individual who is involuntary
22 separated all or any portion of a basic allowance for hous-
23 ing to which the individual was entitled under section 403
24 of title 37 immediately before being involuntarily sepa-
25 rated, even in cases in which the individual or members
26 of the individual’s household continue to reside after the

1 separation in a housing unit acquired or constructed under
2 the alternative authority of subchapter IV of chapter 169
3 of this title that is not owned or leased by the United
4 States.”.

5 (c) CORRECTION OF REFERENCE TO ADMINISTERING
6 SECRETARY.—Subsection (a)(2) of such section is further
7 amended by striking “The Secretary of Transportation”
8 and inserting “The Secretary concerned”.

1 **Subtitle E—Commissary and Non-**
2 **appropriated Fund Instrumen-**
3 **tality Benefits and Operations**

4 **SEC. 641. [LOG ID 19432]CHARITABLE ORGANIZATIONS ELI-**
5 **GIBLE FOR DONATIONS OF UNUSABLE COM-**
6 **MISSARY STORE FOOD AND OTHER FOOD**
7 **PREPARED FOR THE ARMED FORCES.**

8 Subparagraph (A) of section 2485(f) of title 10,
9 United States Code, is amended to read as follows:

10 “(A) A food bank, food pantry, or soup kitchen
11 (as those terms are defined in section 201A of the
12 Emergency Food Assistance Act of 1983 (7 U.S.C.
13 7501)).”.

1 **SEC. 642. [LOG ID 12487]REPEAL OF CERTAIN RECORD-**
2 **KEEPING AND REPORTING REQUIREMENTS**
3 **APPLICABLE TO COMMISSARY AND EX-**
4 **CHANGE STORES OVERSEAS.**

5 (a) REPEAL.—Section 2489 of title 10, United States
6 Code, is amended by striking subsections (b) and (c).

7 (b) CONFORMING AMENDMENTS.—Such section is
8 further amended—

9 (1) by striking “GENERAL AUTHORITY.—(1)”
10 and inserting “AUTHORITY TO ESTABLISH RESTRIC-
11 TIONS.—”;

12 (2) by striking “(2)” and inserting “(b) LIM-
13 TATIONS ON USE OF AUTHORITY.—”; and

14 (3) by redesignating subparagraphs (A) and
15 (B) as paragraphs (1) and (2), respectively.

1 **SEC. 643. [LOG ID 20130]TREATMENT OF FISHER HOUSE**
2 **FOR THE FAMILIES OF THE FALLEN AND**
3 **MEDITATION PAVILION AT DOVER AIR FORCE**
4 **BASE, DELAWARE, AS A FISHER HOUSE.**

5 (a) FISHER HOUSES AND AUTHORIZED FISHER
6 HOUSE RESIDENTS.—Subsection (a) of section 2493 of
7 title 10, United States Code, is amended—

8 (1) in paragraph (1)(B), by striking “by pa-
9 tients” and all that follows through “such patients;”
10 and inserting “by authorized Fisher House resi-
11 dents;”;

12 (2) by redesignating paragraph (2) as para-
13 graph (3);

14 (3) by inserting after paragraph (1) the fol-
15 lowing new paragraph:

16 “(2) The term ‘Fisher House’ includes the
17 Fisher House for the Families of the Fallen and
18 Meditation Pavilion at Dover Air Force Base, Dela-
19 ware, so long as such facility is available for residen-
20 tial use on a temporary basis by authorized Fisher
21 House residents.”; and

22 (4) by adding at the end the following new
23 paragraph:

24 “(4) The term ‘authorized Fisher House resi-
25 dents’ means the following:

1 “(A) With respect to a Fisher House de-
2 scribed in paragraph (1) that is located in prox-
3 imity to a health care facility of the Army, the
4 Air Force, or the Navy, the following persons:

5 “(i) Patients of that health care facil-
6 ity.

7 “(ii) Members of the families of such
8 patients.

9 “(iii) Other persons providing the
10 equivalent of familial support for such pa-
11 tients.

12 “(B) With respect to the Fisher House de-
13 scribed in paragraph (2), the following persons:

14 “(i) The primary next of kin of a
15 member of the armed forces who dies while
16 located or serving overseas.

17 “(ii) Other family members of the de-
18 ceased member who are eligible for trans-
19 portation under section 411f(e) of title 37.

20 “(iii) An escort of a family member
21 described in clause (i) or (ii).”.

22 (b) CONFORMING AMENDMENTS.—Subsections (b),
23 (e), (f), and (g) of such section are amended by striking
24 “health care” each place it appears.

1 (c) REPEAL OF FISCAL YEAR 2012 FREESTANDING
2 DESIGNATION.—Section 643 of the National Defense Au-
3 thorization Act for Fiscal Year 2012 (Public Law 112–
4 81; 125 Stat. 1466) is repealed.

1 **SEC. 644. [LOG ID 34241]PURCHASE OF SUSTAINABLE PROD-**
2 **UCTS, LOCAL FOOD PRODUCTS, AND RECY-**
3 **CLABLE MATERIALS FOR RESALE IN COM-**
4 **MISSARY AND EXCHANGE STORE SYSTEMS.**

5 (a) IMPROVED PURCHASING EFFORTS.—Section
6 2481(c) of title 10, United States Code, is amended by
7 adding at the end the following new paragraph:

8 “(3)(A) The governing body established pursuant to
9 paragraph (2) shall endeavor to increase the purchase for
10 resale at commissary stores and exchange stores of sus-
11 tainable products, local food products, and recyclable ma-
12 terials.

13 “(B) As part of its efforts under subparagraph (A),
14 the governing body shall develop—

15 “(i) guidelines for the identification of fresh
16 meat, poultry, seafood, and fish, fresh produce, and
17 other products raised or produced through sustain-
18 able methods; and

19 “(ii) goals, applicable to all commissary stores
20 and exchange stores world-wide, to maximize, to the
21 maximum extent practical, the purchase of sustain-
22 able products, local food products, and recyclable
23 materials by September 30, 2017.”.

