

# TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

## OVERVIEW

Although the committee supports the President's fiscal year 2014 budget request for end strength for the Active and Reserve Components, it continues to have concerns with the amount and pace of reductions over the next 3 years and the impact this will have on force structure. The budget request reduces the Active Duty end strength authorizations by little more than 40,000 from the fiscal year 2013 authorized levels. However, the actual reduction levels will be closer to 15,000 since the Army will end fiscal year 2013 at approximately 530,000 (about 22,000 below the fiscal year 2013 authorized levels) and the Marine Corps will end the year at approximately 193,000 (about 4,300 below the fiscal year 2013 authorized levels). The Army and Marine Corps requests are within the minimum levels on end strength prescribed in section 402 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239). The Air Force will make minimum reductions in its Active Component. The Navy has a slight growth of 900 sailors from its fiscal year 2013 authorization, but remains undermanned by almost 4,000 sailors, well below minimum end strength levels. While the Navy believes that it will achieve its authorized end strength at the end of fiscal year 2013, that has yet to be seen, and could continue to impact the Navy's ability to meet force structure requirements in fiscal year 2014.

The budget request includes a reduction of 8,100 for the Reserve Components. The Army National Guard (4,000) and the Navy Reserve (3,400) make up the majority of the reductions. Both requests are consistent with the fiscal year 2013 end strength reduction plan submitted with last year's budget request. The Air National Guard and the Air Force Reserve have minimal reductions pending the results of the National Commission on the Structure of the Air Force.

The committee remains concerned that unfettered reductions in end strength will have a detrimental impact on force structure and, ultimately, operational mission capability and capacity among the services. The committee recognizes that the Army and Marine Corps have implemented planned end strength reductions over the next several years, and cautions the services not to abruptly change this course of action and break faith with those who have served this Nation in war.

#### ITEMS OF SPECIAL INTEREST

##### Operational Reserves

The committee understands that the Army and Air Force are reducing end strength and rebalancing force structure in response to the drawdown in the Islamic Republic of Afghanistan, reduced budgets, and the effects of sequestration. However, as has been stated in previous years, the committee remains concerned with increased potential reductions in the Reserve Components, specifically for the Army and the Air Force. The Reserve Components have been and remain an integral capability of the total force that must continue to be embraced as an operational reserve through periodic mobilization for real-world missions. Such employment sustains the skills and competencies to enable the Reserve Components to respond to crises or combat requirements in a timely manner. As the focus shifts from Afghanistan, the potential for persistent conflict remains. Thus, the committee continues to encourage the Secretary of Defense and the military services to ensure rigorous analysis is used when assessing the capabilities of the total force. Such analysis should be conducted if further reductions to force structure are necessary, and should include an assessment of the ability to meet the requirements of the combatant commands and those of the Federal Government and the States for homeland security and natural disasters.

#### 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, 2014:

Service	FY 2013 Authorized	FY 2014		Change from	
		Request	Committee Recom- mendation	FY 2014 Request	FY 2013 Authorized
Army .....	552,100	520,000	520,000	0	-32,100
Navy .....	322,700	323,600	323,600	0	900
USMC .....	197,300	190,200	190,200	0	-7,100
Air Force .....	329,460	327,600	327,600	0	-1,860
DOD .....	1,401,560	1,361,400	1,361,400	0	-40,160

#### 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, 2014. The committee recommends 520,000 as the minimum Active Duty end strength for the Army, 323,600 as the minimum Active Duty end strength for the Navy, 190,200 as the minimum Active Duty end strength for the Marine Corps, and 327,600 as the minimum Active Duty end strength for the Air Force.

#### 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, 2014:

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

##### 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, 2014:

Service	FY 2013 Authorized	FY 2014		Change from	
		Request	Committee Recom- mendation	FY 2014 Request	FY 2013 Authorized
Army National Guard .....	32,060	32,060	32,060	0	0
Army Reserve .....	16,277	16,261	16,261	0	-16
Naval Reserve .....	10,114	10,159	10,159	0	45
Marine Corps Reserve .....	2,261	2,261	2,261	0	0
Air National Guard .....	14,765	14,734	14,734	0	-31
Air Force Reserve .....	2,888	2,911	2,911	0	23
<b>DOD Total .....</b>	<b>78,365</b>	<b>78,386</b>	<b>78,386</b>	<b>0</b>	<b>21</b>

#### 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, 2014:

Service	FY 2013 Authorized	FY 2014		Change from	
		Request	Committee Recom- mendation	FY 2014 Request	FY 2013 Authorized
Army National Guard .....	27,210	27,210	27,210	0	0
Army Reserve .....	8,395	8,395	8,395	0	0
Air National Guard .....	22,180	21,875	21,875	0	-305
Air Force Reserve .....	10,400	10,429	10,429	0	29
<b>DOD Total .....</b>	<b>68,185</b>	<b>67,909</b>	<b>67,909</b>	<b>0</b>	<b>-276</b>

#### Section 414—Fiscal Year 2014 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, 2014:

Service	FY 2013 Authorized	FY 2014		Change from	
		Request	Committee Recom- mendation	FY 2014 Request	FY 2013 Authorized
Army National Guard .....	1,600	1,600	1,600	0	0
Air National Guard .....	350	350	350	0	0
Army Reserve .....	595	595	595	0	0
Air Force Reserve .....	90	90	90	0	0
<b>DOD Total .....</b>	<b>2,635</b>	<b>2,635</b>	<b>2,635</b>	<b>0</b>	<b>0</b>

**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 2014 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 2013 Authorized	FY 2014		Change from	
		Request	Committee Recom- mendation	FY 2014 Request	FY 2013 Authorized
Army National Guard .....	17,000	17,000	17,000	0	0
Army Reserve .....	13,000	13,000	13,000	0	0
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
<b>DOD Total .....</b>	<b>69,200</b>	<b>69,200</b>	<b>69,200</b>	<b>0</b>	<b>0</b>

**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**

**OVERVIEW**

The committee has taken a number of actions to address areas of concern. With regard to military justice, the committee fundamentally reformed the way that the Department of Defense must address sexual assault in the Uniform Code of Military Justice and provides significant additional support to victims of this terrible crime. Specifically, with regard to the Uniform Code of Military Justice, the committee limited the convening authority's discretion to change a court-martial finding and sentence; eliminated the 5-year statute of limitations on trial by court-martial for sexual assault and sexual assault of a child; and, established dismissal (for officers) and dishonorable discharge (for enlisted personnel) as the mandatory minimum sentence for service members convicted by court-martial of rape, sexual assault, forcible sodomy, or attempts at those offenses. To improve support to victims, the committee mandated that each of the Armed Services establish Victims' Councils to provide dedicated legal assistance to victims of sex-related

crimes. Furthermore, the committee expanded whistleblower protections by adding reports of rape, sexual assault, or other sexual misconduct as protected communications by members of the Armed Forces with Members of Congress or an Inspector General.

A number of initiatives reflected the committee's concerns about the number of general and flag officers serving at a time when military manpower is being reduced. Thus, the committee reduced the number of general and flag officers on Active Duty, mandated a review of the requirements and authorizations for Reserve Component general and flag officers in an active status, and directed the Comptroller General to assess trends in the costs of general and flag officers on Active Duty.

In support of military families, the committee authorized the Commander of the U.S. Special Operations Command to conduct family support pilot programs for the immediate family members of military personnel assigned to Special Operations Forces. The committee also authorized transitional compensation and other benefits for dependents of retirement eligible service members who are separated from military service for violation of the Uniform Code of Military Justice.

With regard to the Reserve Components, the committee established a 180-day minimum notification requirement for members of the Reserve Components before deployment to or cancellation of a deployment to a contingency operation. Furthermore, out of concern for the time that Reserve Component members were spending in the disability evaluation system, the committee directed a review of the Integrated Disability Evaluation System.

Finally, the committee adopted the Stolen Valor Act, which would make it a crime to fraudulently claim to be a recipient of certain decorations or medals with the intent to obtain money, property, or other tangible benefits.

