

En Bloc Amendments to H.R. 1960
National Defense Authorization Act for Fiscal Year 2014
 Wednesday, June 5, 2013

MILITARY PERSONNEL		
En Bloc #1		
Log #	Sponsor	Description
001	Rep. Wilson	Award Purple Hearts to those servicemembers wounded or killed in the attacks on Recruiting Station Little Rock and at Fort Hood.
024r1	Rep. Andrews	Allows the Secretary to consider medical research related to hydrocephalus for the Peer Reviewed Medical Research Program.
026r1	Rep. Andrews	Requires a brief on DOD research into improving prostate cancer detection
061r1	Rep. Sanchez	Direct the SecDef to sufficiently fund collaborative programs which respond to escalating suicide rates and combat stress related arrest, substance addiction and family violence.
062r1	Rep. Sanchez	Sense of Congress that expresses the importance of DOD meeting its deadlines for expanding opportunities for female members of the Armed Forces
150r2	Rep. Turner	8-day incident reporting requirement in response to unrestricted report of sexual assault in which the victim is a member of the armed forces.
151	Rep. Turner	Participation by complaining witnesses in clemency phase of courts-martial process
152	Rep. Turner	Defense Counsel interview of complaining witnesses in presence of counsel for the complaining witness or a sexual assault victim advocate.
153	Rep. Turner	Limitations on convening authority discretion regarding court-martial findings by defining "qualified offenses"
172r1	Rep. Duckworth	The independent panel established by the Secretary of Defense under FY13 NDAA will conduct an assessment of the impact, if any, on the UCMJ if authority to prosecute sexual assaults is removed from the chain of command. The panel will submit its report no later than one year after convening.

AMENDMENT TO H.R. 1960
OFFERED BY MR. WILSON OF SOUTH CAROLINA

Amend section 585, relating to the award of the Purple Heart to certain members of the Armed Forces, to read as follows:

1 **SEC. 585. TREATMENT OF VICTIMS OF THE ATTACKS AT RE-**
2 **CRUITING STATION IN LITTLE ROCK, ARKAN-**
3 **SAS, AND AT FORT HOOD, TEXAS.**

4 (a) AWARD OF PURPLE HEART REQUIRED.—The
5 Secretary of the military department concerned shall
6 award the Purple Heart to the members of the Armed
7 Forces who were killed or wounded in the attacks that
8 occurred at the recruiting station in Little Rock, Arkan-
9 sas, on June 1, 2009, and at Fort Hood, Texas, on No-
10 vember 5, 2009.

11 (b) ADDITIONAL BENEFITS.—For purposes of all ap-
12 plicable Federal laws, regulations, and policies, a member
13 of the Armed Forces or civilian employee of the Depart-
14 ment of Defense who was killed or wounded in an attack
15 described in subsection (a) shall be deemed as follows:

16 (1) In the case of a member, to have been killed
17 or wounded in a combat zone.

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1 (2) In the case of a civilian employee of the De-
2 partment of Defense, to have been killed or wounded
3 while serving with the Armed Forces in a contin-
4 gency operation.

5 (e) EXCEPTION.—This section shall not apply to a
6 member of the Armed Forces whose death or wound in
7 an attack subsection (a) was the result of the willful mis-
8 conduct of the member.



AMENDMENT TO H.R. 1960
OFFERED BY MR. ANDREWS OF NEW JERSEY

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

- 1 **SEC. 7___ . RESEARCH REGARDING HYDROCEPHALUS.**
- 2 In conducting the Peer Reviewed Medical Research
- 3 Program, the Secretary of Defense may consider selecting
- 4 medical research projects relating to hydrocephalus.



Offered by Mr. Andrews

Report On Prostate Cancer Imaging Research

The committee notes page 180 of Report 112-479, the report accompanying the National Defense Authorization Act for Fiscal Year 2013 (H.R. 4310) which encourages the Department of Defense to intensify research on the advancement of prostate imaging technologies. The committee directs the Secretary of Defense to provide a briefing to the committees on Armed Service of the Senate and the House of Representatives on research either conducted by or funded by the Department of Defense to advance technology for the detection of prostate cancer.

AMENDMENT TO H.R. 1960
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

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

1 **SEC. 7___ . MENTAL HEALTH SUPPORT FOR MILITARY PER-**
2 **SONNEL AND FAMILIES.**

3 The Secretary of Defense may carry out collaborative
4 programs to—

5 (1) respond to the escalating suicide rates and
6 combat stress related arrest rates of members of the
7 Armed Forces; and

8 (2) train active duty members to recognize and
9 respond to combat stress disorder, suicide risk, sub-
10 stance addiction, risk-taking behaviors, and family
11 violence.