24 (b) DEADLINE FOR ESTABLISHMENT AND GUIDE-
25 LINES.—The initial guidelines required by paragraph
26 (3)(B)(i) of section 2481(c) of title 10, United States

- 1 Code, as added by subsection (a), shall be issued not later
- 2 than two years after the date of the enactment of this Act.

1 **Subtitle F—Disability, Retired Pay,**
2 **and Survivor Benefits**

3 **SEC. 651. [LOG ID 12491]REPEAL OF REQUIREMENT FOR**
4 **PAYMENT OF SURVIVOR BENEFIT PLAN PRE-**
5 **MIUMS WHEN PARTICIPANT WAIVES RETIRED**
6 **PAY TO PROVIDE A SURVIVOR ANNUITY**
7 **UNDER FEDERAL EMPLOYEES RETIREMENT**
8 **SYSTEM AND TERMINATING PAYMENT OF**
9 **THE SURVIVOR BENEFIT PLAN ANNUITY.**

10 (a) DEPOSITS NOT REQUIRED.—Section 1452(e) of
11 title 10, United States Code, is amended—

12 (1) in the subsection heading, by inserting
13 “AND FERS” after “CSRS”;

14 (2) by inserting “or chapter 84 of such title,”
15 after “chapter 83 of title 5”;

16 (3) by inserting “or 8416(a)” after “8339(j)”;

17 and

18 (4) by inserting “or 8442(a)” after “8341(b)”.

19 (b) CONFORMING AMENDMENTS.—Section 1450(d)
20 of such title is amended—

21 (1) by inserting “or chapter 84 of such title”
22 after “chapter 83 of title 5”;

23 (2) by inserting “or 8416(a)” after “8339(j)”;

24 and

25 (3) by inserting “or 8442(a)” after “8341(b)”.

1 (c) APPLICATION OF AMENDMENTS.—The amend-
2 ments made by this section shall apply with respect to any
3 participant electing a annuity for survivors under chapter
4 84 of title 5, United States Code, on or after the date
5 of the enactment of this Act.

1 **Subtitle G—Other Matters**

2 **SEC. 661. [LOG ID 20134]CONSISTENT DEFINITION OF DE-**
3 **PENDENT FOR PURPOSES OF APPLYING LIM-**
4 **TATIONS ON TERMS OF CONSUMER CREDIT**
5 **EXTENDED TO CERTAIN MEMBERS OF THE**
6 **ARMED FORCES AND THEIR DEPENDENTS.**

7 Paragraph (2) of section 987(i) of title 10, United
8 States Code, is amended to read as follows:

9 “(2) **DEPENDENT.**—The term ‘dependent’, with
10 respect to a covered member, means a person de-
11 scribed in subparagraph (A), (D), (E), or (I) of sec-
12 tion 1072(2) of this title.”.

1 **SEC. 662. [LOG ID 11403]LIMITATION ON REDUCTION IN**
2 **NUMBER OF MILITARY AND CIVILIAN PER-**
3 **SONNEL ASSIGNED TO DUTY WITH SERVICE**
4 **REVIEW AGENCIES.**

5 Section 1559(a) of title 10, United States Code, is
6 amended by striking “December 31, 2013” and inserting
7 “December 31, 2016”.

1 **SEC. 663. [LOG ID 12869]EQUAL TREATMENT FOR MEMBERS**
2 **OF COAST GUARD RESERVE CALLED TO AC-**
3 **TIVE DUTY UNDER TITLE 14, UNITED STATES**
4 **CODE.**

5 (a) INCLUSION IN DEFINITION OF CONTINGENCY OP-
6 ERATION.—Section 101(a)(13)(B) of title 10, United
7 States Code, is amended by inserting “section 712 of title
8 14,” after “chapter 15 of this title,”.

9 (b) CREDIT OF SERVICE TOWARDS REDUCTION OF
10 ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR
11 NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title
12 10, United States Code, is amended by adding at the end
13 the following new clause:

14 “(iv) Service on active duty described in this subpara-
15 graph is also service on active duty pursuant to a call or
16 order to active duty authorized by the Secretary of Home-
17 land Security under section 712 of title 14 for purposes
18 of emergency augmentation of the Regular Coast Guard
19 forces.”.

20 (c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section
21 3301(1)(B) of title 38, United States Code, is amended
22 inserting “or section 712 of title 14” after “title 10”.

23 (d) RETROACTIVE APPLICATION OF AMENDMENTS.—

24 (1) INCLUSION OF PRIOR ORDERS.—The
25 amendments made by this section shall apply to any
26 call or order to active duty authorized by the Sec-

1 retary of Homeland Security under section 712 of
2 title 14, United States Code, on or after April 19,
3 2010.

4 (2) CREDIT FOR PRIOR SERVICE.—The amend-
5 ments made by this section shall be deemed to have
6 been enacted on April 19, 2010, for purposes of ap-
7 plying the amendments to the following provisions of
8 law:

9 (A) Section 5538 of title 5, United States
10 Code, relating to nonreduction in pay.

11 (B) Section 701 of title 10, United States
12 Code, relating to the accumulation and reten-
13 tion of leave.

14 (C) Section 12731 of title 10, United
15 States Code, relating to age and service require-
16 ments for receipt of retired pay for non-regular
17 service.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**

 Subtitle A—Improvements to Health Benefits

- Sec. 701 [Log #29218]. Sense of Congress on nonmonetary contributions to health care benefits made by career members of the Armed Forces and their families.
- Sec. 702 [Log #24633]. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.
- Sec. 703 [Log #36277]. Medical and dental care contracts for certain members of the National Guard.

 Subtitle B—Health Care Administration

- Sec. 711 [Log #28218]. Unified medical command.
- Sec. 712 [Log #24632]. Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E-4.
- Sec. 713 [Log #18086]. Cooperative health care agreements between the military departments and non-military health care entities.
- Sec. 714 [Log #22326]. Requirement to ensure the effectiveness and efficiency of health engagements.
- Sec. 715 [Log #_____]. Clarification of applicability of Federal Tort Claims Act to subcontractors employed to provide health care services to the Department of Defense.