## ITEMS OF SPECIAL INTEREST

### Air Force Education Programs

Air Education and Training Command (AETC) provides basic military training, initial and advanced technical training, flying training, and professional military and degree-granting education. The committee recognizes the importance of defense- and technical-focused education and is concerned that, as budget pressures force the services to reevaluate their priorities, AETC may be forced to shift resources to training and reduce its commitment to professional and technical degree-granting education. Such action could have long term implications on the professionalism of the Air Force. Section 245 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) required the National Research Council to review specialized degree-granting graduate programs of the Department of Defense in science, technology, engineering, mathematics and management. The report required a review of existing organizational structures, including reporting chains, to manage the graduate education needs within the military departments. Until the committee receives this report, the committee encourages the Air Force to continue its traditional em-

phasis on education and maintain its Air Force education programs.

#### Assessing the Trend in Costs of General and Flag Officers on Active Duty

While the committee understands efforts are underway in the Department of Defense, the Joint Staff, and the military services to control the numbers of general and flag officers on Active Duty, the committee is concerned about the costs associated with sustaining that general and flag officer population as the size of the military forces decreases. According to the Department of Defense, there were 917 general and flag officers on Active Duty in fiscal year 2013. To better understand the costs of maintaining a sizable senior military officer population, the committee directs the Comptroller General of the United States to assess the trends in costs from fiscal year 2001 through fiscal year 2013 of the general and flag officers of the Armed Forces on Active Duty for each fiscal year. The Comptroller General shall provide the assessment to the Senate Committee on Armed Services and the House Committee on Armed Services no later than April 15, 2014.

In making this assessment, the Comptroller General shall, as a minimum, assess both the direct and support costs associated with general and flag officers. In assessing the direct costs, the Comptroller General shall include basic pay, basic allowance for subsistence, basic allowance for housing and, to the extent practicable, the tax advantage associated with those allowances; and, all other compensation paid to general or flag officers as reflected on military leave and earnings statements; the travel and per diem costs of such officers; the official entertainment and representation expenditures of such officers; and, other direct costs the Comptroller General, in coordination with the committee, determines to be appropriate. For support costs, the assessment shall include the direct costs, as described above, of all officer and enlisted aides assigned to or supporting general or flag officers; the travel and per diem costs of such aides; the annual expenditures for military housing provided the general and flag officers; and other support costs the Comptroller General, in coordination with the committee, determines to be appropriate.

#### Clarification of Conferees Statement on the Assignments of Military Officers as Academic Instructors at Military Service Academies as Joint Duty Assignments

The committee recognizes that the conferee statement contained in Sense of Senate on inclusion of assignments as academic instructors at the military service academies as joint duty assignments, on page 758 of the conference report (H. Rept. 112-705) accompanying the National Defense Authorization Act for Fiscal Year 2013, is contrary to section 668 of title 10, United States Code. The committee recognizes that the Secretary of Defense must adhere to the requirements in law and that the law takes precedence over directive report language contained in a conference report. Therefore, the committee seeks to clarify for the Secretary of Defense that he must comply with section 668 of title 10, United States Code, when

determining joint duty assignment designations in accordance with section 661 of title 10, United States Code.

The committee recognizes that the directive report language in the conference report stemmed from concern that Naval officers with expertise in military science and humanities may be deterred from service on the faculty of the United States Naval Academy (USNA) due to their inability to obtain promotion opportunities and joint duty credit requirements in the course of their career. To ensure that the USNA continues to attract and retain mature and skilled instructors with successful Navy careers, the committee directs the Secretary of the Navy to assess the barriers faced by instructors at the USNA and to develop a plan to mitigate those challenges, including ways to achieve expanded promotion opportunities and joint duty assignments. This plan shall include assignment policies to ensure the highest quality Naval officers who seek assignments as USNA instructors remain competitive for promotion and that the Navy has a method for ensuring the quality of instructors assigned to the academy is not degraded. The committee directs the Secretary of the Navy to submit the findings and plan to the Committees on Armed Services of the Senate and the House of Representatives by April 1, 2014.

#### Community-Based Youth Organizations

The committee commends the numerous community-based youth organizations, such as the Boys & Girls Clubs of America, and others that have stepped forward to support military children and dependents. Children of military personnel face many challenges stemming from frequent moves due to changes in permanent stationing, to dealing with a deployed parent or parents, trying to support an injured, ill or wounded parent who is recovering, or from losing a parent. Community-based youth organizations provide needed support to our military families. These organizations are valuable assets in providing consistent and stable education and prevention programs that constitute positive experiences in the development of our military children. While the Department of Defense is confronting difficult decisions as the budgets decline, the committee urges the Department to continue to partner with community-based youth organizations to provide youth education and development programs for military children.

#### Comptroller General Review of Recommendations to Prevent Sexual Misconduct at Lackland Air Force Base and Other Basic and Technical Training Facilities

The sexual misconduct by Military Training Instructors (MTIs) at Lackland Air Force Base, San Antonio, Texas has been one of the largest sexual misconduct investigations within the military with nearly 60 victims from basic and technical training. To date, over 32 MTIs have been investigated and 18 have been convicted. While the cases continue to be prosecuted, the Air Force undertook a significant effort to understand the circumstances that lead to this environment, and what steps needed to be taken to correct the situation and prevent such assaults from occurring in the future. A Command-Directed Investigation led to 46 recommendations, of

which the Air Force proposed to implement 45. In addition, the Air Force conducted an investigation focused on senior leadership and organization actions in response to the delayed reporting of sexual assault allegations. The committee remains focused on efforts to ensure that such sexual misconduct does not occur at basic military training or technical training bases across the Department of Defense. Therefore, the committee directs the Comptroller General of the United States to review the actions taken by the Air Force as a result of the investigations in order to provide a status of the recommendations; to assess the effectiveness of the implemented recommendations; and to conduct an assessment of best practices from among the services that can be shared to prevent sexual misconduct at basic and technical training. The review should also identify challenges and other potential improvements or recommendations for services to review to prevent sexual misconduct from occurring at basic and technical training bases. The Comptroller General of the United States shall submit the results of the review by April 1, 2014, to the Committees on Armed Services of the Senate and the House of Representatives.

#### Consistency Among Exceptional Family Member Programs

The 2013 Annual Report to Congress on the Department of Defense Military Family Readiness Council, as required by section 1781a of Title 10, United States Code, contained a number of recommendations to improve support to military families, such as establishing evaluation criteria to ensure that programs are effective based on outcome measurements that are aligned with program objectives. The Council also recommended that the services standardize their Exceptional Family Member Program (EFMP) offerings to ensure parity across the services, the need for which have become apparent at joint bases. While the committee supports efforts to improve parity and standardization of the services provided under EFMP, the committee urges the services and the Department to work together to ensure that such standardization and parity does not result in the minimization of program offerings to EFMP families.

#### Disposition of Remains by Host Nations

The committee recognizes that there are instances in which a host nation under Status of Forces Agreements may require the retention of the remains of a service member killed while stationed overseas. However, the committee believes that the services have a responsibility to ensure that such remains are returned as quickly as reasonably possible while complying with the terms of the Status of Forces Agreement. The committee understands there are Status of Forces Agreements that do not address or include specific regulations or guidance on mortuary affairs. Therefore, the committee urges the Department of Defense to work with the Department of State to review this issue and determine whether inclusion of such guidance and regulation, including providing technical assistance, will help to ensure the expeditious return of service members remains when the Department of State updates Status of Forces Agreements with host nations. Further, the committee di-

rects the Secretary of Defense to brief the committee on Armed Forces of the Senate and the House of Representatives, not later than December 31, 2014, on the results of the review conducted with the Department of State.

#### Domestic Violence and Child Abuse

The committee recognizes the improvements the Department of Defense and the services have made over the past several years to address domestic violence and child abuse among the force. However, the committee remains concerned that the stress on the force continues to take its toll and may be manifested in increasing incidents of domestic violence, child abuse, and neglect. The committee appreciates the actions the Department has taken to address the recommendations of the Comptroller General of the United States, which were included in the “Report to Congressional Defense Committees on Improvements to Department of Defense Domestic Violence Program”, dated April 2012. These actions included hiring additional Domestic Abuse Victim Advocates; expansion of the New Parent Support Home Visitation Program; hiring of additional clinical providers and staff to oversee programs and personnel; implementation and tracking of chaplain domestic violence training; and development of a formalized oversight framework for domestic violence programs to improve management and delivery of services. The committee understands that the Department is moving forward on an incident-based reporting system that would accurately track domestic violence incident, and recommends that the system also be able to track child abuse incidents as well. The committee looks forward to the update on the status of recommendations in the near future.

