

**En Bloc Amendments to
H.R. 4310
National Defense Authorization Act for Fiscal Year 2013
Wednesday, May 9, 2012**

Military Personnel Subcommittee

En Bloc # 1

Log #	Sponsor		Description
001	Rep.	Smith	This amendment would excluded service members on IDES from active duty end strength for the services to increase readiness of the force, and prohibits commanders from violating medical profiles of service members, unless approved by the first GFO in chain of command.
004r1	Rep.	Schilling	This amendment would allow the Secretary of Defense to convene a working group, which will review and recommend improvements to TRICARE for children's health care needs. It will work in support of existing DOD efforts and improve collaboration and coordination.
007	Rep.	Davis	This amendment authorizes the Secretary of Defense to provide transitional assistance to service members with a focus on science, technology, engineering and mathematics to address the shortage of expertise within the Department of Defense.
019r1	Rep.	Sanchez	This amendment would require commanders to conduct annual organizational climate assessments.
027r1	Rep.	Sanchez	This amendment would require DOD to include sexual harassment incidents in the annual Department of Defense reports on sexual assaults.
028r1	Rep.	Sanchez	This amendment would call for the inclusion of information on substantiated reports of sexual harassment in member's official service record.
053r1	Rep.	Palazzo	This amendment would require that the DOD study the effects of offering incentives for mail order pharmacy use on independent and community pharmacies.
075r2	Rep.	Speier	This amendment would require the Secretary of Defense to assemble an independent panel to conduct a review of UCMJ procedures in sexual assault cases.
076r1	Rep.	Speier	This amendment would require the Armed Forces Workplace and Gender Relations Survey to be conducted annually rather than every four years. This will provide needed context for the annual SAPRO report data.
078	Rep.	Speier	This amendment would require the DOD IG determine if for-profit representatives still have access to military installations and if DOD is in compliance with current regulations and if additional measures need to be taken
079r1	Rep.	Speier	This amendment would require the Secretary of Defense to review unrestricted reports of sexual assault and subsequent separations and report to HASC and SASC.
096	Rep.	Wilson	This amendment addresses the collection and retention of records related to sexual assault; enhanced sexual assault training; limitations on the release from active duty and recall to active duty for members of the reserve
097	Rep.	Wilson	This amendment would remove the 120 day requirement from the Review of the Administration of the Military Health System, Section 716 of the National Defense Authorization Act for Fiscal Year 2012.
178	Rep.	Kissell	This amendment would increase military leave upon birth or adoption of a child.
199r1	Rep.	Johnson	This amendment would direct the Secretary of Defense to develop and implement a plan regarding diversity in military leadership.

AMENDMENT TO H.R. 4310**OFFERED BY MR. SMITH OF WASHINGTON**

At the end of subtitle A of title IV, add the following
new section:

1 **SEC. 4___.** **EXCLUSION OF MEMBERS WITHIN THE INTE-**
2 **GRATED DISABILITY EVALUATION SYSTEM**
3 **FROM END STRENGTH LEVELS FOR ACTIVE**
4 **FORCES.**

5 (a) **EXCLUSION.**—A member of the Armed Forces
6 who is within the Integrated Disability Evaluation System
7 as of the last day of any of fiscal years 2013 through 2018
8 shall not be counted toward the end strength levels for
9 active duty members of the Armed Forces prescribed for
10 that fiscal year.

11 (b) **FUNDING SOURCE.**—The Secretary of Defense
12 shall use funds authorized to be appropriated for overseas
13 contingency operations being carried out by the Armed
14 Forces to cover any military personnel expenses incurred
15 as a result of the exclusion under subsection (a) of mem-
16 bers of the Armed Forces from the end strengths levels
17 for active forces.

At the end of subtitle C of title V, add the following
new section:

1 **SEC. 5___ . COMPLIANCE WITH MEDICAL PROFILES ISSUED**
2 **FOR MEMBERS OF THE ARMED FORCES.**

3 (a) **COMPLIANCE REQUIREMENT.**—The Secretary of
4 a military department shall ensure that commanding offi-
5 cers—

6 (1) do not prohibit or otherwise restrict the
7 ability of physicians and other licensed health-care
8 providers to issue a medical profile for a member of
9 the Armed Forces; and

10 (2) comply with the terms of a medical profile
11 issued to a member of the Armed Forces is assign-
12 ing duties to the member.

13 (b) **LIMITED WAIVER AUTHORITY.**—The first general
14 officer or flag officer in the chain of command of a mem-
15 ber of the Armed Forces covered by a medical profile may
16 authorize, on a case-by-case basis, a temporary waiver of
17 the compliance requirement imposed by subsection (a)(2)
18 if the officer determines that the assignment of duties to
19 the member in violation of the terms of the medical profile
20 is vital to ensuring the readiness of the member and the
21 unit.

22 (c) **MEDICAL PROFILE DEFINED.**—In this section,
23 the term “medical profile”, with respect to a member of

1 the Armed Forces, means a limitation imposed by a physi-
2 cian or other licensed health-care provider on the physical
3 activity of the member on account of an illness or injury
4 to facilitate the member's recovery or reduce the serious-
5 ness of the illness or injury.



AMENDMENT TO H.R. 4310
OFFERED BY MR. SCHILLING OF ILLINOIS

At the appropriate place in title VII, insert the following:

1 **SEC. 7___ . ESTABLISHMENT OF TRICARE WORKING GROUP.**

2 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
3 gress that—

4 (1) children of members of the Armed Forces
5 deserve health-care practices and policies that—

6 (A) are designed to meet their pediatric-
7 specific needs;

8 (B) are developed and determined
9 proactively and comprehensively; and

10 (C) ensure and maintain their access to pe-
11 diatric-specific treatments, providers, and facili-
12 ties.

