

En Bloc Amendments to H.R. 1735
National Defense Authorization Act for Fiscal Year 2016
Wednesday, April 29, 2015

Military Personnel		
En Bloc #4		
Log #	Sponsor	Description
055	LoBiondo	The committee encourages the use of alcohol prevention and monitoring programs and requests an update on the effectiveness of these policies and procedures via a briefing.
088r1	Wenstrup	Amendment requests a briefing on medical readiness from the Service Surgeon Generals to the HASC.
113r1	Speier	Expands whistleblower protections for members of the military and better defines the burdens of proof with regard to Inspector General investigations.
120r2	Castro	Directs DoD to brief the HASC on their work to efforts to create a clinical research network of civilian and military trauma centers.
141r2	Speier	Ensures victims of crime are able to participate in nonjudicial punishment and administrative separation proceedings against perpetrator(s) of the crime, and are informed of the outcome of such proceedings.
209	Moulton	Amends Sec. 524, Subsection (a) of the FY15 NDAA to add combat readiness as the third criterion that the SecDef shall ensure are part of gender neutral occupational standards.
217	Turner	Amends the Uniform Code of Military Justice to provide a minimum two-year period of confinement for members of the Armed Forces convicted of certain sex-related offenses, with certain exceptions.
226	Johnson	This amendment supports efforts to increase advertising to minority communities, including the use of minority owned media outlets and agencies. The amendment also requires a briefing on these efforts.
234r1	Johnson	Directs the Secretary of Defense to brief the Committee on Armed Services of the House of Representatives no later than 1 January 2016 on it procedures and policies for screening, prevention and treatment of Hepatitis A, B, and C.
245	Peters	Codify the modular Airborne Fire Fighting System mission under Title 32 (as it currently operates) so National Guard retains mission authority.
260r1	Gibson	Request the DoD to submit a report on the effective and prevalent use of equine therapy to treat members of the Armed Forces who suffer from PTSD, psychological or emotional conditions.
271	McSally	Report on selection criteria for O6 command across services

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Log #	Sponsor	Description
272r1	McSally	Broaden the law prohibiting female servicemembers from being ordered or encouraged to wear Muslim garb
303	Walz	Grants hiring preferences for federal employment to members of a reserve component of the Armed Forces who have successfully completed Officer Candidate Training or entry level skill training, and performing a six-year commitment, completed 10 years of service, or retired.
323	Bishop	Provides for a 10-year transition period for mental health counselors under TRICARE who meet specified criteria to transition to newly mandated accreditation standards in Federal regulation.

Amendment Offered by Mr. LoBiondo

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

The committee believes that including new tools for the personal monitoring of breath alcohol levels would result in an increase in the effectiveness of current and future alcohol prevention programs. The committee strongly encourages the department to deploy these new tools for the personal monitoring of breath alcohol levels to ongoing alcohol safety and abuse prevention programs to measure and increase the program's effectiveness.

Therefore, the committee directs the Secretaries of the military services, by June 30, 2016, to submit to the House Committee on Armed Services, a briefing on alcohol abuse prevention programs to include a cost benefit analysis detailing the most effective methods for preventing alcohol, and a means for continual monitoring of the effectiveness of these programs.

Log 88 - Renscd

Log 088r1

Amendment Offered by Dr. Wenstrup

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

Medical Readiness

The committee recognizes that sustaining military medical readiness during peacetime has long been a challenge. As noted in the Military Compensation and Retirement Modernization Commission Final Report, beneficiary care alone may not provide the volume and case mix necessary to “maintain and sustain the military medical capabilities developed during the last 13 years of war.” Thus, with the war winding down and less troops being deployed, the committee directs the Secretaries of the Military Services to brief the House Committee on Armed Services on the current status of medical readiness and trauma capabilities by June 30, 2016.