#### Department of Defense Efforts To Ensure Operation of Current Prohibition on Accrual of Interest on Direct Student Loans of Members of the Armed Forces Receiving Imminent Danger Pay

The committee is strongly supportive of the current prohibition on accrual of interest for service members serving in a combat zone. However, the committee is concerned that lack of information regarding this benefit and the administrative burden placed on service members in order to receive it may be preventing more members of the armed services from participating. Therefore, the committee directs the Secretary of Defense to ensure that all service members, when assigned to duty in an area for which special pay is available, are made aware of the benefits provided under section 455(o) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)), and include this information in the out-processing checklist, briefings and counseling that all deploying service members receive.

#### Foreign Exchange Program for Reserve Officer Training Corps Cadets and Critical Military Language Training

The committee commends the Army for establishing a Reserve Officer Training Corps (ROTC) cadet foreign exchange program that provides cadets an unprecedented and valuable training opportunity in a non-contingency, deployed environment to learn for-

eign cultures and languages. The committee understands that the program is relatively new and is still maturing; however, the committee remains concerned in several areas. First, there is a lack of consistency in the programs among the various foreign nations. Second, efforts to develop greater coordination with the various combatant commands (COCOMs) are disjointed. Third, it is unclear to the committee that the overall mission and goals of the program are in step with the security cooperation strategy. The committee urges the Army, the Office of the Secretary of Defense, and the Office of the Joint Chiefs of Staff to provide greater oversight and support of this important leadership development program to ensure that it is meeting the needs of the cadets, the service, and the missions of the COCOMs. The Department of Defense has highlighted over the past decade, and more recently in the fiscal year 2014 budget submission, the strategic importance of language and cultural programs in order to build international partnerships as well as the successful outcomes across the full spectrum of operations. The committee believes the ROTC cadet foreign exchange program, as well as the use of Language Training Centers at accredited universities in support of the Defense Language Transformation Roadmap, National Security Education Program, and the Civilian Linguist Reserve Corps, are instrumental in achieving the Secretary of Defense's goals.

#### Fully Burdened Life Cycle Cost of Military Personnel

The committee applauds the Department of Defense's efforts to standardize costing models for Active Duty and civilian personnel across the Department. The committee understands the Secretary of Defense is finalizing a Department of Defense Instruction to formalize the policy, as well as implement a costing tool, Full Cost of Manpower (FCoM), to reduce the myriad of calculations required under current guidelines and reduce errors in costing of Active Duty and civilian personnel. The committee is encouraged by the Department's effort to expand this model to include the full cost of reserve manpower as well. As fiscal pressures become the focus in operational planning and force structure development, it is crucial to understand the cost of the total force in order for leaders to make informed decisions to fulfill combatant commander requirements, as well as homeland defense and natural disaster response. The committee directs the Secretary of Defense to incorporate at a minimum all of the existing elements of the FCoM tool for the reserve model and encourages the Secretary to include as many comparable factors between the Active Duty and Reserve Component in the FCoM tool as possible to ensure the most efficient use of resources and manpower.

The committee directs the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives no later than 180 days after implementation of the reserve costing model. The report shall include an explanation of the elements required in the costing model; the criteria used to determine the elements; how the reserve model compares to the model used for Active Duty; and a comparison of the cost of a similar Active and Reserve unit for each of the services, including the training and mobilization costs of the Reserve unit, with the as-

sumption that an operational Reserve unit will mobilize and deploy once every 5 years, and an Active Duty unit will mobilize and deploy once every 3 years as required by current policy.

#### Mental Health Professional on a Physical Evaluation Board

The committee continues to have concerns with the Department of Defense's evaluation of service member physical evaluation board cases that may involve post-traumatic stress disorder, traumatic brain injury or other mental health conditions. The committee encourages the Secretary of Defense to ensure that a behavioral health professional is included as a member of the board on any physical evaluation board that considers issues of post-traumatic stress disorder, traumatic brain injury, or other mental health conditions. The behavioral health professional should normally take the place of the medical member of the board, unless as a result of the health related issues before the board, the board would benefit from the presence of both a behavioral health professional and medical member. In this context a behavioral health professional means a clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse.

#### National Support for Service Members, Veterans, Retirees and their Families

The committee recognizes that after more than a decade of war, the Department of Defense and the services have undertaken many initiatives to address the myriad of issues that have been brought to the forefront, such as ensuring the appropriate amounts of equipment and training are available, improving medical evacuations from theater, new treatment for post-traumatic stress and traumatic brain injury, building resiliency among the force and family members, and improving transition assistance programs for service members back into civilian communities. While the committee commends the services for their recent efforts to enhance and improve programs and policies that strengthen the resilience of the force, there still remain gaps in the Nation's support for and recognition of service members and their families. When less than 1 percent of the population of our society serves in uniform, it is important for the civilian communities in which they live, work, and return, to understand the challenges uniformed members confront in their service to our Nation. To address these gaps, the committee believes there has to be not only a whole-of-government approach, but also a national approach to improve the myriad of programs that are available to service members, retirees, veterans, and their families through the Government and many civilian organizations and communities. There needs to be an improved recognition of the sacrifices this small population endures for our Nation. The committee urges the Department of Defense to continue to work with Federal, state, local, and non-profit organizations to expand the network of support to ensure not only a whole-of-government approach to supporting and recognizing our Armed Forces but a national effort.

### Navy Sea Cadet Corps Sustainment

The committee recognizes the U.S. Naval Sea Cadet Corps as an exemplary, cost effective program that assists the U.S. Navy by creating a favorable image of the U.S. Navy on the part of American youth and ensuring a high-quality source of future sailors for both enlisted and commissioned service. To ensure the viability of this valuable program, the Secretary of the Navy is strongly urged to ensure that the program is fully funded for fiscal year 2014, and beyond. This amount should take into consideration additional funds that may be necessary as a result of program growth and annual inflation as determined by the U.S. Navy, in conjunction with the U.S. Naval Sea Cadet Corps.

### Relocation Assistance Program Resource Access Review

The committee is concerned with the availability and access to resources provided by the Department of Defense's relocation assistance program to members of the Armed Forces. Acknowledging that some of these services are inherently governmental, the committee, in light of the constrained current and future budgets, directs the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives on the current relocation services provided by the Department, and how those services are fulfilling the provision under section 1056 of title 10, United States Code. Included in this report should be an evaluation of whether the present system, including a review of applicable Federal regulations, is utilizing the best practices from both governmental and nongovernmental agencies, and incorporating innovative ideas that allow for the most current, easily accessible, and accurate local area information and services to be provided to service members and their families in the most cost effective manner. The report should be provided to the Committees on Armed Services of the Senate and the House of Representatives within 120 days after the date of the enactment of this Act.

### Reserve Component Temporary Duty Assignments

The committee has concerns with the Department of Defense's use of permanent change of station (PCS) orders in lieu of temporary duty orders for Reserve Component members (not including Active Guard and Reserve when activated). Current Department of Defense directives set 180 days as the limit for temporary duty orders. Beyond 180 days, the orders become PCS orders. The committee is concerned that the services have taken advantage of these rules when mobilizing some reservists by either calling them to Active Duty through PCS orders for 181 days or changing the orders from temporary duty to PCS after the member has taken the assignment. This practice, when selectively applied to reservists mobilized for temporary duty from a high cost-of-living area to a low cost-of-living area, allows the services to save money at the expense of the service members and their families. The committee encourages the Secretary of Defense to ensure that if a Reserve Component member receives temporary duty orders, the orders are not changed to PCS orders without required notification and processing. This will protect members of the Reserve Component by en-

sureing that they are compensated appropriately during their Active Duty service. Furthermore, it will ensure they are able to maintain, without disruption, their full-time households.