13 (2) children's health-care needs and standards
14 of care are different and distinct from those of
15 adults, therefore the TRICARE program should un-
16 dertake a proactive, comprehensive approach to re-
17 view and analyze its policies and practices to meet
18 the needs of children to ensure that children and
19 their families receive appropriate care in proper set-

1 tings and avoid unnecessary challenges in seeking or
2 obtaining proper health care;

3 (3) a proactive and comprehensive review is
4 necessary because the reimbursement structure of
5 the TRICARE program is patterned upon Medicare
6 and the resulting policies and practices of the
7 TRICARE program do not always properly reflect
8 appropriate standards for pediatric care;

9 (4) one distinct aspect of children's health care
10 is the need for specialty care and services for chil-
11 dren with special-health-care needs and chronic-
12 health conditions;

13 (5) the requirement for specialized health care
14 and developmental support is an ongoing and serious
15 matter of day-to-day life for families with children
16 with special or chronic-health-care needs;

17 (6) the Department of Defense and the
18 TRICARE program, recognizing the special needs of
19 certain children, have instituted special-needs pro-
20 grams, including the ECHO program, but there are
21 collateral needs that are not being met, generally be-
22 cause the services are provided in the local commu-
23 nity rather than by the Department of Defense, who
24 may not always have the best tools or knowledge to
25 access these State and local resources;

1 (7) despite wholehearted efforts by the Depart-
2 ment of Defense, a gap exists between linking mili-
3 tary families with children with special-health-care
4 needs and chronic conditions with the resources and
5 services available from local or regional highly spe-
6 cialized providers and the communities and States in
7 which they reside;

8 (8) the gap is especially exacerbated by the mo-
9 bility of military families, who often move from
10 State to State, because special-needs health care,
11 educational, and social services are very specific to
12 each local community and State and such services
13 often have lengthy waiting lists; and

14 (9) the Department of Defense will be better
15 able to assist military families with children with
16 special-health-care needs fill the gap by collaborating
17 with special-health-care needs providers and those
18 knowledgeable about the opportunities for such chil-
19 dren that are provided by States and local commu-
20 nities.

21 (b) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall establish a working group to carry out a review
24 of the TRICARE program with respect to—

1 (A) pediatric health care needs under para-
2 graph (2); and

3 (B) pediatric special and chronic health
4 care needs under paragraph (3).

5 (2) PEDIATRIC HEALTH CARE NEEDS.—

6 (A) DUTIES.—The working group shall—

7 (i) comprehensively review the policy
8 and practices of the TRICARE program
9 with respect to providing pediatric health
10 care;

11 (ii) recommend changes to such poli-
12 cies and practices to ensure that—

13 (I) children receive appropriate
14 care in an appropriate manner, at the
15 appropriate time, and in an appro-
16 priate setting; and

17 (II) access to care and treatment
18 provided by pediatric providers and
19 children's hospitals remains available
20 for families with children; and

21 (iii) develop a plan to implement such
22 changes.

23 (B) REVIEW.—In carrying out the duties
24 under subparagraph (A), the working group
25 shall—

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- 1 (i) identify improvements in policies,
2 practices, and administration of the
3 TRICARE program with respect to pedi-
4 atric-specific health care and pediatric-spe-
5 cific healthcare settings;
- 6 (ii) analyze the direct and indirect ef-
7 fects of the reimbursement policies and
8 practices of the TRICARE program with
9 respect to pediatric care and care provided
10 in pediatric settings;
- 11 (iii) consider case management pro-
12 grams with respect to pediatric complex
13 and chronic care, including whether pedi-
14 atric specific programs are necessary;
- 15 (iv) develop a plan to ensure that the
16 TRICARE program addresses pediatric-
17 specific health care needs on an on-going
18 basis beyond the life of the working group;
- 19 (v) consider how the TRICARE pro-
20 gram can work with the pediatric provider
21 community to ensure access, promote com-
22 munication and collaboration, and optimize
23 experiences of military families seeking and
24 receiving health care services for children;
25 and

1 (vi) review matters that further the
2 mission of the working group.

3 (3) PEDIATRIC SPECIAL AND CHRONIC HEALTH
4 CARE NEEDS.—

5 (A) DUTIES.—The working group shall—

6 (i) review the methods in which fami-
7 lies in the TRICARE program who have
8 children with special-health-care needs ac-
9 cess community resources and health-care
10 resources;

11 (ii) review how having access to, and
12 a better understanding of, community re-
13 sources may improve access to health care
14 and support services;

15 (iii) recommend methods to accom-
16 plish improved access by such children and
17 families to community resources and
18 health-care resources, including through
19 collaboration with children's hospitals and
20 other providers of pediatric specialty care,
21 local agencies, local communities, and
22 States;

23 (iv) consider approaches and make
24 recommendations for the improved integra-
25 tion of individualized or compartmentalized

1 medical and family support resources for
2 military families;

3 (v) work closely with the Office of
4 Community Support for Military Families
5 with Special Needs of the Department of
6 Defense and other relevant offices to avoid
7 redundancies and target shared areas of
8 concern for children with special or chron-
9 ic-health-care needs; and

10 (vi) review any relevant information
11 learned and findings made by the working
12 group under this paragraph that may be
13 considered or adopted in a consistent man-
14 ner with respect to improving access, re-
15 sources, and services for adults with spe-
16 cial needs.

17 (B) REVIEW.—In carrying out the duties
18 under subparagraph (A), the working group
19 shall—

20 (i) discuss improvements to special
21 needs health care policies and practices;

22 (ii) determine how to support and pro-
23 tect families of members of the National
24 Guard or Reserve Components as the
25 members transition into and out of the rel-

1 evant Exceptional Family Member Pro-
2 gram or the ECHO program;

3 (iii) analyze case management services
4 to improve consistency, communication,
5 knowledge, and understanding of resources
6 and community contacts;

7 (iv) identify areas in which a State
8 may offer services that are not covered by
9 the TRICARE program or the ECHO pro-
10 gram and how to coordinate such services;

11 (v) identify steps that States and
12 communities can take to improve support
13 for military families of children with spe-
14 cial health care needs;

15 (vi) consider how the TRICARE pro-
16 gram and other programs of the Depart-
17 ment of Defense can work with specialty
18 pediatric providers and resource commu-
19 nities to ensure access, promote commu-
20 nication and collaboration, and optimize
21 experiences of military families seeking and
22 receiving health care services for their chil-
23 dren with special or chronic health care
24 needs;

1 (vii) consider special and chronic
2 health care in a comprehensive manner
3 without focus on one or more conditions or
4 diagnoses to the exclusion of others;

5 (viii) focus on ways to create innova-
6 tive partnerships, linkages, and access to
7 information and resources for military
8 families across the spectrum of the special-
9 needs community and between the medical
10 community and the family support commu-
11 nity; and

12 (ix) review matters that further the
13 mission of the working group.

14 (c) MEMBERSHIP.—

15 (1) APPOINTMENTS.—The working group shall
16 be composed of not less than 14 members as follows:

17 (A) The Chief Medical Officer of the
18 TRICARE program, who shall serve as chair-
19 person.

20 (B) The Chief Medical Officers of the
21 North, South, and West regional offices of the
22 TRICARE program.

23 (C) One individual representing the Army
24 appointed by the Surgeon General of the Army.

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1 (D) One individual representing the Navy
2 appointed by the Surgeon General of the Navy.