Log 113r1

AMENDMENT TO H.R. 1735

OFFERED BY MS. SPEIER OF CALIFORNIA

National Defense Authorization Bill for Fiscal Year 2016

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

1 **SEC. 533. BURDENS OF PROOF APPLICABLE TO INVESTIGA-**
2 **TIONS AND REVIEWS RELATED TO PRO-**
3 **TECTED COMMUNICATIONS OF MEMBERS OF**
4 **THE ARMED FORCES AND PROHIBITED RE-**
5 **TALIATORY ACTIONS.**

6 (a) BURDENS OF PROOF.—Section 1034 of title 10,
7 United States Code, is amended—

8 (1) by redesignating subsections (i) and (j) as
9 subsections (j) and (k), respectively; and

10 (2) by inserting after subsection (h) the fol-
11 lowing new subsection (i):

12 “(i) BURDENS OF PROOF.—The burdens of proof
13 specified in section 1221(e) of title 5 shall apply in any
14 investigation conducted by an Inspector General under
15 subsection (c) or (d), any review performed by a board
16 for the correction of military records under subsection (g),
17 and any review conducted by the Secretary of Defense
18 under subsection (h).”.

Log 113.r1

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date that is 30 days
3 after the date of the enactment of this Act, and shall apply
4 with respect to allegations pending or submitted under
5 section 1034 of title 10, United States Code, on or after
6 that date.



Amendment Offered by Rep. Castro

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in Title V, insert the following:

The Committee continues to support the Department of Defense in its efforts to further advance trauma care. However, the committee is concerned that when the end of the recent military conflicts, these advances and skills may degrade and have a negative impact the readiness of military medicine.

The Committee understands that the Department is creating a coordinated, multi-institution, clinical research network of civilian and military trauma centers to address the military relevant priorities and gaps in trauma care and trauma systems. The Committee recognizes that the Department is initiating this program in fiscal year 2015 and encourages the Secretary of Defense to continue to properly resource this research effort. Therefore, the Committee directs the Secretary of Defense to brief the House Committee on Armed Services by no later than January 31, 2016 on their efforts to create a clinical research network of civilian and military of trauma centers.

AMENDMENT TO H.R. 1735
OFFERED BY MS. SPEIER OF CALIFORNIA
National Defense Authorization Act for Fiscal Year 2016

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

1 **SEC. 5__.** **PARTICIPATION BY VICTIM IN PUNITIVE PRO-**
2 **CEEDINGS AND ACCESS TO RECORDS.**

3 (a) VICTIM SUBMISSION OF MATTERS FOR CONSID-
4 ERATION BY COMMANDING OFFICER IN NONJUDICIAL
5 PUNISHMENT PROCEEDINGS.—Section 815 of title 10,
6 United States Code (article 15 of the Uniform Code of
7 Military Justice) is amended by adding at the end the fol-
8 lowing new subsection:

9 “(h) VICTIM PARTICIPATION IN NONJUDICIAL PUN-
10 ISHMENT PROCEEDINGS.—(1) For any offense that in-
11 volves a victim, in any case in which a commanding officer
12 or other person authorized to act under this section (arti-
13 cle) is considering imposing a punishment authorized in
14 subsection (b) on a member of the command, mitigation
15 of a punishment under subsection (d), or an appeal of a
16 punishment under subsection (e), the victim shall be pro-
17 vided an opportunity to submit written matters for consid-

1 eration by the person authorized to act under this section
2 (article).

3 “(2) The victim shall be notified of a commander’s
4 decision to consider a punishment, consider mitigating a
5 punishment, or consider an appeal under this section (arti-
6 cle). The victim shall also be notified of the opportunity
7 to submit matters for consideration under this subsection.

8 “(3) The submission of matters under paragraph (1)
9 shall be made within the three-day period the accused is
10 given to seek legal counsel.

11 “(4) A victim may waive the right under this sub-
12 section to make a submission to the commanding officer
13 or other person taking action under this section (article).
14 Such a waiver shall be made in writing and may not be
15 revoked.

16 “(5) In the case of proceedings under this section (ar-
17 ticle) for an offense that involved a victim, a copy of all
18 prepared records of the proceedings, including a written
19 copy of any admonition or reprimand, shall be given to
20 the victim without charge and as soon as a decision is fi-
21 nalized. The victim shall be notified of the opportunity to
22 receive the records of the proceedings under this sub-
23 section.

24 “(6) In this section, the term ‘victim’ means a person
25 who has suffered a direct physical, emotional, or pecuniary

1 loss as a result of a commission of an offense under this
2 chapter (the Uniform Code of Military Justice) and on
3 which a commanding officer or other person authorized
4 to take action under this section (article) is taking action
5 under this section (article).