#### Review of Programs for Male Victims of Sexual Assault in the U.S. Military

In 2010, the Department of Veterans Affairs reported that approximately 1 in 100 service men indicated that they experienced sexual trauma in the military. During that same year, the veteran health facilities documented 244,074 occasions in which male veterans were provided military sexual trauma-related outpatient care. In its latest Report on Sexual Assault in the Military Services, the Department of Defense estimates that only about 14% of its service members who are sexually assaulted report that they were a victim of this crime. Reporting a sexual assault is difficult for any victim, but for males in the military, it may be especially daunting. The committee is concerned that the DOD has not focused on efforts to assist male service members to ensure victims receive the specialized care that may be needed. Therefore, the committee directs the Comptroller General of the United States to undertake a review to determine to what extent (1) does the culture of the U.S. military pose unique challenges for preventing and responding to sexual assaults of male service members, (2) what steps the DOD has taken steps to address the incidence of and response to male service members who are sexually assaulted, and (3) whether the DOD established policies and protocols for the provision of medical and mental healthcare to address sexual trauma given the unique requirements for male victims of sexual assault. The Comptroller General shall submit the results of the review by May 30, 2014.

#### Suicides and Military Families

Over a decade of conflict has contributed to an increase in suicides among military members. Efforts by the Department of Defense to combat suicide among military members continue; however, what is less known is the impact on military families. The committee is concerned that there may be a corresponding increase in suicides among immediate family members. Currently, the Department of the Army is the only service that attempts to track the number of military dependents that commit suicide. Yet, such collection and validation remains a challenge for the Army. Suicide among the force has a direct impact on military readiness, and suicide among dependents can have a direct impact on individual readiness. Therefore, the committee directs the Secretary of Defense to review the ability of the services to collect information and perform analysis on suicide among immediate family members as part of their suicide information retention and analysis. The Secretary shall submit a report on the feasibility, including the potential costs, of collecting and retaining such data to the Committees on Armed Services of the Senate and the House of Representatives by April 1, 2014.

### Support for the Interstate Compact on Educational Opportunity for Military Children

The committee understands the challenges that military dependent children face when they move, as a result of military orders, from one local educational agency and school district to another. For that reason, the committee supported the Interstate Compact on Educational Opportunity for Military Children, as originally expressed in section 539 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84). The committee reaffirms its support for the compact and encourages the Secretary of Defense to work with the remaining non-signatory states to join the Interstate Compact on Educational Opportunity for Military Children.

### Transition Assistance Program

The committee applauds the Department of Defense's revamped Transition Assistance Program to provide assistance to career ready military members transitioning for a career or education following military separation. The new Transition-Goals, Plans, Success (Transition-GPS) is an enhanced program established to assist members with their transition as the military draws down. Transition-GPS gives the Department the flexibility and authorities required to execute its role in providing information, counseling, tools, and training for service members to transition from the military. The committee encourages the Secretary of Defense to continuously improve and build the program by, among other things, partnering with the education community for opportunities to increase interest in Science, Technology, Engineering and Mathematics (STEM) education and medical programs; and with the veterans community to allow for valuable feedback from recently separated veterans to be incorporated into the program. The committee also supports the Administration's Information Technology (IT) Training and Certification Partnership that will allow service members to obtain IT certifications before they transition from military service, and the new grant program that will allow service members with health care experience to pursue a career in nursing. The committee also encourages the Secretary to use existing authorities to continue to partner with private industry, vocational and technical training centers, and state and professional licensing and credentialing agencies to assist military personnel in obtaining technical skills, licenses, or credentials applicable to their military skill as well as post military employment opportunities. The committee looks forward to the results of, and report on, the pilot program on receipt of civilian credentialing for skills required for Military Occupational Specialties required by section 558 of the National Defense Authorization Act for 2012 (Public Law 112–81).

### Tuition Assistance

The committee recognizes the important value Military Tuition Assistance provides the All-Volunteer Force. An educated force provides increased capability to an already dynamic and highly technical military. The committee supports efforts to afford opportunities to service members to further increase their education while in

the military. The committee is concerned that the increased fiscal pressures will impact the viability of the Tuition Assistance Program in the long-term, if the Department of Defense and the military services do not put into place measures to control rising costs. Therefore, requiring service oversight of individual education plans and the use of cost share methods is reasonable action that the services can take to ensure Federal resources are spent efficiently, and ensure that service members maintain a vested interest in their education. The committee also supports efforts by the secretaries concerned to execute their programs to the needs of the individual service, recognizing that how each service views the use of tuition assistance differs based on culture, training, and retention requirements. A Department-wide policy, while worthy, may not be the most efficient or effective method of managing this program. Therefore, the committee encourages the Secretary of Defense to maintain flexibility in prescribed regulations and policies to allow the Secretaries of the military departments to execute and maintain a tuition assistance program that will remain viable during a period of budget constraints without impacting the opportunities of deserving service members.

#### U.S. Special Operations Command Educational Initiatives

The committee supports U.S. Special Operations Command (USSOCOM) education initiatives that provide Special Operations Forces (SOF) with additional professional military education opportunities that serve to professionalize the force. While the committee supports these initiatives, it expects the educational opportunities to address requirements unique to SOF and that they will not duplicate educational opportunities provided by the military services unless the utilization is required by the services for that educational opportunity proves burdensome for the SOF student. The committee is aware that USSOCOM is in the process of formalizing educational agreements with the Secretaries of the military departments to ensure effective coordination and to establish a process to formalize SOF education requirements.

The committee is pleased with this coordination, encourages a rapid coordination process, and looks forward to continued dialogue on the future of SOF education initiatives. Therefore, the committee directs the Chairman, Joint Chiefs of Staff, in coordination with the Commander, U.S. Special Operations Command, to provide a briefing to the congressional defense committees within 90 days after the date of the enactment of this Act, outlining all SOF-unique educational requirements, recommendations for meeting those requirements, and how the proposed USSOCOM educational initiatives compare to service-offered educational opportunities.

#### Use of Radio in Department of Defense Advertising

The Department of Defense spent \$450.1 million in advertising in fiscal year 2012. The focus of the Department's commercial advertising expenditures were recruiting and reaching influencers. A review of advertising expenditures shows that the Department spends less than 2 percent of its advertising budget on radio, compared to the 10.1 percent the average national commercial adver-

tiser usually spends. Radio reaches 92 percent of all Americans each week. Thus, the broad reach of radio makes it an effective media vehicle to utilize to reach both recruits and influencers. Radio reaches diverse racial and ethnic communities in our Nation, because there are many stations and networks that target these diverse communities. The committee encourages the Department to examine its commercial advertising expenditures to determine whether greater utilization of radio to reach a larger target audience among diverse communities would be cost-effective.

#### Yellow Ribbon Reintegration Program

The committee commends the Department of Defense Yellow Ribbon Reintegration Program Office for its efforts over the past 5 years to assist the military services by providing information, support, and best practices to maintain a ready Reserve Component with stronger and more resilient service members and families. As the Nation reduces its overseas commitment in the Islamic Republic of Afghanistan, the committee believes there will continue to be a requirement for the utilization and mobilization of the Reserves in support of combatant commanders and contingency operations for the foreseeable future. Therefore, the committee recommends that the Secretary of Defense ensure that the Yellow Ribbon Reintegration Program remains current, flexible, and viable by maintaining the appropriate expertise, knowledge, and resources in order to meet the requirements of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended, to support the operational reserves.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—OFFICER PERSONNEL POLICY GENERALLY

##### Section 501—Limitations on Number of General and Flag Officers on Active Duty

This section would reduce by 14 the total of the number of general and flag officers authorized to be on Active Duty in the military services, and by 10 the number of general and flag officers authorized to be assigned to joint duty assignments. The reductions would take effect on October 1, 2014. The committee is aware that reductions in the number of general and flag officers are proceeding as a result of previously directed actions by the Secretary of Defense. For example, based on data provided by the Department of Defense, there were 889 general and flag officers on Active Duty in 2001. That number grew to 971 in 2011, but will decrease to 908 in 2013 and is projected to be 869 in 2016. Given both the projected decrease and the known reductions in active end strength, the committee believes the reductions required by this section are prudent.