3 (E) One individual representing the Air
4 Force appointed by the Surgeon General of the
5 Air Force.

6 (F) One individual representing the re-
7 gional managed care support contractor of the
8 North region of the TRICARE program ap-
9 pointed by such contractor.

10 (G) One individual representing the re-
11 gional managed care support contractor of the
12 South region of the TRICARE program ap-
13 pointed by such contractor.

14 (H) One individual representing the re-
15 gional managed care support contractor of the
16 West region of the TRICARE program ap-
17 pointed by such contractor.

18 (I) Not more than three individuals rep-
19 resenting the non-profit organization the Mili-
20 tary Coalition appointed by such organization.

21 (J) One individual representing the Amer-
22 ican Academy of Pediatrics appointed by such
23 organization.

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1 (K) One individual representing the Na-
2 tional Association of Children's Hospitals ap-
3 pointed by such organization.

4 (L) One individual representing military
5 families who is not an employee of an organiza-
6 tion representing such families.

7 (M) Any other individual as determined by
8 the Chief Medical Officer of the TRICARE pro-
9 gram.

10 (2) TERMS.—Each member shall be appointed
11 for the life of the working group. A vacancy in the
12 working group shall be filled in the manner in which
13 the original appointment was made.

14 (3) TRAVEL EXPENSES.—Each member shall
15 receive travel expenses, including per diem in lieu of
16 subsistence, in accordance with applicable provisions
17 under subchapter I of chapter 57 of title 5, United
18 States Code.

19 (4) STAFF.—The Secretary of Defense shall en-
20 sure that employees of the TRICARE program pro-
21 vide the working group with the necessary support
22 to carry out this section.

23 (d) MEETINGS.—

24 (1) SCHEDULE.—The working group shall—

1 (A) convene its first meeting not later than
2 60 days after the date of the enactment of this
3 Act; and

4 (B) convene not less than four other times.

5 (2) FORM.—Any meeting of the working group
6 may be conducted in-person or through the use of
7 video conferencing.

8 (3) QUORUM.—Seven members of the working
9 group shall constitute a quorum but a lesser number
10 may hold hearings.

11 (e) ADVICE.—With respect to carrying out the review
12 of the TRICARE program and pediatric special and
13 chronic health care needs under subsection (b)(3), the
14 working group shall seek counsel from the following indi-
15 viduals acting as an expert advisory group:

16 (1) One individual representing the Exceptional
17 Family Member Program of the Army.

18 (2) One individual representing the Exceptional
19 Family Member Program of the Navy.

20 (3) One individual representing the Exceptional
21 Family Member Program of the Air Force.

22 (4) One individual representing the Exceptional
23 Family Member Program of the Marine Corps.

1 (5) One individual representing the Office of
2 Community Support for Military Families with Spe-
3 cial Needs.

4 (6) One individual who is not an employee of an
5 organization representing military families shall rep-
6 resent a military family with a child with special
7 health care needs.

8 (7) Not more than three individuals rep-
9 resenting organizations that—

10 (A) are not otherwise represented in this
11 paragraph or in the working group; and

12 (B) possess expertise needed to carry out
13 the goals of the working group.

14 (f) REPORTS REQUIRED.—

15 (1) REPORT.—Not later than 12 months after
16 the date on which the working group convenes its
17 first meeting, the working group shall submit to the
18 congressional defense committees a report includ-
19 ing—

20 (A) any changes described in subsection
21 (b)(2)(A)(ii) identified by the working group
22 that—

23 (i) require legislation to carry out, in-
24 cluding proposed legislative language for
25 such changes;

1 (ii) require regulations to carry out,
2 including proposed regulatory language for
3 such changes; and

4 (iii) may be carried out without legis-
5 lation or regulations, including a time line
6 for such changes; and

7 (B) steps that States and local commu-
8 nities may take to improve the experiences of
9 military families with special-needs children in
10 interacting with and accessing State and local
11 community resources.

12 (2) FINAL REPORT.—Not later than 18 months
13 after the date on which the report is submitted
14 under paragraph (1), the working group shall sub-
15 mit to the congressional defense committees a final
16 report including—

17 (A) any additional information and up-
18 dates to the report submitted under paragraph
19 (1);

20 (B) information with respect to how the
21 Secretary of Defense is implementing the
22 changes identified in the report submitted
23 under paragraph (1); and

24 (C) information with respect to any steps
25 described in subparagraph (B) of such para-

1 graph that were taken by States and local com-
2 munities after the date on which such report
3 was submitted.

4 (g) TERMINATION.—The working group shall termi-
5 nate on the date that is 30 days after the date on which
6 the working group submits the final report pursuant to
7 subsection (f)(2).

8 (h) DEFINITIONS.—In this Act:

9 (1) The term “children” means dependents of a
10 member of the Armed Forces who are—

11 (A) individuals who have not yet attained
12 the age of 21; or

13 (B) individuals who have not yet attained
14 the age of 27 if the inclusion of such depend-
15 ents is applicable and relevant to a program or
16 policy being reviewed under this Act.

17 (2) The term “congressional defense commit-
18 tees” has the meaning given that term in section
19 101(a)(16) of title 10, United States Code.

20 (3) The term “ECHO program” means the pro-
21 gram established pursuant to subsections (d)
22 through (e) of section 1079 of title 10, United
23 States Code (commonly referred to as the “Extended
24 Care Health Option program”).

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1 (4) The term "TRICARE program" means the
2 managed health care program that is established by
3 the Department of Defense under chapter 55 of title
4 10, United States Code.



AMENDMENT TO H.R. 4310
OFFERED BY MRS. DAVIS OF CALIFORNIA

At the end of subtitle D of title VI, add the following new section:

1 **SEC. 6___**. PILOT PROGRAM TO PROVIDE TRANSITIONAL
2 ASSISTANCE TO MEMBERS OF THE ARMED
3 FORCES WITH A FOCUS ON SCIENCE, TECH-
4 NOLOGY, ENGINEERING, AND MATHEMATICS.

5 (a) PROGRAM AUTHORITY.—The Secretary of De-
6 fense may conduct one or more pilot programs to provide
7 transitional assistance for members of the Armed Forces
8 leaving active duty that focuses on assisting the members
9 to transition into the fields of science, technology, engi-
10 neering, and mathematics to address the shortage of ex-
11 pertise within the Department of Defense in those fields.

12 (b) COOPERATION WITH EDUCATIONAL INSTITU-
13 TIONS.—The Secretary of Defense may enter into an
14 agreement with an institution of higher education to pro-
15 vide for the management and execution of a pilot program
16 under this section. The institution of higher education
17 must agree to allow the translation of military experience
18 and training into course credit and provide for the transfer

1 of previously received credit through local community col-
2 leges and other accredited institutions of higher education.