6 “(7) This subsection applies only with respect to the
7 Department of Defense.”.

8 (b) VICTIM SUBMISSION OF MATTERS FOR CONSID-
9 ERATION IN ADMINISTRATIVE SEPARATION PRO-
10 CEEDINGS.—Chapter 59 of title 10, United States Code
11 is amended by adding at the end the following new section:

12 **“§ 1159. Victim participation in administrative sepa-
13 ration proceedings**

14 “(a)(1) Under regulations prescribed by the Sec-
15 retary of Defense, the Secretary of the military depart-
16 ment concerned shall ensure that, when administrative
17 separation is considered for a member of the of the Army,
18 Navy, Air Force, or Marine Corps in connection to an of-
19 fense that involved a victim, the person or board author-
20 ized to provide recommendations and act on recommenda-
21 tions for retention or separation under this chapter must
22 consider the impact of the offense on the victim and the
23 views of the victim on retention.

24 “(2) Such regulations shall ensure that victims are
25 provided an opportunity to submit written matters for con-

1 sideration, including, but not limited to, written testimony,
2 to the person or board authorized to provide recommenda-
3 tions and act on recommendations for administrative sepa-
4 ration proceedings under this chapter. A victim may waive
5 the right under this section to make a submission.

6 “(b) Under regulations prescribed by the Secretary
7 of Defense, the Secretary of the military department con-
8 cerned shall ensure that a copy of all prepared records
9 of the proceedings, including, but not limited to, the deci-
10 sion on retention or separation and any written expla-
11 nation thereof, shall be given to the victim without charge
12 and as soon as a decision is finalized. The victim shall
13 be notified of the opportunity to receive the records of the
14 proceedings under this subsection.

15 “(c) In this section, the term ‘victim’ means a person
16 who has suffered a direct physical, emotional, or pecuniary
17 loss as a result of a commission of an offense under chap-
18 ter 47 of this title (the Uniform Code of Military Justice)
19 and on which the armed forces are considering administra-
20 tive separation or retention.”.

21 (c) VICTIM SUBMISSION OF MATTERS FOR CONSID-
22 ERATION IN ADMINISTRATIVE SEPARATION PROCEEDINGS
23 OF OFFICERS.—Section 1185 of title 10, United States
24 Code, is amended by adding at the end the following new
25 subsections:

1 “(c) Under regulations prescribed by the Secretary
2 of Defense, when a board of inquiry is held under this
3 section for an officer of the Army, Navy, Air Force, or
4 Marine Corps in connection with an offense that involved
5 a victim, the board of inquiry—

6 “(1) shall consider the impact of the offense on
7 the victim and the views of the victim on retention;

8 “(2) shall provide victims an opportunity to
9 submit matters for consideration, including in-per-
10 son testimony, although a victim may waive the
11 right under this subsection to make a submission;
12 and

13 “(3) shall provide victims with all prepared
14 records of the proceedings, including the decision on
15 retention or separation and any written explanation
16 thereof.

17 “(d) When a record is withheld under subsection
18 (a)(4), the victim shall, to the extent that the interest of
19 national security permits, be furnished a summary of the
20 record so withheld.

21 “(e) In this section, the term ‘victim’ means a person
22 who has suffered a direct physical, emotional, or pecuniary
23 loss as a result of a commission of an offense under chap-
24 ter 47 of this title (the Uniform Code of Military Justice)

- 1 and on which an officer is required to show cause for re-
- 2 tention on active duty under section 1181 of this title.'”.



AMENDMENT TO H.R. 1735

OFFERED BY MR. MOULTON OF MASSACHUSETTS

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

1 **SEC. 533. ROLE OF SECRETARY OF DEFENSE IN DEVELOP-**
2 **MENT OF GENDER-NEUTRAL OCCUPATIONAL**
3 **STANDARDS.**

4 Section 524(a) of the National Defense Authorization
5 Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat.
6 3361; 10 U.S.C. 113 note) is amended—

7 (1) by striking “and” at the end of paragraph
8 (1);

9 (2) by striking the period at the end of para-
10 graph (2) and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(3) measure the combat readiness of combat
14 units, including special operations forces.”.