## SUBTITLE B—RESERVE COMPONENT MANAGEMENT

## Section 511—Minimum Notification Requirements for Members of Reserve Components Before Deployment or Cancellation of Deployment Related to a Contingency Operation

This section would require the service secretaries to provide Reserve Component members or units notification 120 days in advance of being ordered to deployment or being notified that such deployment has been canceled, postponed, or otherwise altered. If the service secretary fails to meet the 120-day notification requirement, the Secretary of the military service must submit, within 30 days after the date of the failure, written notification to the Committees on Armed Services of the Senate and the House of Representatives explaining the reason for not meeting the required minimum notification and the units and members of the Reserve Component affected.

## Section 512—Information to be Provided to Boards Considering Officers for Selective Early Removal from Reserve Active-Status List

This section would amend Section 14704 of title 10, United States Code, by aligning the statutory procedures for a board convened to consider officers with sufficient qualifying service for early removal from the reserve active-status list with the procedures required for an Active Duty selective early retirement board. The statutes governing Active Duty selective early retirement boards, sections 638 and 638a of title 10, U.S. Code, provide the Secretary of the military department concerned discretion to limit the zone of officers eligible for selective early retirement based on date of rank and to exclude officers with approved voluntary or involuntary retirements from consideration. The proposed amendment would extend this authority to reserve selective early removal boards.

## Section 513—Temporary Authority to Maintain Active Status and Inactive Status Lists of Members in the Inactive National Guard

This section would provide temporary authority for the Secretary of the Army and the Secretary of the Air Force to maintain an active status and an inactive status list of members in the inactive National Guard. This section would also limit the number of members that may be carried on the active list of the inactive National Guard to no more than 4,000 at any one time. This section would also require the Secretary of Defense to commission an independent study to evaluate the effectiveness of using an active status list for the inactive National Guard to improve the readiness of the Army and Air National Guard. The study would also assess the impact of using the temporary authority with personnel who have permanent profiles and are non-deployable to improve the time necessary to complete the Integrated Disability Evaluation System (IDES) process. The temporary authority under this provision is available between October 1, 2013, and December 31, 2018. Prior to implementation of the authority provided by this section, the Secretary of Defense would be required to submit to the Com-

mittees on Armed Services of the Senate and the House of Representatives the implementation guidance to execute this authority. The Secretary of Defense would also be required to submit to the Committees on Armed Services of the Senate and the House of Representatives the results of the study required by this section within 180 days of the completion of the study.

Section 514—Review of Requirements and Authorizations for Reserve Component General and Flag Officers in an Active Status

This section would require the Secretary of Defense to report the findings and recommendations of a review of the requirements for Reserve Component general and flag officers in an active status. The section would require the report to be provided to the Committees on Armed Services of the Senate and the House of Representatives not later than 18 months after the date of the enactment of this Act. The Secretary of Defense's efficiencies review in 2011 projected that such a review would be completed by the end of 2012. However, a lack of funding and incomplete Reserve Component force structure and organizational studies postponed the review. Under current law, 422 such officers are authorized. They are in addition to the Reserve Component general and flag officers on Active Duty and in addition to those general officers serving in the National Guard Bureau or as adjutants general in the Army and Air National Guard. The committee has provided funding for this study in the tables accompanying this Act.

Section 515—Feasibility Study on Establishing a Unit of the national Guard in American Samoa and in the Commonwealth of the Northern Mariana Islands

This section would require the Secretary of Defense to conduct a study to determine the feasibility of establishing a unit of the National Guard in American Samoa and a unit of the National Guard in the Commonwealth of the Northern Mariana Islands.

SUBTITLE C—GENERAL SERVICE AUTHORITIES

Section 521—Review of Integrated Disability Evaluation System

This section would require the Secretary of Defense to conduct a review of the backlog of Reserve Component cases in the Integrated Disability Evaluation System and consider improvements to the system, and to submit a report on the results of the review to the Committees on Armed Services of the Senate and the House of Representatives within 180 days after the date of the enactment of this Act.

Section 522—Compliance Requirements for Organizational Climate Assessments

This section would require verification and tracking of the organizational climate assessments mandated as part of the Department of Defense sexual assault prevention and response program, as required by section 572(a)(3) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239). This section would also require the Secretary of Defense to submit a report to

the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days after the date of the enactment of this Act on the progress in developing, and estimated completion of, a tracking system to ensure compliance.

**Section 523—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 524—Contents of Transition Assistance Program**

This section would amend section 1144 of title 10, United States Code, by requiring information about disability-related employment and education protections to be provided to service members during the transition assistance program. This section would also require any member who plans to use educational assistance entitlements under title 38 to receive instruction on an overview of those entitlements, courses in post-secondary education appropriate for the member and compatible with the member's goals, and how to finance the member's education. Implementation of this section would occur not later than April 1, 2015. In addition, this section would require, within 270 days after the date of the enactment of this Act, that the Secretary of Veterans Affairs submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Committees on Armed Services of the Senate and the House of Representatives the results of a feasibility study of providing instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations.

**Section 525—Procedures for Judicial Review of Military Personnel Decisions Relating to Correction of Military Records**

This section would establish procedures for judicial review for any final decision regarding records correction made under sections 1034(f) or (g) and section 1552 of title 10, United States Code, by requiring the service member to exhaust administrative relief procedures before seeking judicial review for correction of military records or decisions granted by the boards for the correction of military records. Additionally, this section would require that service members be notified of their right to judicial review and of the statutory time limits associated with judicial review of correction board decisions.

**Section 526—Establishment And Use of Consistent Definition of Gender-Neutral Occupational Standard For Military Career Designators**

This section would amend section 543 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) by adding definitions for gender-neutral occupational standard and military career designator. This section would also consistently

apply the gender-neutral occupational standard and military career designator throughout the amended section.

**Section 527—Expansion and Enhancement of Authorities Relating To Protected Communications of Members of The Armed Forces and Prohibited Retaliatory Actions**

This section would add rape, sexual assault, or other sexual misconduct to the protected communications by members of the Armed Forces with Members of Congress or an Inspector General. In addition, this section would clarify that a communication would not be excluded from protections because of the time, place, method of communication, or the motivation of the individual providing information. Further, this section would require a determination as to whether a prohibited personnel action took place and recommendations for the disposition of the complaint be included in a report of the investigation. This section would require the Secretary of the military department to take disciplinary action against an individual who commits a prohibited personnel action and to correct the record of the person experiencing a prohibited personnel action. This section would also establish as the burden of proof for any investigation by an Inspector General or review by the secretary concerned to be that specified in section 1221(e) of title 5, United States Code.

**Section 528—Applicability of Medical Examination Requirement Regarding Post-Traumatic Stress Disorder or Traumatic Brain Injury to Proceedings Under the Uniform Code of Military Justice**

This section would strike subsection (c) of section 1177 of title 10, United States Code. Subsection (c) allows a military service an exception to the requirement for a medical examination in connection with the administrative discharge of a service member, diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury, who is facing court-martial or proceedings under the Uniform Code of Military Justice. By taking this action, the committee ensures that service members are not disadvantaged due to combat related injuries.

**Section 529—Protection of the Religious Freedom of Military Chaplains to Close a Prayer Outside of a Religious Service According to the Traditions, Expressions, and Religious Exercises of the Endorsing Faith Group**

This section would permit chaplains in the Armed Forces to close a prayer, outside of a religious service, according to the traditions, expressions, and religious exercises of the chaplain's endorsing faith group.

**Section 530—Expansion and Implementation of Protections of Rights of Conscience of Members of the Armed Forces and Chaplains of Such Members**

This section would amend section 533 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239),

which mandates the accommodation of the beliefs of a service member that stem from the member's conscience, moral principles, or religious beliefs and prohibits adverse action against a service member for those beliefs. This section would expand the accommodation and prohibition against adverse action to a member's actions and speech. Furthermore, this section would change the standard that would trigger disciplinary action from beliefs, speech, or action that threaten good order and discipline to beliefs, speech, or action that actually harm good order and discipline. Finally, this section would require that the Secretary of Defense issue regulations to implement section 533 within 120 days after the date of the enactment of this Act.

#### Section 530A—Service Members' Accountability, Rights, and Responsibilities Training

This section would establish a set of rights and responsibilities for each member of the Armed Services, and would require the Secretary of Defense to establish a formal means for a service member to acknowledge those rights and responsibilities at certain times in a member's military career.