3 (c) DURATION.—Any pilot program established under
4 the authority of this section may not operate for more
5 than three academic years.

6 (d) REPORTING REQUIREMENT.—At the conclusion
7 of a pilot program under this section, the Secretary of De-
8 fense shall submit to the congressional defense committee
9 a report on the results of the pilot program, including the
10 cost incurred to conduct the program, the number of par-
11 ticipants of the program, and the outcomes for the partici-
12 pants of the program.



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AMENDMENT TO H.R. 4310
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

At the end of subtitle H of title V, add the following
new section:

1 **SEC. 5___.** **ADDITIONAL REQUIREMENTS FOR ORGANIZA-**
2 **TIONAL CLIMATE ASSESSMENTS.**

3 (a) **ELEMENTS OF ASSESSMENTS.**—An organiza-
4 tional climate assessment shall include avenues for mem-
5 bers of the Armed Forces to express their views on how
6 their leaders, including commanders, are responding to al-
7 legations of sexual assault and complaints of sexual har-
8 assment. The Secretary of Defense shall require the Office
9 of Diversity Management and Equal Opportunity and the
10 Sexual Assault Prevention and Response Office to ensure
11 equal opportunity advisors and officers of the Sexual As-
12 sault Prevention and Response Office are available to con-
13 duct these assessments.

14 (b) **ENSURING COMPLIANCE.**—

15 (1) **IN GENERAL.**—The Secretary of Defense
16 shall direct the Secretaries of the military depart-
17 ments to verify and track the compliance of com-

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1 manding officers in conducting organizational cli-
2 mate assessments.

3 (2) IMPLEMENTATION.—No later than 90 days
4 after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit to the Committees on
6 Armed Services of the Senate and House of Rep-
7 resentatives a report containing—

8 (A) a description of the progress of the de-
9 velopment of the system that will verify and
10 track the compliance of commanding officers in
11 conducting organizational climate assessments;
12 and

13 (B) an estimate of when the system will be
14 completed and implemented.

15 (c) CONSULTATION.—In developing the sexual har-
16 assment and sexual assault portion of an organizational
17 climate assessment, the Secretary of Defense shall consult
18 with representatives of the following:

19 (1) The Sexual Assault Prevention and Re-
20 sponse Office.

21 (2) The Office of Diversity Management.

22 (3) Appropriate non-Governmental organiza-
23 tions that have expertise in areas related to sexual
24 harassment and sexual assault in the Armed Forces.

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1 (d) RELATION TO OTHER REPORTING REQUIRE-
2 MENTS.—The reporting requirements of this section are
3 in addition to, and an expansion of, the Armed Forces
4 Workplace and Gender Relations Surveys required by sec-
5 tion 481 of title 10, United States Code.



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AMENDMENT TO H.R. 4310

**OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA**

At the end of subtitle H of title V, add the following
new section:

1 SEC. 5 ____. INCLUSION OF SEXUAL HARASSMENT INCI-
2 DENTS IN ANNUAL DEPARTMENT OF DE-
3 FENSE REPORTS ON SEXUAL ASSAULTS.

4 Effective with the report required to be submitted by
5 March 1, 2013, under section 1631 of the Ike Skelton Na-
6 tional Defense Authorization Act for Fiscal Year 2011
7 (Public Law 111-383; 124 Stat. 4433; 10 U.S.C. 1561
8 note), the Secretary of each military department shall in-
9 clude in each annual report required by that section infor-
10 mation on sexual harassment involving members of the
11 Armed Forces under the jurisdiction of that Secretary
12 during the preceding year. For purposes of complying with
13 this section, the Secretary of the military department con-
14 cerned shall apply subsection (b) of such section 1631 by
15 substituting the term "sexual harassment" for "sexual as-
16 sault" each place it appears in paragraphs (1) through
17 (4) of such subsection.



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AMENDMENT TO H.R. 4310
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

At the end of subtitle C of title V, add the following
new section:

1 SEC. 5___ . INCLUSION OF INFORMATION ON SUBSTAN-
2 TIATED REPORTS OF SEXUAL HARASSMENT
3 IN MEMBER'S OFFICIAL SERVICE RECORD.

4 (a) INCLUSION.—If a complaint of sexual harassment
5 is made against a member of the Army, Navy, Air Force,
6 or Marine Corps and the complaint is substantiated, a no-
7 tation to that effect shall be placed in the service record
8 of the member, regardless of the member's rank, for the
9 purpose of—

10 (1) reducing the likelihood that a member who
11 has committed sexual harassment can commit the
12 same offense multiple times without suffering the
13 appropriate consequences; and

14 (2) alerting commanders of the background of
15 the members of their command, so the commanders
16 have better awareness of its members, especially as
17 members are transferred.

1 (b) DEFINITION OF SUBSTANTIATED.—For purposes
2 of implementing this section, the Secretary of Defense
3 shall use the definition of substantiated developed for the
4 annual report on sexual assaults involving members of the
5 Armed Forces prepared under section 1631 of the Ike
6 Skelton National Defense Authorization Act for Fiscal
7 Year 2011 (Public Law 111-383; 124 Stat. 4433; 10
8 U.S.C. 1561 note).



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AMENDMENT TO H.R. 4310

OFFERED BY MR. PALAZZO OF MISSISSIPPI

In section 717(e), insert before the period at the end the following: “, including the effects of offering incentives for the use of mail order pharmacies by TRICARE beneficiaries and the effect on retail pharmacies”.



AMENDMENT TO H.R. 4310

OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of subtitle D of title V, add the following
new section:

1 SEC. 5____. INDEPENDENT REVIEW AND ASSESSMENT OF
2 UNIFORM CODE OF MILITARY JUSTICE AND
3 JUDICIAL PROCEEDINGS OF SEXUAL AS-
4 SAULT CASES.

5 (a) INDEPENDENT REVIEW AND ASSESSMENT.—The
6 Secretary of Defense shall establish an independent panel
7 to conduct an independent review and assessment of judi-
8 cial proceedings under the Uniform Code of Military Jus-
9 tice involving sexual assault and related offenses for the
10 purpose of developing potential improvements to such pro-
11 ceedings.

12 (b) INDEPENDENT PANEL FOR REVIEW.—

13 (1) COMPOSITION.—The panel shall be com-
14 posed of five members, appointed by the Secretary
15 of Defense from among private United States citi-
16 zens who have expertise in military law, civilian law,
17 prosecution of sexual assaults in Federal criminal
18 court, military justice policies, the missions of the
19 Armed Forces, or offenses relating to rape, sexual

1 assault, and other sexual misconduct under the Uni-
2 form Code of Military Justice..