AMENDMENT TO H.R. 1735
OFFERED BY MR. TURNER OF OHIO

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

1 **SEC. 5___. MINIMUM CONFINEMENT PERIOD REQUIRED**
2 **FOR CONVICTION OF CERTAIN SEX-RELATED**
3 **OFFENSES COMMITTED BY MEMBERS OF THE**
4 **ARMED FORCES.**

5 (a) **MANDATORY PUNISHMENTS.**—Section 856(b)(1)
6 of title 10, United States Code (article 56(b)(1) of the
7 Uniform Code of Military Justice) is amended by striking
8 “at a minimum” and all that follows through the period
9 at the end of the paragraph and inserting the following:
10 “at a minimum except as provided for in section 860 of
11 this title (article 60)—

12 “(A) dismissal or dishonorable discharge; and

13 “(B) confinement for two years.”.

14 (b) **EFFECTIVE DATE.**—Subparagraph (B) of para-
15 graph (1) of section 856(b) of title 10, United States Code
16 (article 56(b) of the Uniform Code of Military Justice),
17 as added by subsection (a), shall apply to offenses speci-
18 fied in paragraph (2) of such section committed on or

2

- 1 after the date that is 180 days after the date of the enact-
- 2 ment of this Act.



Amendment Offered by Mr. Johnson of Georgia

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

Diversity In Department of Defense Advertising

The committee continues to support efforts by the services to ensure diversity among the force. The committee remains concerned that the efforts by the services to ensure that our Nation's military is reflective of American society are being reduced by the use of advertising that does not adequately target minority communities. The committee understands the challenges that the services are facing, but urges the services to maintain, and where possible, increase their advertising within minority communities, to support their commitment to ensuring a strong diverse force. To adequately reach minority communities, the services are encouraged to use minority owned media outlets and advertising agencies that have demonstrated an ability to connect with minority communities. Recruitment advertising within minority communities is an important avenue toward building interest and understanding in serving our Nation in uniform. The committee urges the services and the Department of Defense to maintain a commitment to diversity recruiting and retention. Therefore, the committee directs the Secretary of Defense to provide a briefing, by March 1, 2016, to the House committee on Armed Services on the efforts undertaken by the Department to increase marketing and advertising efforts to adequately reach minority communities.

Revised LOG 234

Log234R1

Amendment Offered by Mr. Johnson of Georgia

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

Screening, Prevention, and Treatment of Hepatitis A, B, and C

The committee notes that although the prevalence for infection of Hepatitis A, B, and C has significantly decreased, there are still servicemembers at risk for contracting the viruses. The committee is also aware that improved screening, vaccination and treatment protocols are readily available to protect servicemembers. Therefore, the committee directs the Secretary of Defense to brief the Committee on Armed Services of the House of Representatives no later than 1 January 2016 on its procedures and policies for screening, prevention and treatment of Hepatitis A, B, and C.

AMENDMENT TO H.R. 1735
OFFERED BY MR. PETERS OF CALIFORNIA

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

1 **SEC. 513. NATIONAL GUARD CIVIL AND DEFENSE SUPPORT**
2 **ACTIVITIES AND RELATED MATTERS.**

3 (a) OPERATIONAL USE OF THE NATIONAL GUARD.—

4 (1) IN GENERAL.—Chapter 1 of title 32, United
5 States Code, is amended by adding at the end the
6 following new section:

7 **“SEC. 116. OPERATIONAL USE OF THE NATIONAL GUARD.**

8 “(a) IN GENERAL.—This section authorizes the oper-
9 ational use of the National Guard and recognizes that the
10 basic premise of both the National Incident Management
11 System and the National Response Framework is that—

12 “(1) incidents are typically managed at the
13 local level first; and

14 “(2) local jurisdictions retain command, control,
15 and authority over response activities for their juris-
16 dictional areas.

17 “(b) ASSISTANCE TO CIVILIAN FIREFIGHTING ORGA-
18 NIZATIONS.—

Log 245

1 “(1) ASSISTANCE AUTHORIZED.—Members and
2 units of the National Guard shall be authorized to
3 support firefighting operations, missions, or activi-
4 ties, including aerial firefighting employment of the
5 Modular Airborne Firefighting System (MAFFS),
6 undertaken in support of a civilian authority or a
7 State or Federal agency.