AMENDMENT TO H.R. 1960
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

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

1 **SEC. 5 ____ . SENSE OF CONGRESS REGARDING THE WOMEN**
2 **IN SERVICE IMPLEMENTATION PLAN.**

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

5 (1) In February 2012, the Secretary of Defense
6 notified Congress of the intent of the Secretary to
7 rescind the co-location restriction and to implement
8 policy exceptions to allow female members of the
9 Armed Forces to be assigned to specified positions
10 in ground combat units at the battalion level.

11 (2) On January 24, 2013, the Secretary of De-
12 fense and the Joint Chiefs of Staff issue guidance to
13 rescind the direct combat exclusion rule for female
14 members of the Armed Forces and eliminate all un-
15 necessary gender-based barriers to service in the
16 Armed Forces.

17 (3) The Secretaries of the military departments
18 were required to develop and submit their plans for

1 implementation of the rescission of the direct combat
2 exclusion rule by May 15, 2013.

3 (4) As of 2013, there are approximately
4 202,000 female members of the Armed Forces, ap-
5 proximately 20,000 female members have served in
6 Iraq and Afghanistan, and more than 60 female
7 members have been killed in combat.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the Secretaries of the military departments—

10 (1) no later than September 2015, should de-
11 velop, review, and validate individual occupational
12 standards, using validated gender-neutral occupa-
13 tional standards, so as to assess and assign members
14 of the Armed Forces to units, including Special Op-
15 erations Forces; and

16 (2) no later than January 1, 2016, should com-
17 plete all assessments.



AMENDMENT TO H.R. 1960
OFFERED BY MR. TURNER OF OHIO

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

1 **SEC. 5___ . EIGHT-DAY INCIDENT REPORTING REQUIRE-**
2 **MENT IN RESPONSE TO UNRESTRICTED RE-**
3 **PORT OF SEXUAL ASSAULT IN WHICH THE**
4 **VICTIM IS A MEMBER OF THE ARMED**
5 **FORCES.**

6 (a) INCIDENT REPORTING POLICY REQUIREMENT.—
7 The Secretary of Defense and the Secretary of the Depart-
8 ment in which the Coast Guard is operating shall establish
9 and maintain a policy to require the submission by a des-
10 ignated person of a written incident report not later than
11 eight days after an unrestricted report of sexual assault
12 has been made in which a member of the Armed Forces
13 is the victim. At a minimum, this incident report shall be
14 provided to the following:

15 (1) The installation commander, if such inci-
16 dent occurred on or in the vicinity of a military in-
17 stallation.

18 (2) The first officer in the grade of O-6 in the
19 chain of command of the victim.

1 (3) The first general officer or flag officer in
2 the chain of command of the victim.

3 (b) PURPOSE OF THE REPORT.—The purpose of the
4 required incident report under subsection (a) is to detail
5 the actions taken or in progress to provide the necessary
6 care and support to the victim of the assault, to refer the
7 allegation of sexual assault to the appropriate investiga-
8 tory agency, and to provide initial notification of the seri-
9 ous incident when that notification has not already taken
10 place.

11 (c) ELEMENTS OF REPORT.—

12 (1) IN GENERAL.—The report of an incident
13 under subsection (a) shall include, at a minimum,
14 the following:

15 (A) Time/Date/Location of incident.

16 (B) Type of offense allegation.

17 (C) Service affiliation, assigned unit, and
18 location of the victim.

19 (D) Service affiliation, assigned unit, and
20 location of the alleged offender, including infor-
21 mation regarding whether the alleged offender
22 has been temporarily transferred or removed
23 from an assigned billet or ordered to pretrial
24 confinement or otherwise restricted, if applica-
25 ble.

1 (E) Post-incident actions taken in connec-
2 tion with the incident, including the following:

3 (i) Referral of the victim to medical
4 services and all other services available for
5 members of the Armed Forces who are vic-
6 tims of sexual assault, including the date
7 of each such referral.

8 (ii) Receipt and processing status of a
9 request for expedited victim transfer, if ap-
10 plicable.

11 (iii) Notification of incident to appro-
12 priate investigatory offices, including the
13 organization notified and date of such noti-
14 fication.

15 (iv) Issuance of any military protec-
16 tive orders in connection with the incident.

17 (2) MODIFICATION.—

18 (A) IN GENERAL.—The Secretary of De-
19 fense may modify the elements required in a re-
20 port under this section regarding an incident
21 involving a member of the Armed Forces (in-
22 cluding the Coast Guard when it is operating as
23 service in the Department of the Navy) if the
24 Secretary determines that such modification
25 will facilitate compliance with best practices for

1 such reporting as identified by the Sexual As-
2 sult Prevention and Response Office of the
3 Department of Defense.