 Subtitle C—Reports and Other Matters

- Sec. 721 [Log #25471]. Extension of Comptroller General report on contract health care staffing for military medical treatment facilities.
- Sec. 722 [Log #25472]. Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.

1 **Subtitle A—Improvements to**
2 **Health Benefits**

3 **SEC. 701 [Log #29218]. SENSE OF CONGRESS ON NONMONE-**
4 **TARY CONTRIBUTIONS TO HEALTH CARE**
5 **BENEFITS MADE BY CAREER MEMBERS OF**
6 **THE ARMED FORCES AND THEIR FAMILIES.**

7 It is the sense of Congress that—

8 (1) career members of the uniformed services
9 and their families endure unique and extraordinary
10 demands and make extraordinary sacrifices over the
11 course of a 20- to 30-year career in protecting free-
12 dom for all Americans; and

13 (2) those decades of sacrifice constitute a sig-
14 nificant pre-paid premium for health care during a
15 career member’s retirement that is over and above
16 what the member pays with money.

1 **SEC. 702 [Log #24633]. EXTENSION OF TRICARE STANDARD**
2 **COVERAGE AND TRICARE DENTAL PROGRAM**
3 **FOR MEMBERS OF THE SELECTED RESERVE**
4 **WHO ARE INVOLUNTARILY SEPARATED.**

5 (a) TRICARE STANDARD COVERAGE.—Section
6 1076d(b) of title 10, United States Code, is amended—

7 (1) by striking “Eligibility” and inserting “(1)
8 Except as provided in paragraph (2), eligibility”;
9 and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) During the period beginning on the earlier of
13 the date of the enactment of the National Defense Author-
14 ization Act for Fiscal Year 2013 or October 1, 2012, and
15 ending December 31, 2018, eligibility for a member under
16 this section who is involuntarily separated from the Se-
17 lected Reserve under other than adverse conditions, as
18 characterized by the Secretary concerned, shall terminate
19 180 days after the date on which the member is sepa-
20 rated.”.

21 (b) TRICARE DENTAL COVERAGE.—Section
22 1076a(a)(1) of such title is amended by adding at the end
23 the following new sentence: “During the period beginning
24 on the earlier of the date of the enactment of the National
25 Defense Authorization Act for Fiscal Year 2013 or Octo-
26 ber 1, 2012, and ending December 31, 2018, such plan

1 shall provide that coverage for a member of the Selected
2 Reserve who is involuntarily separated from the Selected
3 Reserve under other than adverse conditions, as character-
4 ized by the Secretary concerned, shall not terminate ear-
5 lier than 180 days after the date on which the member
6 is separated.”.

1 **SEC. 703 [Log #36277]. MEDICAL AND DENTAL CARE CON-**
2 **TRACTS FOR CERTAIN MEMBERS OF THE NA-**
3 **TIONAL GUARD.**

4 (a) **STANDARDS.**—The Secretary of Defense shall en-
5 sure that each individual who receives medical or dental
6 care under a covered contract meets the standards of med-
7 ical and dental readiness of the Secretary upon the mobili-
8 zation of the individual.

9 (b) **COVERED CONTRACT DEFINED.**—In this section,
10 the term “covered contract” means a contract entered into
11 by the National Guard of a State to provide medical or
12 dental care to the members of such National Guard to en-
13 sure that the members meet applicable standards of med-
14 ical and dental readiness.

1 **Subtitle B—Health Care**
2 **Administration**

3 **SEC. 711 [Log #28218]. UNIFIED MEDICAL COMMAND.**

4 (a) UNIFIED COMBATANT COMMAND.—

5 (1) IN GENERAL.—Chapter 6 of title 10, United
6 States Code, is amended by inserting after section
7 167a the following new section:

8 **“§ 167b. Unified combatant command for medical op-**
9 **erations**

10 “(a) ESTABLISHMENT.—With the advice and assist-
11 ance of the Chairman of the Joint Chiefs of Staff, the
12 President, through the Secretary of Defense, shall estab-
13 lish under section 161 of this title a unified command for
14 medical operations (in this section referred to as the ‘uni-
15 fied medical command’). The principal function of the
16 command is to provide medical services to the armed
17 forces and other health care beneficiaries of the Depart-
18 ment of Defense as defined in chapter 55 of this title.

19 “(b) ASSIGNMENT OF FORCES.—In establishing the
20 unified medical command under subsection (a), all active
21 military medical treatment facilities, training organiza-
22 tions, and research entities of the armed forces shall be
23 assigned to such unified command, unless otherwise di-
24 rected by the Secretary of Defense.

1 “(c) GRADE OF COMMANDER.—The commander of
2 the unified medical command shall hold the grade of gen-
3 eral or, in the case of an officer of the Navy, admiral while
4 serving in that position, without vacating his permanent
5 grade. The commander of such command shall be ap-
6 pointed to that grade by the President, by and with the
7 advice and consent of the Senate, for service in that posi-
8 tion. The commander of such command shall be a member
9 of a health profession described in paragraph (1), (2), (3),
10 (4), (5), or (6) of section 335(j) of title 37. During the
11 five-year period beginning on the date on which the Sec-
12 retary establishes the command under subsection (a), the
13 commander of such command shall be exempt from the
14 requirements of section 164(a)(1) of this title.

15 “(d) SUBORDINATE COMMANDS.—(1) The unified
16 medical command shall have the following subordinate
17 commands:

18 “(A) A command that includes all fixed military
19 medical treatment facilities, including elements of
20 the Department of Defense that are combined, oper-
21 ated jointly, or otherwise operated in such a manner
22 that a medical facility of the Department of Defense
23 is operating in or with a medical facility of another
24 department or agency of the United States.

1 “(B) A command that includes all medical
2 training, education, and research and development
3 activities that have previously been unified or com-
4 bined, including organizations that have been des-
5 ignated as a Department of Defense executive agent.

6 “(C) The Defense Health Agency established
7 under subsection (f).