3 (2) CHAIR.—The chair of the panel shall be ap-
4 pointed by the Secretary from among the members
5 of the panel appointed under paragraph (2).

6 (3) PERIOD OF APPOINTMENT; VACANCIES.—
7 Members shall be appointed for the life of the panel.
8 Any vacancy in the panel shall be filled in the same
9 manner as the original appointment.

10 (4) DEADLINE FOR APPOINTMENTS.—All origi-
11 nal appointments to the panel shall be made not
12 later than 120 days after the date of the enactment
13 of this Act.

14 (5) MEETINGS.—The panel shall meet at the
15 call of the chair.

16 (6) FIRST MEETING.—The chair shall call the
17 first meeting of the panel not later than 60 days
18 after the date of the appointment of all the members
19 of the panel.

20 (7) DURATION.—The panel shall expire on Sep-
21 tember 30, 2017.

22 (e) DUTIES.—

23 (1) ANNUAL REPORT ON IMPLEMENTATION OF
24 UCMJ AMENDMENTS.—The panel shall prepare an-
25 nual reports regarding the implementation of the re-

1 forms to the offenses relating to rape, sexual as-
 2 sult, and other sexual misconduct under the Uni-
 3 form Code of Military Justice enacted by section
 4 541 of the National Defense Authorization Act for
 5 Fiscal Year 2012 (Public Law 112-81; 125 Stat.
 6 1404).

7 (2) REVIEW AND CONSULTATION.—In pre-
 8 paring the reports, the panel shall review, evaluate,
 9 and assess the following:

10 (A) The advisory sentencing guidelines
 11 given by judges in Federal courts and how
 12 those guidelines compare to advisory sentencing
 13 guidance provided to panels rendering punish-
 14 ments in court-martial proceedings, including
 15 whether it would be more beneficial for advisory
 16 sentencing guidelines to be provided to panels
 17 or for discretion to be given to judges regarding
 18 whether to issue advisory sentencing guidelines.

19 (B) The punishments or administrative ac-
 20 tions taken in response to sexual assault court-
 21 martial proceedings, including the number of
 22 punishments or administrative actions taken as
 23 rendered by a panel and the number of punish-
 24 ments or administrative actions rendered by a
 25 judge and the consistency and proportionality of

1 the decisions, punishments, and administrative
2 actions to the facts of each case compared with
3 Federal and State criminal courts.

4 (C) The court-martial convictions of sexual
5 assaults in the year covered by the report and
6 the number and description of instances when
7 punishments were reduced upon appeal and the
8 instances in which the defendant appealed fol-
9 lowing a plea agreement, if such information is
10 available.

11 (D) The number of instances in which the
12 previous sexual conduct of the alleged victim
13 was considered in Article 32 proceedings and
14 any instances where previous sexual conduct
15 was deemed to be inadmissible.

16 (E) The number of instances in which evi-
17 dence of the previous sexual conduct of the al-
18 leged victim was introduced by the defense in a
19 court-martial what impact that evidence had on
20 the case.

21 (F) The training level of defense and pros-
22 ecution trial counsel, including an inventory of
23 the experience of JAG lead trial counsel in each
24 instance and any existing standards or require-
25 ments for lead counsel, including their experi-

1 ence in defending or prosecuting sexual assault
2 and related offenses.

3 (G) Such other matters and materials as
4 the panel considers appropriate for purposes of
5 the reports.

6 (3) UTILIZATION OF OTHER STUDIES.—In pre-
7 paring the reports, the panel may review, and incor-
8 porate as appropriate, the findings of applicable on-
9 going and completed studies

10 (4) FIRST REPORT.—Not later than 180 days
11 after its first meeting, the panel shall submit to the
12 Secretary of Defense and the Committees on Armed
13 Services of the Senate and the House of Representa-
14 tives its first report under this subsection. The panel
15 shall include proposals for such legislative or admin-
16 istrative action as the panel considers appropriate in
17 light of its review.

18 (d) POWERS OF PANEL.—

19 (1) HEARINGS.—The panel may hold such
20 hearings, sit and act at such times and places, take
21 such testimony, and receive such evidence as the
22 panel considers appropriate to carry out its duties
23 under this section.

24 (2) INFORMATION FROM FEDERAL AGENCIES.—
25 Upon request by the chair of the panel, any depart-

1 ment or agency of the Federal Government may pro-
2 vide information that the panel considers necessary
3 to carry out its duties under this section.

4 (e) PERSONNEL MATTERS.—

5 (1) PAY OF MEMBERS.—Members of the panel
6 shall serve without pay by reason of their work on
7 the panel.

8 (2) TRAVEL EXPENSES.—The members of the
9 panel shall be allowed travel expenses, including per
10 diem in lieu of subsistence, at rates authorized for
11 employees of agencies under subchapter I of chapter
12 57 of title 5, United States Code, while away from
13 their homes or regular places of business in the per-
14 formance or services for the panel.



AMENDMENT TO H.R. 4310
OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of subtitle H of title V, add the following
new section:

1 **SEC. 5** ____ . **ARMED FORCES WORKPLACE AND GENDER RE-**
2 **LATIONS SURVEYS.**

3 (a) **ADDITIONAL CONTENT OF SURVEYS.**—Sub-
4 section (c) of section 481 of title 10, United States Code,
5 is amended—

6 (1) by striking “harassment and discrimina-
7 tion” and inserting “harassment, assault, and dis-
8 crimination”;

9 (2) by redesignating paragraphs (2) and (3) as
10 paragraphs (3) and (4); respectively;

11 (3) by inserting after paragraph (1) the fol-
12 lowing new paragraph (2):

13 “(2) The specific types of assault that have oc-
14 curred, and the number of times each respondent
15 has been assaulted during the preceding year.”;

16 (4) in paragraph (4), as so redesignated, by
17 striking “discrimination” and inserting “discrimina-
18 tion, harassment, and assault”; and

1 (5) by adding at the end the following new
2 paragraph

3 “(5) Any other issues relating to discrimination,
4 harassment, or assault as the Secretary of Defense
5 considers appropriate.”.