4 (B) COAST GUARD.—The Secretary of the
5 Department in which the Coast Guard is oper-
6 ating may modify the elements required in a re-
7 port under this section regarding an incident
8 involving a member of the Coast Guard if the
9 Secretary determines that such modification
10 will facilitate compliance with best practices for
11 such reporting as identified by the Coast Guard
12 Office of Work-Life Programs.

13 (3) FOR OFFICIAL USE ONLY.—A report under
14 this section shall be intended for official use only
15 and shall not be distributed beyond the requirements
16 listed above.

17 (d) REGULATIONS.—Not later than 180 days after
18 enactment, The Secretary of Defense and the Secretary
19 of the Department in which the Coast Guard is operating
20 shall prescribe regulations to carry out this section.



AMENDMENT TO H.R. 1960
OFFERED BY MR. TURNER OF OHIO

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

1 **SEC. 5__ . PARTICIPATION BY COMPLAINING WITNESSES**
2 **IN CLEMENCY PHASE OF COURTS-MARTIAL**
3 **PROCESS.**

4 Section 860(b) of title 10, United States Code (article
5 60(b) of the Uniform Code of Military Justice), is amend-
6 ed—

7 (1) by inserting “(A)” after “(b)(1)”;

8 (2) by redesignating paragraphs (2), (3), and
9 (4) as subparagraphs (B), (C), and (D), respectively,
10 and, in such subparagraphs as so redesignated, by
11 striking “paragraph (1)” each place it appears and
12 inserting “subparagraph (A)”;

13 (3) by adding at the end the following new
14 paragraphs:

15 “(2)(A) In any case in which findings and sentence
16 have been adjudged for an offense involving a complaining
17 witness, the complaining witness shall be provided an op-
18 portunity to submit matters for consideration by the con-
19 vening authority or by another person authorized to act

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1 under this section before the convening authority or such
2 other person takes action under this section. Such a sub-
3 mission shall be made within 10 days after the com-
4 plaining witness has been given an authenticated record
5 of trial and, if applicable, the recommendation of the staff
6 judge advocate or legal officer under subsection (d).

7 “(B) If a complaining witness shows that additional
8 time is required for submission of matters under subpara-
9 graph (A), the convening authority or other person taking
10 action under this section, for good cause, may extend the
11 submission period for not more than an additional 20
12 days.

13 “(C) In this paragraph, the term ‘complaining wit-
14 ness’ means a person who has suffered a direct physical,
15 emotional, or pecuniary harm as a result of a commission
16 of an offense under this chapter (the Uniform Code of
17 Military Justice).

18 “(3) The convening authority shall not consider
19 under this section any submitted matters that go to the
20 character of a complaining witness unless such matters
21 were presented at the trial.”.



AMENDMENT TO H.R. 1960
OFFERED BY MR. TURNER OF OHIO

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

1 **SEC. 5___.** **DEFENSE COUNSEL INTERVIEW OF COM-**
2 **PLAINING WITNESSES IN PRESENCE OF**
3 **COUNSEL FOR THE COMPLAINING WITNESS**
4 **OR A SEXUAL ASSAULT VICTIM ADVOCATE.**

5 Section 846 of title 10, United States Code (article
6 46 of the Uniform Code of Military Justice), is amended—

7 (1) by inserting “(a) OPPORTUNITY TO OBTAIN
8 WITNESSES AND OTHER EVIDENCE.—”before “The
9 trial counsel”;

10 (2) by striking “Process issued” and inserting
11 the following:

12 “(c) PROCESS.—Process issued”; and

13 (3) by inserting after subsection (a), as des-
14 ignated by paragraph (1), the following new sub-
15 section (b):

16 “(b) INTERVIEW OF COMPLAINING WITNESSES BY
17 DEFENSE COUNSEL.—(1) Upon notice by trial counsel to
18 defense counsel of the name and address of the com-
19 plaining witness or witnesses trial counsel intends to call

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1 to testify in any portion of an investigation under section
2 832 of this title (article 32) or a court-martial under this
3 chapter, defense counsel shall make all requests to inter-
4 view any such complaining witness through trial counsel.

5 “(2) If requested by a complaining witness subject
6 to a request for interview under paragraph (1), any inter-
7 view of the witness by defense counsel shall take place only
8 in the presence of counsel for the complaining witness or
9 a Sexual Assault Victim Advocate.

10 “(3) In this subsection, the term ‘complaining wit-
11 ness’ means a person who has suffered a direct physical,
12 emotional, or pecuniary harm as a result of a commission
13 of an offense under this chapter (the Uniform Code of
14 Military Justice).”.