8 “(2) The commander of a subordinate command of
9 the unified medical command shall hold the grade of lieu-
10 tenant general or, in the case of an officer of the Navy,
11 vice admiral while serving in that position, without
12 vacating his permanent grade. The commander of such a
13 subordinate command shall be appointed to that grade by
14 the President, by and with the advice and consent of the
15 Senate, for service in that position. The commander of
16 such a subordinate command shall also be required to be
17 a surgeon general of one of the military departments.

18 “(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
19 In addition to the authority prescribed in section 164(c)
20 of this title, the commander of the unified medical com-
21 mand shall be responsible for, and shall have the authority
22 to conduct, all affairs of such command relating to medical
23 operations activities.

24 “(2) The commander of such command shall be re-
25 sponsible for, and shall have the authority to conduct, the

1 following functions relating to medical operations activities
2 (whether or not relating to the unified medical command):

3 “(A) Developing programs and doctrine.

4 “(B) Preparing and submitting to the Secretary
5 of Defense program recommendations and budget
6 proposals for the forces described in subsection (b)
7 and for other forces assigned to the unified medical
8 command.

9 “(C) Exercising authority, direction, and con-
10 trol over the expenditure of funds—

11 “(i) for forces assigned to the unified med-
12 ical command;

13 “(ii) for the forces described in subsection
14 (b) assigned to unified combatant commands
15 other than the unified medical command to the
16 extent directed by the Secretary of Defense;
17 and

18 “(iii) for military construction funds of the
19 Defense Health Program.

20 “(D) Training assigned forces.

21 “(E) Conducting specialized courses of instruc-
22 tion for commissioned and noncommissioned officers.

23 “(F) Validating requirements.

24 “(G) Establishing priorities for requirements.

1 “(H) Ensuring the interoperability of equip-
2 ment and forces.

3 “(I) Monitoring the promotions, assignments,
4 retention, training, and professional military edu-
5 cation of medical officers described in paragraph (1),
6 (2), (3), (4), (5), or (6) of section 335(j) of title 37.

7 “(3) The commander of such command shall be re-
8 sponsible for the Defense Health Program, including the
9 Defense Health Program Account established under sec-
10 tion 1100 of this title.

11 “(f) DEFENSE HEALTH AGENCY.—(1) In estab-
12 lishing the unified medical command under subsection (a),
13 the Secretary shall also establish under section 191 of this
14 title a defense agency for health care (in this section re-
15 ferred to as the ‘Defense Health Agency’), and shall trans-
16 fer to such agency the organization of the Department of
17 Defense referred to as the TRICARE Management Activ-
18 ity and all functions of the TRICARE Program (as de-
19 fined in section 1072(7)).

20 “(2) The director of the Defense Health Agency shall
21 hold the rank of lieutenant general or, in the case of an
22 officer of the Navy, vice admiral while serving in that posi-
23 tion, without vacating his permanent grade. The director
24 of such agency shall be appointed to that grade by the
25 President, by and with the advice and consent of the Sen-

1 ate, for service in that position. The director of such agen-
2 cy shall be a member of a health profession described in
3 paragraph (1), (2), (3), (4), (5), or (6) of section 335(j)
4 of title 37.

5 “(g) REGULATIONS.—In establishing the unified
6 medical command under subsection (a), the Secretary of
7 Defense shall prescribe regulations for the activities of the
8 unified medical command.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by inserting after the item relating to section 167a
12 the following new item:

“167b. Unified combatant command for medical operations.”.

13 (b) PLAN, NOTIFICATION, AND REPORT.—

14 (1) PLAN.—Not later than July 1, 2013, the
15 Secretary of Defense shall submit to the congress-
16 sional defense committees a comprehensive plan to
17 establish the unified medical command authorized
18 under section 167b of title 10, United States Code,
19 as added by subsection (a), including any legislative
20 actions the Secretary considers necessary to imple-
21 ment the plan.

22 (2) NOTIFICATION.—The Secretary shall sub-
23 mit to the congressional defense committees written
24 notification of the time line of the Secretary to es-
25 tablish the unified medical command under such sec-

1 tion 167b by not later than the date that is 30 days
2 before establishing such command.

3 (3) REPORT.—Not later than 180 days after
4 submitting the notification under paragraph (2), the
5 Secretary shall submit to the congressional defense
6 committees a report on—

7 (A) the establishment of the unified med-
8 ical command; and

9 (B) the establishment of the Defense
10 Health Agency under subsection (f) of such sec-
11 tion 167b.

1 **SEC. 712 [Log #24632]. AUTHORITY FOR AUTOMATIC EN-**
2 **ROLLMENT IN TRICARE PRIME OF DEPEND-**
3 **ENTS OF MEMBERS IN PAY GRADES ABOVE**
4 **PAY GRADE E-4.**

5 Subsection (a) of section 1097a of title 10, United
6 States Code, is amended to read as follows:

7 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-
8 PENDENTS.—(1) In the case of a dependent of a member
9 of the uniformed services who is entitled to medical and
10 dental care under section 1076(a)(2)(A) of this title and
11 resides in an area in which TRICARE Prime is offered,
12 the Secretary—

13 “(A) shall automatically enroll the dependent in
14 TRICARE Prime if the member is in pay grade E-
15 4 or below; and

16 “(B) may automatically enroll the dependent in
17 TRICARE Prime if the member is in pay grade E-
18 5 or higher.

19 “(2) Whenever a dependent of a member is enrolled
20 in TRICARE Prime under paragraph (1), the Secretary
21 concerned shall provide written notice of the enrollment
22 to the member.

23 “(3) The enrollment of a dependent of the member
24 may be terminated by the member or the dependent at
25 any time.”.

1 **SEC. 713 [Log #18086]. COOPERATIVE HEALTH CARE AGREE-**
2 **MENTS BETWEEN THE MILITARY DEPART-**
3 **MENTS AND NON-MILITARY HEALTH CARE**
4 **ENTITIES.**

5 (a) **AUTHORITY.**—In addition to the authority of the
6 Secretary of Defense under section 713 of the National
7 Defense Authorization Act of 2010 (10 U.S.C. 1073 note),
8 the Secretary of each military department may establish
9 cooperative health care agreements between military in-
10 stallations and local or regional health care entities.