8 “(2) ROLE OF GOVERNOR AND STATE ADJU-
9 TANT GENERAL.—For the purposes of paragraph
10 (1)—

11 “(A) the Governor of a State shall be the
12 principal civilian authority; and

13 “(B) the adjutant general of the State
14 shall be the principal military authority, when
15 acting in his or her State capacity, and has the
16 primary authority to mobilize members and
17 units of the National Guard of the State in any
18 duty status under this title the adjutant general
19 deems appropriate to employ necessary forces
20 when funds to perform such operations, mis-
21 sions, or activities are reimbursed.”.

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

“116. Operational use of the National Guard.”.

Log 245

1 (b) ACTIVE GUARD AND RESERVE (AGR) SUP-
2 PORT.—Section 328(b) of title 32, United States Code, is
3 amended—

4 (1) by inserting “duty as specified in section
5 116(b) of this title or may perform” after “sub-
6 section (a) may perform”; and

7 (2) by inserting “(A) and (B)” after “ specified
8 in section 502(f)(2)”.

9 (c) FEDERAL TECHNICIANS SUPPORT.— Section
10 709(a)(3) of title 32, United States Code, is amended by
11 inserting “duty as specified in section 116(b) of this title
12 or” after “(3) the performance of”.



Amendment Offered by Gibson

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

Study And Report on the use of Equine Therapy.

The committee is aware that active duty serve members and veterans seek out and use additional forms of therapy, such as equine therapy, which provides physical, psychological, and emotional therapy to individuals through personal interaction with trained service horses in a safe and structured environment. The committee directs the Secretary of Defense to submit a report on the use of equine therapy to treat members of the Armed Forces to the House Committee on Armed Services by June 30, 2016. The report shall include an assessment of the effectiveness of using equine therapy techniques to treat members of the Armed Forces with post-traumatic stress disorder and other psychological or emotional conditions; the effectiveness of using equine therapy techniques to prevent suicide; the effectiveness of using equine therapy as a form of physical therapy; the prevalence of using equine therapy to treat members of the Armed Forces with post-traumatic stress disorder or other psychological or emotional conditions; the prevalence of using equine therapy as a form of physical therapy; and the potential for organizations in the private sector that offer equine therapy and the DoD to form partnerships to treat members of the Armed Forces with physical, psychological, and emotional conditions.

Log 271

Amendment Offered by Representative Martha McSally

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

O-6 Command Selection Board Processes

The committee recognizes that the selection of commanders in the military is intended to place the best qualified individuals into command positions. The committee also recognizes that the officer promotion process is governed by law to ensure it selects the best qualified leaders to fight and win the nation's wars and is fair, meritocratic, transparent, and accountable. Additionally, the opportunity to command at the O-6 level is often an important assignment making an O-6 competitive for further promotion. The O-6 command select process is not a promotion board, but the outcomes can have a similar effect by opening or closing the door for O-7.

The services have different processes for O-6 command and the committee understands those processes may have changed over the last few decades. The committee is interested in the current processes used by the services to identify and select the best qualified officers for O-6 command, particularly in operational billets, and the objectivity, merit-based approach, fairness, and transparency of those processes. The committee goal is to reinforce the intent that the best qualified are chosen to command. The committee is further interested in the criteria that defines best qualified.

Therefore, the committee directs the Secretary of Defense to submit an unclassified report to the House Committee on Armed Services not later than December 31, 2015 on the specific procedures and standards by which each of the services select individuals for O-6 level command.

The report should provide details on:

- Selection criteria for O6 command
- Procedures/processes for placement of selected candidates into command billets
- How is selection criteria crafted? How is it approved?
- What guidance is given to board evaluators?
- An assessment of objective and subjective standards
- Whether O-6 command candidates are ranked based on a list of qualification
- Ratios of selected to available command billets
- Alternate procedures, if any

Log 271

- Under what criteria would a specific command list be bypassed and another officer chosen for command?
- Are there exceptions to selecting candidates who are not on the command list?

The report will also include the number of eligible women and minorities who participated in the O-6 command select process in the last 10 years and their rate of earning an O-6 command assignment vs the rate of male, non-minority candidates.

The report should also discuss the transparency of explanations for selections and non-selections, the mechanics and time length of appeals processes, and a review of commonly applied statutes which inform the selection process.