6 (b) TIME FOR CONDUCTING OF SURVEYS.—Such sec-
7 tion is further amended—

8 (1) in subsection (a)(1), by striking “four quad-
9 rennial surveys (each in a separate year)” and in-
10 serting “four surveys”; and

11 (2) by striking subsection (d) and inserting the
12 following new subsection:

13 “(d) WHEN SURVEYS REQUIRED.—(1) One of the
14 two Armed Forces Workplace and Gender Relations Sur-
15 veys shall be conducted in 2014 and then every second
16 year thereafter and the other Armed Forces Workplace
17 and Gender Relations Survey shall be conducted in 2015
18 and then every second year thereafter, so that one of the
19 two surveys is being conducted each year.

20 “(2) The two Armed Forces Workplace and Equal
21 Opportunity Surveys shall be conducted at least once every
22 four years. The two surveys may not be conducted in the
23 same year.”.



AMENDMENT TO H.R. 4310
OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of subtitle E of title V, add the following
new section:

1 **SEC. 5 ____.** DEPARTMENT OF DEFENSE INSPECTOR GEN-
2 ERAL REVIEW OF ACCESS TO MILITARY IN-
3 STALLATIONS BY REPRESENTATIVES OF FOR-
4 PROFIT EDUCATIONAL INSTITUTIONS.

5 (a) REVIEW REQUIRED.—The Inspector General of
6 the Department of Defense shall conduct a review to de-
7 termine the extent of the access that representatives of
8 for-profit educational institutions have to military installa-
9 tions and whether there are adequate safeguards in place
10 to regulate such access.

11 (b) ELEMENTS OF REVIEW.—The review shall deter-
12 mine at a minimum the following:

13 (1) The extent to which representatives of for-
14 profit educational institutions are accessing military
15 installations for marketing and recruitment pur-
16 poses.

17 (2) Whether there uniform and robust enforce-
18 ment of DOD Directive 1344.07.

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AMENDMENT TO H.R. 4310
OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of subtitle H of title V, add the following new section:

1 **SEC. 5 ____. REVIEW OF UNRESTRICTED REPORTS OF SEX-**
2 **UAL ASSAULT AND SUBSEQUENT SEPARA-**
3 **TION OF MEMBERS MAKING SUCH REPORTS.**

4 (a) **REVIEW REQUIRED.**—The Secretary of Defense
5 shall conduct a review of all unrestricted reports of sexual
6 assault made by members of the Armed Forces since Octo-
7 ber 1, 2000, to determine the number of members who
8 were subsequently separated from the Armed Forces and
9 the circumstances of and grounds for such separation.

10 (b) **ELEMENTS OF REVIEW.**—The review shall deter-
11 mine at a minimum the following:

12 (1) For each member who made an unrestricted
13 report of sexual assault and was subsequently sepa-
14 rated, the reason provided for the separation and
15 whether the member requested an appeal.

16 (2) For each member separated on the grounds
17 of having a personality disorder, whether the separa-
18 tion was carried out in compliance with Department
19 of Defense Instruction 1332.14.

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1 (3) For each member who requested an appeal,
2 the basis and results of the appeal.

3 (c) SUBMISSION OF RESULTS.—Not later than 180
4 days after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit to the Committees on
6 Armed Services of the Senate and House of Representa-
7 tives a report containing the results of the review.



AMENDMENT TO H.R. 4310**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

(Offered on behalf of himself and Mrs. Davis of California)

At the end of subtitle H of title V, add the following
new sections:

1 **SEC. 575. COLLECTION AND RETENTION OF RECORDS ON**
2 **DISPOSITION OF REPORTS OF SEXUAL AS-**
3 **SAULT.**

4 (a) **COLLECTION.**—The Secretary of Defense shall re-
5 quire that the Secretary of each military department es-
6 tablish a record on the disposition of any report of sexual
7 assault, whether such disposition is court martial, non-
8 judicial punishment, or other administrative action. The
9 record of any such disposition shall include the following,
10 as appropriate:

11 (1) Documentary information collected about
12 the incident reported, other than investigator case
13 notes.

14 (2) Punishment imposed, including the sen-
15 tencing by judicial or non-judicial means including
16 incarceration, fines, restriction, and extra duty as a
17 result of military court-martial, federal and local

1 court and other sentencing, or any other punishment
2 imposed.

3 (3) Administrative actions taken, if any.

4 (4) Any pertinent referrals offered as a result
5 of the incident (such as drug and alcohol counseling
6 and other types of counseling or intervention).

7 (b) RETENTION.—The Secretary of Defense shall re-
8 quire that—

9 (1) the records established pursuant to sub-
10 section (a) be retained by the Department of De-
11 fense for a period of not less than 20 years; and

12 (2) a copy of such records be maintained at a
13 centralized location for the same period as applies to
14 retention of the records under paragraph (1).

15 **SEC. 576. ENHANCEMENT TO TRAINING AND EDUCATION**
16 **FOR SEXUAL ASSAULT PREVENTION AND RE-**
17 **SPONSE.**

18 Section 585 of the National Defense Authorization
19 Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat.
20 1434) is amended by adding at the end the following new
21 subsections:

22 “(d) **COMMANDERS’ TRAINING.**—The Secretary of
23 Defense shall provide for the inclusion of a sexual assault
24 prevention and response training module in the training
25 for new or prospective commanders at all levels of com-

1 mand. The training shall be tailored to the responsibilities
2 and leadership requirements of members of the Armed
3 Forces as they are assigned to command positions. Such
4 training shall include the following:

5 “(1) Fostering a command climate that does
6 not tolerate sexual assault.

7 “(2) Fostering a command climate in which
8 persons assigned to the command are encouraged to
9 intervene to prevent potential incidents of sexual as-
10 sault.

11 “(3) Fostering a command climate that encour-
12 ages victims of sexual assault to report any incident
13 of sexual assault.

14 “(4) Understanding the needs of, and the re-
15 sources available to, the victim after an incident of
16 sexual assault.

17 “(5) Use of military criminal investigative orga-
18 nizations for the investigation of alleged incidents of
19 sexual assault.

20 “(6) Available disciplinary options, including
21 court-martial, non-judicial punishment, administra-
22 tive action, and deferral of discipline for collateral
23 misconduct, as appropriate.

24 “(e) EXPLANATION TO BE INCLUDED IN INITIAL
25 ENTRY AND ACCESSION TRAINING.—

1 “(1) REQUIREMENT.—The Secretary of De-
2 fense shall require that the matters specified in
3 paragraph (2) be carefully explained to each member
4 of the Army, Navy, Air Force, and Marine Corps at
5 the time of (or within fourteen duty days after)—

6 “(A) the member’s initial entrance on ac-
7 tive duty; or

8 “(B) the member’s initial entrance into a
9 duty status with a reserve component.