11 (b) **REQUIREMENTS.**—In establishing an agreement
12 under subsection (a), the Secretary concerned shall—

13 (1) consult with—

14 (A) representatives from the military in-
15 stallation selected for the agreement, including
16 the TRICARE managed care support con-
17 tractor with responsibility for such installation;
18 and

19 (B) Federal, State, and local government
20 officials;

21 (2) identify and analyze health care services
22 available in the area in which the military installa-
23 tion is located, including such services available at a
24 military medical treatment facility or in the private
25 sector (or a combination thereof);

1 (3) determine the cost avoidance or savings re-
2 sulting from innovative partnerships between the
3 military department concerned and the private sec-
4 tor; and

5 (4) determine the opportunities for and barriers
6 to coordinating and leveraging the use of existing
7 health care resources, including such resources of
8 Federal, State, local, and private entities.

9 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
10 tion shall be construed as authorizing the provision of
11 health care services at military medical treatment facilities
12 or other facilities of the Department of Defense to individ-
13 uals who are not otherwise entitled or eligible for such
14 services under chapter 55 of title 10, United States Code.

15 (d) **SECRETARY CONCERNED DEFINED.**—In this sec-
16 tion, the term “Secretary concerned” has the meaning
17 given that term in section 101(a)(9) of title 10, United
18 States Code.

1 **SEC. 714 [Log #22326]. REQUIREMENT TO ENSURE THE EF-**
2 **ECTIVENESS AND EFFICIENCY OF HEALTH**
3 **ENGAGEMENTS.**

4 (a) IN GENERAL.—The Secretary of Defense, in co-
5 ordination with the Assistant Secretary of Defense for
6 Health Affairs and the Uniformed Services University of
7 the Health Sciences, shall develop a process to ensure that
8 health engagements conducted by the Department of De-
9 fense are effective and efficient in meeting the national
10 security goals of the United States.

11 (b) PROCESS GOALS.—The Assistant Secretary of
12 Defense for Health Affairs and the Uniformed Services
13 University of the Health Sciences shall ensure that each
14 process developed under subsection (a)—

15 (1) assesses the operational mission capabilities
16 of the health engagement;

17 (2) uses the collective expertise of the Federal
18 Government and non-governmental organizations to
19 ensure collaboration and partnering activities; and

20 (3) assesses the stability and resiliency of the
21 host nation of such engagement.

22 (c) PILOT PROGRAMS.—The Secretary of Defense, in
23 coordination with the Uniformed Services University of
24 Health Sciences, may conduct pilot programs to assess the
25 effectiveness of any process developed under subsection (a)

1 to ensure the applicability of the process to health engage-
2 ments conducted by the Department of Defense.

1 **SEC. 715 [Log # _____]. CLARIFICATION OF APPLICABILITY**
2 **OF FEDERAL TORT CLAIMS ACT TO SUB-**
3 **CONTRACTORS EMPLOYED TO PROVIDE**
4 **HEALTH CARE SERVICES TO THE DEPART-**
5 **MENT OF DEFENSE.**

6 Section 1089(a) of title 10, United States Code, is
7 amended in the last sentence—

8 (1) by striking “if the physician, dentist, nurse,
9 pharmacist, or paramedical” and inserting “to such
10 a physician, dentist, nurse, pharmacist, or para-
11 medical”;

12 (2) by striking “involved is”; and

13 (3) by inserting before the period at the end the
14 following: “or a subcontract at any tier under such
15 a contract”.

1 **SEC. 722 [Log #25472]. EXTENSION OF COMPTROLLER GEN-**
2 **ERAL REPORT ON WOMEN-SPECIFIC HEALTH**
3 **SERVICES AND TREATMENT FOR FEMALE**
4 **MEMBERS OF THE ARMED FORCES.**

5 Section 725(c) of the National Defense Authorization
6 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
7 1480) is amended by striking “December 31, 2012” and
8 inserting “March 31, 2013”.

1 **TITLE XIV—OTHER**
2 **AUTHORIZATIONS**

Subtitle C—Other Matters

Sec. 1422 [Log 18012]. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James a. Lovell Health Care Center, Illinois.

1 **SEC. 1422 [Log 18012]. AUTHORITY FOR TRANSFER OF**
2 **FUNDS TO JOINT DEPARTMENT OF DEFENSE-**
3 **DEPARTMENT OF VETERANS AFFAIRS MED-**
4 **ICAL FACILITY DEMONSTRATION FUND FOR**
5 **CAPTAIN JAMES A. LOVELL HEALTH CARE**
6 **CENTER, ILLINOIS.**

7 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
8 funds authorized to be appropriated for section 1406 and
9 available for the Defense Health Program for operation
10 and maintenance, \$139,204,000 may be transferred by the
11 Secretary of Defense to the Joint Department of Defense—
12 Department of Veterans Affairs Medical Facility Dem-
13 onstration Fund established by subsection (a)(1) of sec-
14 tion 1704 of the National Defense Authorization Act for
15 Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571).
16 For purposes of subsection (a)(2) of such section 1704,
17 any funds so transferred shall be treated as amounts au-
18 thorized and appropriated specifically for the purpose of
19 such a transfer.

20 (b) USE OF TRANSFERRED FUNDS.—For the pur-
21 poses of subsection (b) of such section 1704, facility oper-
22 ations for which funds transferred under subsection (a)
23 may be used are operations of the Captain James A.
24 Lovell Federal Health Care Center, consisting of the
25 North Chicago Veterans Affairs Medical Center, the Navy
26 Ambulatory Care Center, and supporting facilities des-

1 ignated as a combined Federal medical facility under an
2 operational agreement covered by section 706 of the Dun-
3 can Hunter National Defense Authorization Act for Fiscal
4 Year 2009 (Public Law 110–417; 122 Stat. 4500).