Log 272r1

Amendment Offered by Rep. Martha McSally

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

Report on Female Muslim Garb Policy

Section 563 of the National Defense Authorization Act (NDAA) for Fiscal Year 2003, (P.L. 107-314) prohibits requiring or encouraging United States military servicewomen to wear traditional female Muslim garb called an abaya or abaya head scarf when stationed in the Kingdom of Saudi Arabia. Current law also prohibits any funds from being used to purchase abayas and abaya head scarves.

The committee recognizes that in the last 13 years, there is an increased United States military presence in nations where women are not treated equally and/or wear traditional Muslim clothing and/or headscarves. Additionally, Department of Defense civilians and contractors may be assigned in Saudi Arabia and not covered by the current prohibitions.

Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services not later than September 30, 2015 detailing the current policies, instructions, and practices regarding the wearing of Muslim garb by female members of the Armed Forces and female civilian and contractor employees of the Department of Defense when serving overseas. This report should include: the policy or instruction given for each individual country or region for which a policy exists; details on how and when the instructions are given; whether the garb is optional; the intended purpose of wearing the garb; what level of authority directs the policy; if not a policy or instruction, what practices are allowed or encouraged pertaining to wear of the garb, and whether taxpayer money was used to procure any of these garments. If required, the Secretary can submit a classified supplement to this report.

AMENDMENT TO H.R. 1735
OFFERED BY MR. WALZ OF MINNESOTA

At the end of title XI, add the following:

1 **SEC. 11___ . PREFERENCE ELIGIBILITY FOR MEMBERS OF**
2 **RESERVE COMPONENTS OF THE ARMED**
3 **FORCES APPOINTED TO COMPETITIVE SERV-**
4 **ICE; CLARIFICATION OF APPEAL RIGHTS.**

5 (a) PREFERENCE ELIGIBILITY.—Section 2108 of
6 title 5, United States Code, is amended—

7 (1) in paragraph (3)—

8 (A) in subparagraph (G)(iii), by striking
9 “and” at the end;

10 (B) by inserting the following after sub-
11 paragraph (H):

12 “(I) an individual who is a member of a re-
13 serve component of the armed forces:

14 “(i) who has—

15 “(I) successfully completed offi-
16 cer candidate training or entry level
17 and skill training; and

18 “(II) incurred, or is performing,
19 an initial period of obligated service in
20 a reserve component of the armed

1 forces of not less than 6 consecutive
2 years; or

3 “(ii) who has completed at least 10
4 years of service in a reserve component of
5 the armed forces in each of which the indi-
6 vidual was credited with at least 50 points
7 under section 12732 of title 10 toward the
8 computation of years of service under sec-
9 tion 12732 of title 10 for purposes of eligi-
10 bility for retired pay under chapter 1223
11 of title 10; and

12 “(J) an individual who is—

13 “(i) retired from service in a reserve
14 component of the armed forces; and

15 “(ii) eligible for, but has not yet com-
16 menced receipt of, retired pay for non-reg-
17 ular service under chapter 1223 of title
18 10;”;

19 (2) in paragraph (4)—

20 (A) in subparagraph (A), by striking “or”
21 at the end;

22 (B) in subparagraph (B), by striking
23 “and” at the end and inserting “or”; and

24 (C) by adding at the end the following:

1 “(C) the individual is a retiree described in
2 paragraph (3)(J);”;

3 (3) in paragraph (5) by striking the period at
4 the end and inserting a semicolon; and

5 (4) by adding at the end the following:

6 “(6) ‘entry level and skill training’ has the
7 meaning given that term in section 3301(2) of title
8 38; and

9 “(7) ‘reserve component of the armed forces’
10 means a reserve component specified in section
11 101(27) of title 38.”.

12 (b) TIERED HIRING PREFERENCE FOR MEMBERS OF
13 RESERVE COMPONENTS OF THE ARMED FORCES.—Sec-
14 tion 3309 of title 5, United States Code, is amended—

15 (1) in paragraph (1), by striking “and” at the
16 end; and

17 (2) by striking paragraph (2) and inserting the
18 following:

19 “(2) a preference eligible under subparagraph
20 (A), (B), or (J) of section 2108(3) of this title—5
21 points;

22 “(3) a preference eligible under section
23 2108(3)(I)(ii) of this title—4 points; and

24 “(4) a preference eligible under section
25 2108(3)(I)(i) of this title—3 points.”.