10 “(2) MATTERS TO BE EXPLAINED.—This sub-
11 section applies with respect to the following:

12 “(A) Department of Defense policy with
13 respect to sexual assault.

14 “(B) The resources available with respect
15 to sexual assault reporting and prevention and
16 the procedures to be followed by a member
17 seeking to access those resources.”.

18 **SEC. 577. LIMITATION ON RELEASE FROM ACTIVE DUTY OR**
19 **RECALL TO ACTIVE DUTY OF RESERVE COM-**
20 **PONENT MEMBERS WHO ARE VICTIMS OF**
21 **SEXUAL ASSAULT WHILE ON ACTIVE DUTY.**

22 (a) IN GENERAL.—Chapter 1209 of title 10, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 12323. Active duty for response to sexual assault**

2 “(a) CONTINUATION ON ACTIVE DUTY.—In the case
3 of a member of a reserve component who is the alleged
4 victim of sexual assault committed while on active duty
5 and who is expected to be released from active duty before
6 the determination of whether the member was assaulted
7 while in the line of duty, the Secretary concerned may,
8 upon the request of the member, order the member to be
9 retained on active duty until the line of duty determina-
10 tion, but not to exceed 180 days beyond the original expi-
11 ration of active duty date . A member eligible for continu-
12 ation on active duty under this subsection shall be in-
13 formed as soon as practicable after the alleged assault of
14 the option to request continuation on active duty under
15 this subsection.

16 “(b) RETURN TO ACTIVE DUTY.—In the case of a
17 member of a reserve component not on active duty who
18 is the alleged victim of a sexual assault that occurred while
19 the member was on active duty and when the determina-
20 tion whether the member was in the line of duty is not
21 completed, the Secretary concerned may, upon the request
22 of the member, order the member to active duty for such
23 time as necessary to complete the line of duty determina-
24 tion, but not to exceed 180 days.

25 “(c) REGULATIONS.—The Secretaries of the military
26 departments shall prescribe regulations to carry out this

1 section, subject to guidelines prescribed by the Secretary
2 of Defense. The guidelines of the Secretary of Defense
3 shall provide that—

4 “(1) a request submitted by a member de-
5 scribed in subsection (a) or (b) to continue on active
6 duty, or to be ordered to active duty, respectively,
7 must be decided within 30 days from the date of the
8 request; and

9 “(2) if the request is denied, the member may
10 appeal to the first general officer or flag officer in
11 the chain of command of the member, and in the
12 case of such an appeal a decision on the appeal must
13 be made within 15 days from the date of the ap-
14 peal.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended adding at
17 the end the following new item:

“12323. Active duty for response to sexual assault.”.

18 **SEC. 578. REQUIREMENT FOR COMMANDERS TO CONDUCT**
19 **ANNUAL ORGANIZATIONAL CLIMATE ASSESS-**
20 **MENTS.**

21 (a) REQUIREMENT.—The Secretary of Defense shall
22 require the commander of each covered unit to conduct
23 an organizational climate assessment within 120 days
24 after the commander assumes command and annually
25 thereafter.

1 (b) DEFINITIONS.—In this section:

2 (1) COVERED UNIT.—The term “covered unit”
3 means any organizational element of the Armed
4 Forces (other than the Coast Guard) with more than
5 50 members assigned, including any such element of
6 a reserve component.

7 (2) ORGANIZATIONAL CLIMATE ASSESSMENT.—
8 The term “organizational climate assessment”
9 means an assessment intended to obtain information
10 about the positive and negative factors that may
11 have an impact on unit effectiveness and readiness
12 by measuring matters relating to human relations
13 climate such as prevention and response to sexual
14 assault and equal opportunity.

15 **SEC. 579. ENHANCEMENT TO REQUIREMENTS FOR AVAIL-**
16 **ABILITY OF INFORMATION ON SEXUAL AS-**
17 **SAULT PREVENTION AND RESPONSE RE-**
18 **SOURCES.**

19 (a) REQUIRED POSTING OF INFORMATION ON SEX-
20 UAL ASSAULT PREVENTION AND RESPONSE RE-
21 SOURCES.—

22 (1) POSTING.—The Secretary of Defense shall
23 require that there be prominently posted, in accord-
24 ance with paragraph (2), notice of the following in-
25 formation relating to sexual assault prevention and

1 response, in a form designed to ensure visibility and
2 understanding:

3 (A) Resource information for members of
4 the Armed Forces, military dependents, and ci-
5 vilian personnel of the Department of Defense
6 with respect to prevention of sexual assault and
7 reporting of incidents of sexual assault.

8 (B) Contact information for personnel who
9 are designated as Sexual Assault Response Co-
10 ordinators and Sexual Assault Victim Advo-
11 cates.

12 (C) The Department of Defense "hotline"
13 telephone number, referred to as the Safe
14 Helpline, for reporting incidents of sexual as-
15 sault, or any successor operation.

16 (2) POSTING PLACEMENT.—Posting under sub-
17 section (a) shall be at the following locations, to the
18 extent practicable:

19 (A) Any Department of Defense duty facil-
20 ity.

21 (B) Any Department of Defense dining fa-
22 cility.

23 (C) Any Department of Defense multi-unit
24 residential facility.

1 (D) Any Department of Defense health
2 care facility.

3 (E) Any Department of Defense com-
4 missary or exchange.

5 (F) Any Department of Defense Commu-
6 nity Service Agency.

7 (b) NOTICE TO VICTIMS OF AVAILABLE ASSIST-
8 ANCE.—The Secretary of Defense shall require that proce-
9 dures in the Department of Defense for responding to a
10 complaint or allegation of sexual assault submitted by or
11 against a member of the Armed Forces include prompt
12 notice to the person making the complaint or allegation
13 of the forms of assistance available to that person from
14 the Department of Defense and, to the extent known to
15 the Secretary, through other departments and agencies,
16 including State and local agencies, and other sources.

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AMENDMENT TO H.R. 4310**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

At the appropriate place in title VII, insert the following:

1 **SEC. 7___ . REVIEW OF THE ADMINISTRATION OF THE MILI-**
2 **TARY HEALTH SYSTEM.**

3 Section 716(a)(1) of the National Defense Authoriza-
4 tion Act for Fiscal Year 2012 (Public Law 112-81; 125
5 Stat. 1477) is amended by striking “until a 120-day pe-
6 riod” and all that follows through the period and inserting
7 the following: “until the Secretary implements and com-
8 pletes any recommendations included in the report sub-
9 mitted by the Comptroller General of the United States
10 under subsection (b)(3) and notifies the congressional de-
11 fense committees of such implementation and comple-
12 tion.”.