#### Section 530B—Inspector General of the Department of Defense Review of Separation of Members of the Armed Forces who Made Unrestricted Reports of Sexual Assault.

This section would require the Inspector General of the Department of Defense to conduct a review to identify all members of the Armed Forces who, since January 1, 2002, were separated from the Armed Forces after making an unrestricted report of sexual assault. The review would seek to determine the circumstances of and the grounds for the separation and whether the separation was in retaliation or influenced by the unrestricted report. The Inspector General would then submit a report to the Committees on Armed Services of the Senate and the House of Representatives concerning the results of the review.

#### Section 530C—Report on Data and Information Collected in Connection with Department of Defense Review of Laws, Policies, and Regulations Restricting Service of Female Members of the Armed Forces

This section would require the Secretary of Defense to submit a report containing the results and data produced by the review required by section 535 of the Ike Skelton National Defense Authorization Act For Fiscal Year 2011 (Public Law 111-383), not later than 30 days after the date of the enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives.

#### Section 530D—Sense of Congress Regarding the Women in Service Implementation Plan

This section would express the sense of Congress that no later than September 2015, the Secretaries of the military departments should develop, review, and validate occupational standards in

order to assess and assign members of the Armed Forces to units, including Special Operations Forces, and should complete all assessments by January 1, 2016.

SUBTITLE D—MILITARY JUSTICE AND LEGAL MATTERS, INCLUDING  
SEXUAL ASSAULT PREVENTION AND RESPONSE

Section 531—Limitations on Convening Authority Discretion  
Regarding Court-Martial Findings and Sentence

This section would amend section 860 of title 10, United States Code, to remove the command prerogative and sole discretion of the court-martial convening authority with regard to the findings and sentence of a court-martial. Specifically, with regard to the findings of a court-martial, this section would prohibit the convening authority from dismissing a finding, or from reducing a guilty finding to guilty of a lesser included offense, except for qualifying offenses. This section would define a qualifying offense as any in which the maximum sentence for the offense does not exceed 2 years and the adjudged court-martial sentence does not include dismissal, a dishonorable or bad-conduct discharge, or confinement for more than 6 months. This section would exclude any offense under section 920, Rape and Sexual Assault, of title 10, United States Code, from being a qualifying offense.

With regard to sentences, this section would prohibit, with some exceptions, the convening authority from reducing, disapproving, commuting, or suspending a mandatory minimum sentence, or an adjudged sentence of confinement or a punitive discharge. With regard to those exceptions, when the accused has provided substantial assistance in the investigation or prosecution of another person and upon the recommendation of the trial counsel, this section would allow the convening authority to reduce a sentence below a mandatory minimum sentence, to reduce a confinement sentence, or to disapprove, commute, or suspend the adjudged sentence in whole or in part. This section would also permit the convening authority to reduce, dismiss, or suspend an adjudged sentence of confinement as part of a plea bargain, if a mandatory minimum sentence does not exist. Furthermore, when an adjudged sentence includes punishments in addition to the mandatory minimum sentence, this section would permit the convening authority to modify, disapprove, commute, or suspend those additional punishments. Finally, this section would require that if the convening authority acted to change a finding or sentence, then the convening authority's written rationale for the action would be provided at the same time and made part of the record of trial.

Section 532—Elimination of Five-Year Statute of Limitations on  
Trial By Court-Martial for Additional Offenses Involving Sex-Related Crimes

This section would add sexual assault and sexual assault of a child, offenses covered respectively by section 920(b) and section 920b(b) of title 10, United States Code, to the list of offenses in the Uniform Code of Military Justice that may be tried and punished

at any time without limitation. This section would apply to offenses committed on or after the date of the enactment of this Act.

**Section 533—Discharge or Dismissal for Certain Sex-Related Offenses and Trial of Offenses by General Courts-Martial**

This section would establish dismissal (for officers, commissioned warrant officers, cadets, and midshipmen) or dishonorable discharge (for enlisted personnel and warrant officers who are not commissioned) as the mandatory minimum sentence for a person subject to the Uniform Code of Military Justice who is convicted by court-martial of rape, sexual assault, forcible sodomy, or an attempt to commit those offenses. Given such mandatory minimum sentences, this section would also limit jurisdiction for trial of the cited offenses to only a general court-martial. The changes to the Uniform Code of Military Justice made by this section would be effective 180 days after the date of the enactment of this Act and apply to offenses committed after that date. This section would also require the independent Response Systems Panel established by section 576(a)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to assess the appropriateness of establishing additional mandatory minimum sentences for other offenses under the Uniform Code of Military Justice. Furthermore, this section would require the independent Judicial Proceedings Panel established by section 576(a)(2) of Public Law 112–239 to assess the implementation and effect of mandatory minimum sentences established by this section.

**Section 534—Regulations Regarding Consideration of Application for Permanent Change of Station or Unit Transfer by Victims of Sexual Assault**

This section would require the Secretary concerned to issue regulations to provide for timely determination and action on an application for consideration of a change of station or unit transfer submitted by a member of the Armed Forces serving on Active Duty who is a victim of sexual assault.

**Section 535—Consideration of Need for, and Authority to Provide for, Temporary Administrative Reassignment or Removal of a Member on Active Duty Who is Accused of Committing a Sexual Assault or Related Offense**

This section would authorize the Secretary concerned to provide guidance for commanders regarding authority for temporary reassignment or removal of an individual from a position of authority who is alleged to have committed a sexual assault or other sex-related offense under section 920, 920a, 920b or 920c of title 10, United States Code. Further, this section would require the Secretary of Defense to include information on the use of such authority as part of training for new and prospective commanders.

#### Section 536—Victims' Counsel for Victims of Sex-Related Offenses and Related Provisions

This section would require Victims' Counsels, who would be qualified and specially trained lawyers in each of the Armed Forces, to be made available to provide legal assistance to victims of sex-related offenses, which include rape and sexual assault, stalking, and rape and sexual assault of a child. The legal assistance authorized by this section would include accompanying the victim at any proceedings related to the reporting, military investigation, and military prosecution of the sex-related offense, as well as legal consultation on the military justice system, the potential criminal liability of the victim stemming from the sex-related offense, the Victim Witness Assistance Program, potential civil litigation by the victim, medical support, and mental health counseling. This section would allow the victim the option of declining the assistance without prejudicing a later decision to seek such assistance. This section would require Victim's Counsels to be available within 180 days after the date of the enactment of this Act. This section would also require the Secretary of Defense, in coordination with the Secretary of Homeland Security, to provide the Committees on Armed Services of the Senate and the House of Representatives with a report on how the Armed Forces will implement this section. The report would be due within 90 days after the date of the enactment of this Act. Furthermore, this section would require the independent Response Systems Panel, established by section 576(a)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to assess whether the legal assistance authorized by this section should be expanded to include legal standing to represent the victim during investigative and military justice proceedings. Finally, this section would task the independent Judicial Proceedings Panel established by section 576(a)(2) of the cited public law to assess the implementation and effect of the Victims' Counsel program established by this section.

#### Section 537—Inspector General Investigation of Allegations of Retaliatory Personnel Actions Taken in Response to Making Protected Communications Regarding Sexual Assault

The section would add rape, sexual assault, or other sexual misconduct to the protected communications of members of the Armed Forces with Members of Congress or an Inspector General.

#### Section 538—Secretary Defense Report on Role of Commanders in Military Justice Process

This section would require the Secretary of Defense to assess the current role and authorities of commanders in the administration of military justice and the investigation, prosecution, and adjudication of offenses under the Uniform Code of Military Justice. This section would also require the Secretary to report the assessment, together with his recommendation whether the role and authorities of commanders should be further modified or repealed, to the Committees on Armed Services of the Senate and the House of Representatives within 90 days after the date of the enactment of this Act.

Section 539—Review and Policy Regarding Department of Defense Investigative Practices in Response to Allegations of Sex-Related Offenses

This section would require the Secretary of Defense, within 180 days after the date of the enactment of this Act, to review of the practices of military criminal investigative organizations regarding the investigation of alleged sex-related offenses involving members of the Armed Forces. The review would include an assessment of the extent to which the investigative organizations make a recommendation on whether an allegation of a sex-related offense appears founded or unfounded. This section would also require the Secretary to develop a uniform policy regarding the use of case determinations by the investigative organizations to record the results of the investigation of a sex-related offense. In developing the policy the Secretary shall consider the feasibility of adopting case determination methods used by non-military law enforcement agencies.