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE V—MILITARY PERSONNEL POLICY

ITEMS OF SPECIAL INTEREST

Award of Prisoner-of-War Medal to Service Members Held at Wauwilermoos, Switzerland

The committee understands that during World War II, airmen who were forced to make emergency landings in the Swiss Confederation were interned under generous circumstances, some in hotels, and given strict instructions not to attempt to escape in order for Switzerland to maintain neutrality. Some service members who attempted to escape were transferred to Wauwilermoos. There, as documentation available to the Secretary of the Air Force substantiates, Air Force internees were held under extremely inhumane conditions.

In the committee report (H. Rept. 111-491) accompanying the National Defense Authorization Act for Fiscal Year 2011, the committee directed the Secretary of Defense to review the rationale for awarding the prisoner-of-war medal to some Wauwilermoos internees and not to others, and to provide a written summary of the review and its conclusions to the House Committee on Armed Services. The report concluded that since Switzerland remained neutral during World War II, it was not a foreign armed force that was hostile to the United States, and therefore, service members interned at Wauwilermoos did not meet the qualifying criterion of the medal. The report also concluded that the decision to award the prisoner-of-war medal to some Wauwilermoos internees was a mistake, but it does not appear that the Secretary of Defense or the Secretary of the Air Force took any action to revoke the awards.

The committee believes that all Wauwilermoos internees should have been treated in a similar fashion and awarded the prisoner-of-war medal. Elsewhere in this title, the committee includes a provision that would amend section 1128 of title 10, United States Code, to remove the statutory language on which denials have been based. Further, the committee directs the Secretary of the Air Force to award the prisoner-of-war medal to all Air Force internees held at Wauwilermoos within 180 days after the date of enactment of this Act.

Comptroller General Review of the Secretary of Defense's Efforts To Increase the Capability and Capacity of the Department of Defense to Account for Missing Persons

The committee is concerned that the Secretary of Defense's efforts to increase the effectiveness, integration, capability, and capacity to account for missing persons has not complied with section 541 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). To date, the

Department of Defense, the Joint Chiefs of Staff, the Joint Prisoners of War, Missing in Action Accounting Command (JPAC), and the military service organizations have been unable to work together to achieve a unified, synchronized program. Rather, the committee notes that the effort to account for missing persons is being hampered by what appears to be an inter-agency dispute between the major accounting organizations, the Defense Prisoners of War/Missing Personnel Office and JPAC. The committee believes that a lack of oversight by the Office of the Secretary of Defense and the Joint Staff is a contributing factor to the current situation and must be improved upon in the future.

Therefore, the committee directs the Comptroller General of the United States to conduct a review of the Secretary of Defense's efforts to significantly increase the capability and capacity of the Department of Defense to account for missing persons in accordance with section 1509 of title 10, United States Code. The Comptroller General should report the findings and recommendations of the review to the Senate Committee on Armed Services and the House Committee on Armed Services by June 1, 2013. The review should include, but not be limited to, the following:

(1) An assessment of any guidance provided by the Secretary of Defense to implement the program required by section 1509 of title 10, United States Code.

(2) An assessment of the process used by the Department of Defense to determine the proper funds, personnel and resources required to implement a program involving all elements of the accounting command; to increase the integration and coordination of the accounting effort; to expand the capability and capacity of the Department of Defense to achieve the requirement to account for 200 missing persons annually by 2015; and whether the current plans within the accounting community are being implemented in a manner to accomplish the goal for annual accounting of missing persons.

(3) An assessment of the structure of the POW/MIA accounting community, as defined in section 1509(b)(2) of title 10, United States Code, to include the command relationships in-and-between the organizations; whether those command relationships constitute the most efficient organizational structure to effectively and efficiently accomplish the POW/MIA accounting mission; and whether there are duplicate efforts within the organizations in the POW/MIA accounting community which can be consolidated or eliminated in order to create efficiencies and continuity.

(4) Recommendations to improve the accounting effort, including any recommended legislation required to improve the effectiveness, integration, and capability to account for missing persons.

Fair Treatment for Air National Guard and Air Force Reserve Service Members

The committee is concerned that the value of highly experienced Air National Guard and Air Force Reserve service members will not be taken into consideration during the reduction of force structure and change in unit missions

announced with the release of the budget request. The committee believes that every effort should be explored to retain service members by instituting robust reassignment and retraining initiatives. In those cases where service members cannot be retained in an Active Duty status, the committee directs the Secretary of the Air Force, before the first of those involuntary separations is executed, to examine the process by which service members are separated and the package of benefits made available to them. The committee believes that service members' length of service should be considered and that the welfare of service members and families are protected, to include special attention to health care and educational benefits. The committee encourages the Secretary of the Air Force to inform the Secretary of Defense and Congress of any legislative proposals that may be required to remedy deficiencies in the separation benefits package being provided to Air National Guard and Air Force Reserve service members.

Increased Flexibility of Military Families to Choose Enrollment of their Dependents in Local Educational Agencies

The committee recognizes that the availability of a quality public education for children is an important quality-of-life factor for service members and their families, and that concerns about the availability and quality of elementary and secondary education options impact readiness, job satisfaction, and retention of military personnel. A majority of the children of military personnel attend a school administered by a local educational agency near the military installation where one or both of their parents are assigned. Military families are typically reassigned every 3 years and have little choice in their assignments. The average military child will move six to nine times during their K-12 school career, which is three times more often than the average non-military child. Family mobility creates a variety of challenges for military families seeking a quality education.

While the committee is encouraged by State and school district adoption of inter-district and intra-district policies that allow greater flexibility to service members in choosing schools for their children, research conducted by the American Institutes for Research in 2011 for the Department of Defense demonstrates that a significant percentage of military families still reside in districts that do not allow the family to choose a regular public school through inter- or intra-district transfer programs. Rather, these families are assigned schools by geographic default, even when other school district boundaries are near the base or multiple school boundaries overlap onto the base. This is particularly troubling for military families who reside on military installations and are assigned to schools that have been identified as being in need of improvement. The committee notes that the lack of flexibility available to military families when selecting public school assignments negatively impacts morale, readiness, and retention of military personnel.