1 (c) CLARIFICATION OF APPEAL RIGHTS.—

2 (1) IN GENERAL.—Section 3330a of title 5,
3 United States Code, is amended—

4 (A) in subsection (a)(1)(A), by inserting “,
5 including a preference eligible appointed pursu-
6 ant to section 7401 of title 38 or otherwise em-
7 ployed by the Veterans Health Administration
8 of the Department of Veterans Affairs,” after
9 “A preference eligible”; and

10 (B) in subsection (d)(1), by inserting “, in-
11 cluding a complaint so filed by a preference eli-
12 gible appointed pursuant to section 7401 of
13 title 38 or otherwise employed by the Veterans
14 Health Administration,” after “If the Secretary
15 of Labor is unable to resolve a complaint under
16 subsection (a)”.

17 (2) COORDINATION RULE.—Section 3330a of
18 title 5, United States Code, is amended by adding
19 at the end the following new subsection:

20 “(f) If any part of this section is deemed to be incon-
21 sistent with any provision of chapter 74 of title 38, this
22 section shall be deemed to supersede, override or otherwise
23 modify such provision of chapter 74 of title 38.”.



AMENDMENT TO H.R. 1735
OFFERED BY MR. BISHOP OF UTAH

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

1 **SEC. 7___ . LICENSURE OF MENTAL HEALTH PROFES-**
2 **SIONALS IN TRICARE PROGRAM.**

3 (a) IN GENERAL.—The Secretary of Defense shall
4 ensure that a qualified mental health professional de-
5 scribed in subsection (b) is eligible for reimbursement
6 under the TRICARE program as a TRICARE certified
7 mental health counselor.

8 (b) QUALIFIED MENTAL HEALTH CARE PROFES-
9 SIONAL DESCRIBED.—A qualified mental health care pro-
10 fessional described in this subsection is an individual
11 who—

12 (1) holds a masters degree or doctoral degree in
13 counseling from a mental health counseling program
14 or clinical mental health counseling program that is
15 accredited by the Council for Accreditation of Coun-
16 seling and Related Educational Programs;

17 (2) is licensed by a State in mental health coun-
18 seling at the clinical level or, with respect to a State

1 that has a tiered licensing scheme, at the highest
2 level available; and

3 (3) has passed the National Clinical Mental
4 Health Counseling Examination.

5 (c) SPECIAL RULE FOR CERTAIN PRACTICING PRO-
6 FESSIONALS.—During the period preceding January 1,
7 2027, for purposes of subsection (a), an individual who
8 meets the following criteria is deemed to be a qualified
9 mental health care professional described in subsection
10 (b):

11 (1) The individual holds a masters degree or
12 doctoral degree in counseling from a program that
13 is accredited by a covered institution.

14 (2) The individual has been licensed by a State
15 as a mental health counselor for a period of not less
16 than five years.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “covered institution” means any
19 of the following:

20 (A) The Accrediting Commission for Com-
21 munity and Junior Colleges Western Associa-
22 tion of Schools and Colleges (ACCJC-WASC).

23 (B) The Higher Learning Commission
24 (HLC).

1 (C) The Middle States Commission on
2 Higher Education (MSCHE).

3 (D) The New England Association of
4 Schools and Colleges Commission on Institu-
5 tions of Higher Education (NEASC-CIHE).

6 (E) The Southern Association of Colleges
7 and Schools (SACS) Commission on Colleges.

8 (F) The WASC Senior College and Univer-
9 sity Commission (WASC-SCUC).

10 (G) The Accrediting Bureau of Health
11 Education Schools (ABHES).

12 (H) The Accrediting Commission of Career
13 Schools and Colleges (ACCSC).

14 (I) The Accrediting Council for Inde-
15 pendent Colleges and Schools (ACICS).

16 (J) The Distance Education Accreditation
17 Commission (DEAC).

18 (2) The term "State" includes the District of
19 Columbia, the Commonwealth of Puerto Rico, the
20 Commonwealth of the Northern Mariana Islands,
21 and each possession of the United States.

22 (3) The term "TRICARE program" has the
23 meaning given that term in section 1072 of title 10,
24 United States Code.