AMENDMENT TO H.R. 4310
OFFERED BY MR. KISSELL OF NORTH CAROLINA

At the end of subtitle C of title V, add the following
new section:

1 **SEC. 5 ____ . AUTHORIZED LEAVE AVAILABLE FOR MEMBERS**
2 **OF THE ARMED FORCES UPON BIRTH OR**
3 **ADOPTION OF A CHILD.**

4 Section 701 of title 10, United State Code, is amend-
5 ed—

6 (1) by striking subsections (i) and (j) and in-
7 serting the following new subsection:

8 “(i)(1) A member of the armed forces who gives birth
9 to a child or who adopts a child in a qualifying child adop-
10 tion and will be primary caregiver for the adopted child
11 shall receive 42 days of leave after the birth or adoption
12 to be used in connection with the birth or adoption of the
13 child.

14 “(2) A married member of the armed forces on active
15 duty whose wife gives birth to a child or who adopts a
16 child in a qualifying child adoption, but will not be pri-
17 mary caregiver for the adopted child, shall receive 10 days
18 of leave to be used in connection with the birth or adoption
19 of the child.

1 “(3) If two members of the armed forces who are
2 married to each other adopt a child in a qualifying child
3 adoption, only one of the members may be designated as
4 primary caregiver for purposes of paragraph (1). In the
5 case of a dual-military couple, the member authorized
6 leave under paragraph (1) and the member authorized
7 leave under paragraph (2) may utilize the leave at the
8 same time.

9 “(4) For the purpose of this subsection, an adoption
10 of a child by a member is a qualifying child adoption if
11 the member is eligible for reimbursement of qualified
12 adoption expenses for such adoption under section 1052
13 of this title.

14 “(5) Leave authorized under this subsection is in ad-
15 dition to other leave provided under other provisions of
16 this section.

17 “(6) The Secretary of Defense may prescribe such
18 regulations as may be necessary to carry out this sub-
19 section.”; and

20 (2) by redesignating subsection (k) as sub-
21 section (j).



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AMENDMENT TO H.R. 4310

OFFERED BY MR. JOHNSON OF GEORGIA

(Offered for Himself, Mr. Reyes of Texas, and Ms. Loretta Sanchez of California)

At the appropriate place in title V, insert the following:

1 **SEC. 5 ____ . DIVERSITY IN MILITARY LEADERSHIP AND RE-**
2 **LATED REPORTING REQUIREMENTS.**

3 (a) **PLAN TO ACHIEVE MILITARY LEADERSHIP RE-**
4 **FLECTING DIVERSITY OF UNITED STATES POPU-**
5 **LATION.—**

6 (1) **IN GENERAL.—**Chapter 37 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 656. Diversity in military leadership: plan.**

10 “(a) **PLAN.—**The Secretary of Defense shall develop
11 and implement a plan to accurately measure the efforts
12 of the Department of Defense to achieve a dynamic, sus-
13 tainable level of members of the armed forces (including
14 reserve components) that, among both commissioned offi-
15 cers and senior enlisted personnel of each armed force, will
16 reflect the diverse population of the United States eligible
17 to serve in the armed forces, including gender specific, ra-

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1 cial, and ethnic populations. Any metric established pursu-
2 ant to this subsection may not be used in a manner that
3 undermines the merit-based processes of the Department
4 of Defense, including such processes for accession, reten-
5 tion, and promotion. Such metrics may not be combined
6 with the identification of specific quotas based upon diver-
7 sity characteristics. The Secretary shall continue to ac-
8 count for diversified language and cultural skills among
9 the total force of the military.

10 “(b) METRICS TO MEASURE PROGRESS IN DEVEL-
11 OPING AND IMPLEMENTING PLAN.—In developing and im-
12 plementing the plan under subsection (a), the Secretary
13 of Defense shall develop a standard set of metrics and col-
14 lection procedures that are uniform across the armed
15 forces. The metrics required by this subsection shall be
16 designed—

17 “(1) to accurately capture the inclusion and ca-
18 pability aspects of the armed forces broader diversity
19 plans, including race, ethnic, and gender specific
20 groups, functional expertise, and diversified cultural
21 and language skills as to leverage and improve readi-
22 ness; and

23 “(2) to be verifiable and systematically linked
24 to strategic plans that will drive improvements.

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1 “(c) DEFINITION OF DIVERSITY.—In developing and
2 implementing the plan under subsection (a), the Secretary
3 of Defense shall develop a uniform definition of diversity.

4 “(d) CONSULTATION.—Not less than annually, the
5 Secretary of Defense shall meet with the Secretaries of
6 the military departments, the Joint Chiefs of Staff, and
7 senior enlisted members of the armed forces to discuss the
8 progress being made toward developing and implementing
9 the plan established under subsection (a).

10 “(e) COOPERATION WITH STATES.—The Secretary of
11 Defense shall coordinate with the National Guard Bureau
12 and States in tracking the progress of the National Guard
13 toward developing and implementing the plan established
14 under subsection (a).”.

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

“656. Diversity in military leadership: plan.”.

18 (b) INCLUSION IN DOD MANPOWER REQUIREMENTS
19 REPORT.—Section 115a(c) of such title is amended by
20 adding at the end the following new paragraph:

21 “(4) The progress made in implementing the
22 plan required by section 656 of this title to accu-
23 rately measure the efforts of the Department to re-
24 flect the diverse population of the United States eli-
25 gible to serve in the armed forces.

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1 “(5) The number of members of the armed
2 forces, including reserve components, listed by sex
3 and race or ethnicity for each rank under each mili-
4 tary department.

5 “(6) The number of members of the armed
6 forces, including reserve components, who were pro-
7 moted during the year covered by the report, listed
8 by sex and race or ethnicity for each rank under
9 each military department.

10 “(7) The number of members of the armed
11 forces, including reserve components, who reenlisted
12 or otherwise extended the commitment to military
13 service during the year covered by the report, listed
14 by sex and race or ethnicity for each rank under
15 each military department.

16 “(8) The available pool of qualified candidates
17 for the general officer grades of general and lieuten-
18 ant general and the flag officer grades of admiral
19 and vice admiral.”.

In section 4301 of division D, relating to Operation and Maintenance, Defense-wide, increase the amount for Advancing Diversity and EO, Line 260, by \$5,000,000.

In section 4301 of division D, relating to Operation and Maintenance, Defense-wide, reduce the amount for

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recruiting and training by \$2,500,000, to be derived from Line 030.

In section 4301 of division D, relating to Operation and Maintenance, Defense-wide, reduce the amount for recruiting and training by \$2,500,000, to be derived from Line 040.