Section 540—Uniform Training and Education Programs for Sexual Assault Prevention and Response Program

This section would require the Secretary of Defense to develop a uniform curriculum, to include lesson plans, to ensure that sexual assault prevention and response training and education for members of the Armed Forces are uniform across the Department of Defense.

Section 541—Development of Selection Criteria for Assignment as Sexual Assault Response and Prevention Program Managers, Sexual Assault Response Coordinators, and Sexual Assault Victim Advocates

This section would require the Secretary of Defense to establish selection qualifications for members of the Armed Forces or civilian employees for assignment to duty as Sexual Assault Response and Prevention Program Managers, Sexual Assault Response Coordinators, and Sexual Assault Victim Advocates. In addition, this section would require the Secretary of each military department to assign at least one Sexual Assault Nurse Examiners-Adult/Adolescent to each brigade or equivalent unless the Secretary of Defense determines that it is more practicable and effective for assignment to other units. This section would also require that personnel assigned as Sexual Assault Nurse Examiners-Adult/Adolescent be members of the Armed Forces or civilian employees of the Department of Defense. Further, this section would require the Sexual Assault Nurse Examiners-Adult/Adolescent be trained and certified.

Section 542—Extension of Crime Victims' Rights to Victims of Offenses Under the Uniform Code of Military Justice

This section would set out the rights of a person who was a victim of an offense under the Uniform Code of Military Justice. The articulated rights and procedures are similar, but not identical to those set forth in section 3771 of title 18, United States Code. The section would also require that, within 1 year of the date of the en-

actment of this Act, the Secretary of Defense would not only submit to the President recommended changes to the Manual for Courts-Martial needed to carry out this section, but would also prescribe regulations to promote compliance with the section. Finally, the section would task the independent panel established by the Secretary of Defense under section 576(a)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to assess the feasibility and appropriateness of incorporating into the Uniform Code of Military Justice additional crime victims' rights set out in section 3771, but not incorporated into the Uniform Code of Military Justice by this section.

**Section 543—Defense Counsel Interview of Complaining Witnesses in Presence of Counsel for the Complaining Witnesses or a Sexual Assault Victim Advocate**

This section would require that if the defense counsel in connection with proceedings under the Uniform Code of Military Justice desires to interview a complaining witness, then the request for the interview must be placed through the trial counsel. Furthermore, if the defense counsel interviews the complaining witness, the section would require that the interview take place in the presence of the counsel for the witness or a Sexual Assault Victim Advocate.

**Section 544—Participation by Complaining Witness in Clemency Phase of Courts-Martial Process**

This section would enable a complaining witness, who is a person who has suffered a direct physical, emotional, or pecuniary harm as a result of the commission of an offense, to submit matters for consideration by the convening authority following a court-martial and prior to the convening authority taking action on the findings or sentence of that court-martial.

**Section 545—Eight-Day Incident Reporting Requirement in Response to Unrestricted Report of Sexual Assault in Which the Victim is a Member of the Armed Forces**

This section would require the Secretary of Defense to establish a policy for a written incident report, by a person designated by the Secretary, to detail the actions taken or in progress to provide the victim of a sexual assault the necessary care and support, to refer the alleged assault to the proper military criminal investigative organization, and to provide initial notification to the chain of command above the unit in which the victim served, when such notification had not already taken place. This section would require the incident report to be provided within 8 days of the unrestricted report of a sexual assault. Furthermore, this section would require that the Secretary of Defense prescribe regulations to carry out the policy within 180 days of the date of the enactment of this Act.

Section 546—Amendment to Manual for Courts-Martial to Eliminate Considerations Relating to Character and Military Service of Accused in Initial Disposition of Sex-Related Offenses

This section would require the Secretary of Defense, within 180 days of the date of the enactment of this Act, to recommend to the President a change to the Manual for Courts-Martial that would strike the words “the character and the military service of the accused” from the list of factors contained in the manual’s Rule 306, Initial Disposition, when that rule was applied to sex-related offenses.

Section 547—Inclusion of Letter of Reprimands, Nonpunitive Letter of Reprimands and Counseling Statements

This section, in order to provide increased visibility to commanders and to identify and prevent trends of unacceptable behavior at an early stage, would direct the Secretary of Defense to require commanders to include letters of reprimand, nonpunitive letters of action, and counseling statements involving substantiated cases of sexual harassment or sexual assault in the performance evaluation of a member of the Armed Forces.

Section 548—Enhanced Protections for Prospective Members and New Members of the Armed Forces During Entry-Level Processing and Training

This section would require the Secretary of Defense to establish and maintain a policy that uniformly defines and prescribes what constitutes an inappropriate and prohibited relationship, communication, conduct, or contact, including when such an action is consensual, between certain members of the Armed Forces, such as recruiters, military personnel assigned to a military entrance processing center, or drill instructors in basic training centers, and a prospective member of the Armed Forces or a member undergoing entry-level processing or training. This section would also require that substantiated violations of the policy by a member would result in the member being automatically processed for administrative separation from military service. Finally, this section would require the Secretary of Defense to propose an amendment to the Uniform Code of Military Justice that would address violations of the policy.

Section 549—Independent Reviews and Assessments of Uniform Code of Military Justice and Judicial Proceedings of Sexual Assault Cases

This section would require the independent panel established under section 576(a)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to assess the impact, if any, that removing from the chain of command the disposition authority for charges preferred under the Uniform Code of Military Justice would have on overall reporting and prosecution of sexual assault cases. This section would also require the independent panel to review the report of the Secretary of Defense, which is mandated by section 538 of this Act, on the role of military com-

manders in the military justice system. Finally, this section would require the independent panel to render its report of findings and recommendations within 1 year of the panel's first meeting.

**Section 550—Review of the Office of Diversity Management and Equal Opportunity Role in Sexual Harassment Cases**

This section would require the Secretary of Defense to conduct a review of the Office of Diversity Management and Equal Opportunity for the purposes of identifying resource and personnel gaps in the office, the role of the office in sexual harassment cases, and evaluating how the office works with the Sexual Assault Prevention and Response Office to address sexual assault in the Armed Forces.

**SUBTITLE E—MILITARY FAMILY READINESS**

**Section 551—Department of Defense Recognition of Spouses of Members of the Armed Forces Who Serve in Combat Zones**

This section would require the design of a spouse-of-a-combat veteran lapel button, approved by the Secretary of Defense, to identify and recognize the spouse of a member of the Armed Forces who is serving or has served in a combat zone for a period of more than 30 days. In addition, this section would authorize the Secretary concerned to use appropriated funds to procure spouse-of-a-combat-veteran lapel buttons and to provide for their presentation to eligible spouses of members.

**Section 552—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 as the sole factor when determining the best interest of a child.

**Section 553—Treatment of Relocation of Members of the Armed Forces for Active Duty for Purposes of Mortgage Refinancing**

This section would amend section 303 of the Servicemembers Civil Relief Act to expand certain mortgage protections for service members, surviving spouses, and veterans; to make knowing violations of these protections a criminal offense; and to increase civil penalties for violations of these protections.

**Section 554—Family Support Programs for Immediate Family Members of Members of the Armed Forces Assigned to Special Operations Forces**

This section would authorize the Commander, United States Special Operations Command, consistent with regulations that the Sec-

retary of Defense may prescribe, to conduct up to three pilot programs to assess the feasibility and benefits of providing family support activities for the immediate family members of the Armed Forces assigned to special operations forces. This section would require that family support programs provided by pilot programs not duplicate those family support programs being provided by the Secretary of a military department. This section also would authorize the pilot programs for fiscal years 2014 through 2016. It is the committee's intent is that any pilot program initiated under this section be completed by the end of fiscal year 2016. The section would also limit to \$5.0 million the amount that may be spent on the pilot programs in a fiscal year, and require the Commander, United States Special Operations Command to provide a report to the congressional defense committees within 180 days of the completion of a pilot program initiated under this section.