AMENDMENT TO H.R. 1960
OFFERED BY MR. TURNER OF OHIO

In section 531, relating to limitations on convening authority discretion regarding court-martial findings and sentence, strike subsection (b) and insert the following new subsection:

1 (b) LIMITATIONS ON DISCRETION REGARDING
2 COURT-MARTIAL FINDINGS.—Paragraph (3) of section
3 860(c) of title 10, United States Code (article 60(e) of
4 the Uniform Code of Military Justice) is amended to read
5 as follows:

6 “(3)(A) Action on the findings of a court-martial by
7 the convening authority or by another person authorized
8 to act under this section is not required.

9 “(B) If the convening authority or another person au-
10 thorized to act under this section acts on the findings of
11 a court-martial, the convening authority or other person
12 may not—

13 “(i) dismiss any charge or specification, other
14 than a charge or specification for a qualifying of-
15 fense, by setting aside a finding of guilty thereto; or

16 “(ii) change a finding of guilty to a charge or
17 specification, other than a charge or specification for

1 a qualifying offense, to a finding of guilty to an of-
2 fense that is a lesser included offense of the offense
3 stated in the charge or specification.

4 “(C) If the convening authority or another person au-
5 thorized to act under this section acts on the findings to
6 dismiss or change any charge or specification for a quali-
7 fying offense, the convening authority or other person
8 shall provide, at that same time, a written explanation of
9 the reasons for such action. The written explanation shall
10 be made a part of the record of the trial and action there-
11 on.

12 “(D)(i) In this paragraph, the term ‘qualifying of-
13 fense’ means, except in the case of an offense specified
14 in clause (ii), an offense under this chapter for which—

15 “(I) the maximum sentence of confinement that
16 may be adjudged does not exceed two years; and

17 “(II) the sentence adjudged does not include
18 dismissal, a dishonorable or bad-conduct discharge,
19 or confinement for more than six months.

20 “(ii) Such term does not include the following:

21 “(I) An offense under section 920 of this title
22 (article 120).

23 “(II) An offense under section 928 of this title
24 (article 128), if such offense consisted of assault

1 consummated by battery upon child under 16 years
2 of age.

3 “(III) An offense under section 934 of this title
4 (article 134), if such offense consisted of indecent
5 language communicated to child under the age of 16
6 years.

7 “(IV) Such other offenses as the Secretary of
8 Defense may exclude by regulation.”.



AMENDMENT TO H.R. 1960
OFFERED BY MS. DUCKWORTH OF ILLINOIS

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

1 **SEC. 5___ . INDEPENDENT REVIEWS AND ASSESSMENTS OF**
2 **UNIFORM CODE OF MILITARY JUSTICE AND**
3 **JUDICIAL PROCEEDINGS OF SEXUAL AS-**
4 **SAULT CASES.**

5 (a) **ADDITIONAL DUTIES FOR RESPONSE SYSTEMS**
6 **PANEL REGARDING DISPOSITION AUTHORITY.—**

7 (1) **IN GENERAL.—**The independent panel es-
8 tablished by the Secretary of Defense under sub-
9 section (a)(1) of section 576 of the National Defense
10 Authorization Act for Fiscal Year 2013 (Public Law
11 112–239; 126 Stat. 1758) shall—

12 (A) conduct an assessment of the impact,
13 if any, that removing from the chain of com-
14 mand any disposition authority regarding
15 charges preferred under the Uniform Code of
16 Military Justice would have on overall reporting
17 and prosecution of sexual assault cases; and

18 (B) review and provide comment on the re-
19 port of the Secretary of Defense on the role of

1 military commanders in the military justice
2 process, which is required pursuant to section
3 538 of this Act.

4 (2) SUBMISSION OF RESULTS.—The panel shall
5 include the results of the assessment and review and
6 its recommendations and comments in the report re-
7 quired by subsection (c)(1) of such section 576, as
8 amended by subsection (b) of this section.

9 (b) EARLIER SUBMISSION DEADLINE FOR REPORT
10 OF THE RESPONSE SYSTEMS PANEL.—Subsection (c) of
11 section 576 of the National Defense Authorization Act for
12 Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1758)
13 is amended by striking paragraph (1) and inserting the
14 following new paragraph:

15 “(1) RESPONSE SYSTEMS PANEL.—Not later
16 than one year after the date of the first meeting of
17 the panel established under subsection (a)(1), the
18 panel shall submit a report of its findings and rec-
19 ommendations, through the Secretary of Defense, to
20 the Committees on Armed Services of the Senate
21 and the House of Representatives. The panel shall
22 terminate 30 days after submission of such report.”.