The committee, therefore, directs the Secretary of Defense to identify the school districts with substantial on-base military dependent populations, such as those receiving impact aid from the Department of Education or from the

Department of Defense or other bases, that have not implemented inter- or intra-district transfer programs. Furthermore, the committee directs the Secretary of Defense to provide briefing to the House Committee on Armed Services within 180 days after the date of enactment of this Act on an action plan for providing better educational equity, opportunity and flexibility for military families residing on military installations in those districts. The plan should identify the greatest problem areas and provide recommended courses of action.

Junior Reserve Officers' Training Corps

The committee notes that the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) required the Secretary of Defense, in consultation with the Secretaries of the military departments, to develop and implement a plan to increase the number of Junior Reserve Officers' Training Corps (JROTC) units to not less than 3,700 by September 30, 2020. There are approximately 3,459 JROTC units currently being supported by the military services. The committee understands that given the constraints of the current fiscal environment, the services are reassessing their plans to reach the required number of units. However, the committee remains committed to the goal of not less than 3,700 total JROTC units by 2020, and awaits the Secretary of Defense's report on any modifications to the services' plans to reach the required number of units.

In addition, the committee is interested in how the authority requested by the Department of Defense to allow the services to provide arms, tentage, and equipment to schools without a JROTC unit with at least 50 students who are in the grade above the eighth grade may impact the ability of the services to support an end state of 3,700 JROTC units. Therefore, the committee directs the Secretary of Defense to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services within 180 days after the date of the enactment of this Act on how a change in the authority will balance the demands for resources between the JROTC units and other institutions without an official JROTC unit. The briefing should also provide any change to the mandate to achieve 3,700 JROTC units by 2020, if the proposed authority is enacted.

Report on Metrics To Track Sexual Assault

The committee recognizes that the Department of Defense has developed a centralized, case-level database for documenting reported cases of sexual assault that became initially operational on March 30, 2012, and is expected to be fully operational by August 2012. Elsewhere in this Act, the committee includes a provision that would require the Secretary of Defense to continue to provide the Senate Committee on Armed Services and the House Committee on Armed Services with reports on the status of the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database until the Secretary certifies that both systems are fully functional and operational. The committee further notes that the Government Accountability Office has made a number of recommendations that

address the development and implementation of the Defense Sexual Assault Incident Database. Accordingly, not earlier than 1 year following certification by the Secretary of Defense, the committee directs the Comptroller General of the United States to conduct a review of the Defense Sexual Assault Incident Database to ensure that the appropriate metrics and data are being gathered to allow for greater transparency and assessment of sexual assault within the Department of Defense. The committee further directs the Comptroller General to complete the review and provide a report on the findings to the Senate Committee on Armed Services and the House Committee on Armed Services within 545 days after the date of the certification by the Secretary of Defense.

Yellow Ribbon Reintegration Program

The committee recognizes the Department of Defense continues to improve its efforts to assist military personnel successfully transition from the military to civilian life. The committee applauds the National Guard and Reserve Components for its implementation and enhancement of the Yellow Ribbon Reintegration Program. The Office for Reintegration Programs has made significant strides in working with States to assist in the development of outreach programs for members of the Armed Forces and their families. This has been invaluable for informing and educating members of the National Guard and the Reserve Components on the services and assistance available to them to ensure that the Nation fulfills its promise to the All-Volunteer Force. However, the committee is concerned that there are still gaps in transition from the Department of Defense to the Department of Veterans Affairs that impacts service members and their families, many of whom are simply unaware of the numerous services and assistance programs provided by the Department of Veterans Affairs.

Further, the men and women who are most susceptible to falling victim to the inadequacies of the transition from the Department of Defense to the Department of Veterans Affairs are oftentimes the most “at-risk” veterans. In addition, the committee believes that there are transitioning Active Duty service members who may benefit from the Yellow Ribbon Reintegration Program. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services within 1 year after the date of the enactment of this Act on the feasibility of expanding access and outreach to transitioning Active Duty service members into the latter phases of the Yellow Ribbon Reintegration Program. The briefing should also address the ability of the Office for Reintegration Programs to work with the Department of Defense, the States, and Department of Veterans Affairs regional offices to contact service members and veterans returning from Active Duty, and discuss any initiatives necessary that may improve information sharing between the agencies, and awareness of transitioning and returning veterans at the outreach execution level within communities.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

ITEMS OF SPECIAL INTEREST

Military Resale Participation in Container Deposit Programs

The committee is aware that military exchange and commissary systems do not directly participate in State and local container deposit programs designed to control litter and advance recycling objectives. The committee understands that as agencies of the Federal Government, military exchange and commissary systems would not historically participate in State and local programs that are viewed as taxation, although container deposit programs are generally viewed as user fees. The committee recognizes that container deposit programs are highly valued initiatives in the States and locales in which they are operated. However, the committee would like to better understand the implications of requiring the military resale community to participate in container deposit programs, as well as the potential for setting a precedent with broad consequences for the Federal Government regarding the participation of a Federal agency in State and local tax or user fee programs. Accordingly, the committee directs the Secretary of Defense to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services by March 31, 2013, assessing if it is appropriate for military exchange and commissary systems to participate in State and local container deposit programs. The Secretary should consider the implications of a decision to support the participation of military resale organizations in container deposit programs and, at a minimum, provide an assessment of:

- (1) The impact on the operations and financial management of military resale organizations.
- (2) The cost and other burdens imposed on patrons of military resale organizations.
- (3) The potential for far reaching precedents with implications for all appropriated and nonappropriated fund activities throughout the Federal Government.
- (4) The legal questions associated with such a decision, to include any concerns about the constitutionality of such participation.
- (5) Examples of how the Department of Defense complies with State or local beverage container laws.

The Secretary should also include in the report a recommendation concerning the propriety of military exchanges and commissaries participating in State and local container deposit programs. The committee further directs the Secretary not to assign responsibility for managing the conduct of the study and the writing of the resulting report to any military exchange system or commissary system.