#### SUBTITLE F—EDUCATION AND TRAINING OPPORTUNITIES AND ADMINISTRATION

##### Section 561—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 in the Freely Associated States, if the conditions of section 2031(b) of title 10, United States Code, are met.

##### Section 562—Improved Climate Assessments and Dissemination and Tracking of Results

This section would direct the Secretary of Defense to ensure that the results of command climate assessments are provided to the relevant commander and the next higher level of command. This section would also require the Secretary to include in the performance evaluation of a commander evidence of compliance with the requirements for conducting climate assessments. Additionally, this section would require the Inspector General of the Department of Defense to develop a system to track command compliance. Unit commanders would be required to develop a compliance report that will include an overview of the unit members' concerns, data showing how the leadership is perceived and a detailed plan on how leadership will address unit concerns.

##### Section 563—Service-wide 360 Assessments

This section would require the Secretaries of the military departments to develop an assessment program modeled after the current Department of the Army Multi-Source Assessment and Feedback program ("360-degree approach") including individual counseling as part of the performance evaluation process.

##### Section 564—Health Welfare Inspections

This section would require the Secretary of each military department to conduct health and welfare inspections on a monthly basis

to ensure and maintain security, military readiness, and good order and discipline.

**Section 565—Review of Security of Military Installations, Including Barracks and multi-family residences.**

This section would direct the Secretary of Defense to conduct a review of security measures on military installations specifically with regard to barracks and multi-family housing units. Elements of the study would include identifying security gaps on military installations, evaluating the feasibility and effectiveness of 24-hour electronic monitoring or placing security guards at points of entry to barracks and military family housing.

**Section 566—Enhancement of Mechanisms to Correlate Skills and Training for Military Occupational Specialties with Skills and Training Required for Civilian Certification and Licenses**

This section would require the Secretaries of the military departments to make information on civilian credentialing opportunities available to members of the Armed Forces, including during the transition assistance program. This section would also require the Secretaries of the military departments to make available to accredited civilian credentialing agencies information on military courses and skills.

**Section 567—Use of Educational Assistance for Courses in Pursuit of Civilian Certifications or Licenses**

This section would amend section 2015 of title 10, United States Code, by placing limitations on when educational assistance may be used to pursue civilian certifications and licenses. This section would also authorize the use of educational assistance authorities under sections 2007, 2015, 106A, 2183, 1606 and 1607 of title 10, United States Code, to pursue civilian certifications and licenses.

**SUBTITLE G—DEFENSE DEPENDENTS' EDUCATION**

**Section 571—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 \$20.0 million for continuation of the Department of Defense assistance program to local educational agencies (LEAs) that are impacted by the enrollment of dependent children of military members and Department civilian employees. This section would also authorize \$5.0 million for assistance to LEAs 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. Furthermore, this section would extend the authority for assistance to LEAs impacted by base closures, force structure changes, or force relocations by 1 year to September 30, 2015.

Section 572—Support for Efforts to Improve Academic Achievement and Transition of Military Dependent Students

This section would authorize the Secretary of Defense to provide grant assistance to non-profit organizations that provide services to improve the academic achievement of military dependent students, including those non-profit organizations whose programs focus on increasing the civic responsibility of military dependent students and their understanding of the Federal Government through direct exposure to the Government.

Section 573—Treatment of Tuition Payments Received for Virtual Elementary and Secondary Education Component of Department of Defense Education Program

This section would amend section 2164(l) of title 10, United States Code, to allow the Secretary of Defense to retain the tuition payments made by participants in the Department of Defense virtual elementary and secondary education programs. The retained tuition would be used to provide support for the virtual education programs authorized by section 2164(l).

SUBTITLE H—DECORATIONS AND AWARDS

Section 581—Fraudulent Representations about Receipt of Military Decorations or Medals

This section would amend title 18, United States Code, to make fraudulently claiming to be a recipient of certain decorations or medals with the intent to obtain money, property, or other tangible benefits a crime.

Section 582—Repeal of Limitation on Number of Medals of Honor That May Be Awarded to the same Member of the Armed Forces

This section would authorize a service member to receive a Medal of Honor for each subsequent valorous act that results in the award of a Medal of Honor.

Section 583—Standardization of Time-Limits for Recommending and Awarding Medal of Honor, Distinguished-Service Cross, Navy Cross, Air Force Cross, and Distinguished-Service Medal

This section would modify the Army and Air Force time limits to 3 years for recommending and 5 years for awarding a soldier or airman a Medal of Honor, Service Cross, or Distinguished-Service Medal, thereby standardizing those limits for all services.

Section 584—Recodification and Revision of Army, Navy, Air Force, and Coast Guard Medal of Honor Roll Requirements

This section would require the Secretaries of the Army, Navy, Air Force, and the Secretary of the Department in which the Coast Guard is operating to establish and maintain a Medal of Honor Roll and enter the name of each person on the roll who has served on Active Duty in the Armed Forces and who has been awarded the Medal of Honor. This section would also require the Secretary concerned to furnish the Secretary of Veterans Affairs a certified copy

of each certification of enrollment. This section would repeal sections 1560 and 1561 of title 38, United States Code.

**Section 585—Treatment of Victims of the Attacks at Recruiting Station in Little Rock, Arkansas, and at Fort Hood, Texas**

This section would require the Secretary of the military department 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. Furthermore, this section would deem the members of the Armed Forces killed or wounded in those attacks to have been killed or injured in a combat zone and the Department of Defense civilians to have been killed or wounded in a contingency operation. The effect would be to make those members and civilians eligible for additional monetary benefits.

**Section 586—Retroactive Award of Army Combat Action Badge**

This section would authorize the Secretary of the Army to award the Army Combat Action Badge to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001.

**Section 587—Report on Navy Review, Findings, and Actions Pertaining to Medal of Honor Nomination of Marine Corps Sergeant Rafael Peralta**

This section would require the Secretary of the Navy to submit a report on the Navy review, findings, and actions pertaining to the Medal of Honor nomination of Sergeant Rafael Peralta to the Committees on Armed Services of the Senate and the House of Representatives.

**Section 588—Authorization For Award Of The Distinguished-Service Cross To Sergeant First Class Robert F. Keiser For Acts Of Valor During The Korean War**

This section would waive the statutory time limitation under section 3144 of title 10, United States Code, to authorize the Secretary of the Army to award the Distinguished Service Cross to Robert F. Keiser, who served in the United States Army during the Korean War. The committee takes this action based on the written confirmation by the Secretary of the Army that the actions of Robert F. Keiser merit the award of the Distinguished Service Cross.

## SUBTITLE I—OTHER MATTERS

## Section 591—Revision of Specified Senior Military Colleges to Reflect Consolidation of North Georgia College and State University and Gainesville State College

This section would amend section 2111a(f) of title 10, United States Code, to reflect the name change of North Georgia College and State University to The University of North Georgia.

## Section 592—Authority to Enter into Concessions Contracts at Army National Military Cemeteries

This section would authorize the Secretary of the Army to enter into concession contracts for transportation, interpretative, and other services in support of visitors at Arlington National Cemetery and the United States Soldiers' and Airmen's Home National Cemetery. This section would also require that each concession contract include terms that the Secretary determines are necessary to ensure the protection, dignity, and solemnity of the cemetery at which services are provided. Furthermore, the section would prohibit the Secretary of the Army from instituting a concession contract for operation of the gift shop at Arlington National Cemetery without subsequent authorization. In providing for transportation services at Arlington National Cemetery, the committee directs the Secretary of the Army to ensure that service provides visitors with access to the Custis Lee Mansion.

## Section 593—Commission on Military Behavioral Health and Disciplinary Issues

This section would establish a 10-member commission to study whether the Department of Defense's mechanisms for disciplinary action adequately address the impact of service-connected mental disorders and traumatic brain injury. Specifically, this section would require the examination of those members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury that have been deployed overseas in support of a contingency operation during the previous 24 months, and how that injury or deployment may constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of service of the member as other than honorable.

## Section 594—Commission on Service to the Nation

This section would establish a commission to be known as the "Commission on Service to the Nation" to study the effects of warfare on members of the Armed Forces, their families, and communities, and the gaps between the military and the rest of civilian society.