Morale, Welfare, and Recreation Nonappropriated Fund Contract Options

The committee is concerned that military department managers of Department of Defense morale, welfare, and recreation (MWR) nonappropriated fund activities have concluded that they do not have the authority to engage in service contracts that involve multiple installations and extend over several years. The committee believes this question should be formally settled and, if necessary, resolved with corrective legislation. Accordingly, the committee directs the Secretary of Defense to submit to the congressional defense committees by March 31, 2013, a report verifying whether the perceived contracting restriction identified by MWR managers is in place and, if so, to identify the contracting law that imposes the restriction. The report should also include a legislative proposal that would remove the restriction, as well as the Secretary's assessment of the situation and recommendations for an appropriate course of action.

Physical Evaluation Board Liaison Officers

The committee continues to receive information that suggests there is an inadequate number of Physical Evaluation Board Liaison Officers (PEBLO) at some Department of Defense (DOD) installations, and that some of the PEBLOs are inadequately trained and lack sufficient experience to fulfill their job responsibilities. The committee is aware that wounded warriors and other individuals required to meet Physical Evaluation Boards (PEB) have reported that their assigned PEBLOs are overworked, yet many also lack the experience necessary to assist them successfully resolve their status within the Disability Evaluation System (DES).

The committee is concerned that in light of current budgetary constraints, DOD officials responsible for managing the DES have overlooked the importance of PEBLOs to the successful operation of the system and the appropriate care and fair treatment for service members with disabilities. Accordingly, the committee directs the Secretary of Defense to submit to the congressional defense committees a report by March 31, 2013, on the ratio of assigned PEBLOs to the number of service members meeting PEBs, the number of vacant PEBLO positions, and the authorized grades of PEBLO positions by installation across the Department of Defense. The report should also provide assessments of the adequacy of the Department's standard for the ratio of PEBLOs to service members meeting PEBs; the sufficiency of experience levels within the PEBLO workforce; and the effectiveness of PEBLO training programs.

Transition of U.S. Territories from Overseas Housing Allowance to Basic Allowance for Housing

The committee recognizes that the administrative process supporting the payment of Overseas Housing Allowance (OHA) is more cumbersome for service members and program managers than is the process supporting payment of the Basic Allowance for Housing (BAH). The committee is interested in examining whether the BAH system would be better than the OHA system at providing

housing allowances to service members assigned to duty in U.S. territories. Accordingly, the committee directs the Secretary of Defense to submit to the congressional defense committees by March 31, 2013, a report on the feasibility and appropriateness of changing the process for determining housing allowances in U.S. territories from the OHA system to the BAH system. The report should provide an assessment as to which system better supports the quality of life of service members, and is most suitable to the housing market of each U.S. territory (American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands). The report should also provide the comparable costs of operating the OHA and BAH systems in each of the U.S. territories, as well as the cost of implementing the transition from the OHA system to the BAH system.

TITLE VII—HEALTH CARE PROVISIONS

ITEMS OF SPECIAL INTEREST

Comptroller General Report on Chiropractic Health Care Professionals

The committee understands that for more than a decade, the Department of Defense has provided high-quality chiropractic health care services to Active Duty military personnel at military treatment facilities throughout the world. Today, chiropractic health care continues to be a key benefit for the men and women of the Armed Force as a result of increased incidences of musculoskeletal injuries sustained in combat. However, the committee is concerned by disparities in pay and job classifications that have resulted in chiropractors receiving lower wage rates than health care providers with either comparable or less training, skill sets, and health care responsibilities for patients in military treatment facilities. Therefore, the committee directs the Comptroller General of the United States to conduct a study and submit the findings to the Senate Committee on Armed Services and the House Committee on Armed Services by April 1, 2013, on the wage rates for chiropractors within the Department of Defense as compared to health care providers with either comparable or less training, skill sets, licensure and certification requirements, and health care responsibilities.

Modification to the Report on Department of Defense Autism Pilot and Demonstration Projects

The committee commends the Department of Defense for its continued efforts to ensure that military families have access to autism diagnosis, intervention, and treatment services. The committee encourages the Department to continue to assist military families with autistic children to receive the full and expanding range of evidence-based intervention and treatment approaches. In addition, the committee directs the Secretary of Defense to include in the report required by Section 577 of the National Defense Authorization Act for Fiscal Year

2012 (Public Law 112-81) any efforts to provide services specifically for autistic children of military families living in rural or underserved communities using mobile diagnostic capabilities.

Traumatic Brain Injury

The committee continues to support the Department of Defense's efforts to identify and treat traumatic brain injury (TBI) occurring in members of the Armed Forces as a result of combat. The committee is aware of ongoing efforts to identify TBI, in particular the short-term medical needs associated with TBI, and expand access to treatment programs for all service members, including members of the Reserve Components and the National Guard. However, the committee is increasingly concerned about the potential long-term implications of TBI for members of the Armed Forces, in particular those who experience multiple traumatic brain injuries, and the support needed for these service members and their families.

The committee encourages the Secretary of Defense to continue to work with the National Guard, and its state organizations, to identify and partner with regional health providers and medical centers with expertise in psychiatric care and traumatic brain injury. The goal of this partnership is to develop, implement, and evaluate programs to improve the psychological and behavioral health and well-being of members of the National Guard and the Reserves. In addition, in order to maximize the use of publicly funded resources and organizations, the committee encourages the Secretary of Defense to collaborate with state government programs to assist service members, their families, and caregivers in accessing community resources and services that enable members with TBI to return their homes and communities. The committee also encourages the Department to continue the research it has conducted with universities and similar entities, on the long-term risks of TBI and potential interventions, including novel drug therapies to enhance the treatments available for service members with TBI.

The committee is also aware that the Department of Defense-Department of Veterans' Affairs Vision Center of Excellence is working together with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury to develop clinical practice guidelines for primary medical providers to detect vision dysfunction associated with TBI. The Vision Center of Excellence is also working to develop a more effective ocular, oculomotor, and visual systems diagnostic capabilities and assessment strategies to address research gaps that have been identified. The committee is aware that there are several research projects involving visual dysfunction associated with TBI and directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services within 180 days after the date of the enactment of this Act, on the results of these studies and the development of the clinical practice guidelines .