

En Bloc Amendments to H.R. 4909

April 27, 2016

Subcommittee on En Bloc 5

Log #	Sponsor	Description
015r1	Larsen	Continuation of TRICARE for NG performing disaster response duty following period of full-time Guard duty
077r2	Sanchez	Report on DoD efforts to provide timely review of separation characterization of former members of the armed forces who were separated by reason of sexual orientation.
105	Speier	Creates a hazing report database, and directs the Secretary of each military department to conduct hazing surveys of service members
108	Speier	Burdens of proof applicable to whistleblowers in the military
129r1	Veasey	Requires the Secretary of Defense to review the current body mass index test procedure for revision
85	Speier	Offers service members the option to opt into donating their brain for research after death for research into TBI and CTE during discharge processing.

LOG 015 R1

AMENDMENT TO H.R. 4909
OFFERED BY MR. LARSEN OF WASHINGTON

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

1 **SEC. 7___ . EXTENDED TRICARE PROGRAM COVERAGE FOR**
2 **CERTAIN MEMBERS OF THE NATIONAL**
3 **GUARD AND DEPENDENTS DURING CERTAIN**
4 **DISASTER RESPONSE DUTY.**

5 (a) IN GENERAL.—Chapter 55 of title 10, United
6 States Code, is amended by inserting after section 1076e
7 the following new section:

8 **“§ 1076f. TRICARE program: extension of coverage**
9 **for certain members of the National**
10 **Guard and dependents during certain**
11 **disaster response duty**

12 “(a) EXTENDED COVERAGE.—During a period in
13 which a member of the National Guard is performing dis-
14 aster response duty, the member shall be treated as being
15 on active duty for a period of more than 30 days for pur-
16 poses of the eligibility of the member and dependents of
17 the member for health care benefits under the TRICARE
18 program if such period immediately follows a period in
19 which the member served on full-time National Guard

1 duty under section 502(f) of title 32, including pursuant
2 to chapter 9 of such title, unless the Governor of the State
3 (or, with respect to the District of Columbia, the mayor
4 of the District of Columbia) determines that such ex-
5 tended eligibility is not in the best interest of the member
6 or the State.

7 “(b) CONTRIBUTION BY STATE.—(1) The Secretary
8 may charge a State for the costs of providing coverage
9 under the TRICARE program to members of the National
10 Guard of the State and the dependents of the members
11 pursuant to subsection (a). Such charges shall be paid
12 from the funds of the State or from any other non-Federal
13 funds.

14 “(2) Any amounts received by the Secretary under
15 paragraph (1) shall be credited to the appropriation avail-
16 able for the Defense Health Program Account under sec-
17 tion 1100 of this title, shall be merged with sums in such
18 Account that are available for the fiscal year in which col-
19 lected, and shall be available under subsection (b) of such
20 section, including to carry out subsection (a) of this sec-
21 tion.

22 “(c) DEFINITIONS.—In this section:

23 “(1) The term ‘disaster response duty’ means
24 duty performed by a member of the National Guard
25 in State status pursuant to an emergency declara-

1 tion by the Governor of the State (or, with respect
2 to the District of Columbia, the mayor of the Dis-
3 trict of Columbia) in response to a disaster or in
4 preparation for an imminent disaster.

5 “(2) The term ‘State’ means each of the several
6 States, the District of Columbia, the Commonwealth
7 of Puerto Rico, and any territory or possession of
8 the United States.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 1076e the following new
12 item:

“1076f. TRICARE program: extension of coverage for certain members of the
National Guard and dependents during certain disaster re-
sponse duty.”.



Log 077 revised 2

Log 077R2

**Amendment to H.R. 4909
National Defense Authorization Act for Fiscal Year 2017**

Offered by MS. Loretta Sanchez of California

**REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO PROVIDE TIMELY
REVIEW OF SEPARATION CHARACTERIZATION OF FORMER MEMBERS OF
THE ARMED FORCES WHO WERE SEPARATED BY REASON OF SEXUAL
ORIENTATION.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the efforts by the Department of Defense to ensure that former members of the Armed Forces whose separation was characterized, pursuant to section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111–321), as less than honorable by reason of their sexual orientation are granted a timely process to correct the separation characterization to honorable.

(b) **ELEMENTS OF REPORT.**—The report required by subsection (a) shall include the following:

- (1) The number of former members of the Armed Forces described in subsection (a) whose separation has been upgraded to honorable.
- (2) The number of members described in subsection (a) whose request for an upgrade has been denied and, in the case of such members, the general trends for such a denial being overturned.
- (3) The feasibility of providing automatic upgrades for members described in subsection (a) whose separation was less than honorable solely by reason of their sexual orientation and whose record does not disclose any type of misconduct.

AMENDMENT TO H.R. 4909
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5** . **IMPROVED DEPARTMENT OF DEFENSE PREVEN-**
2 **TION OF AND RESPONSE TO HAZING IN THE**
3 **ARMED FORCES.**

4 (a) **ANTI-HAZING DATABASE.**—The Secretary of De-
5 fense shall provide for the establishment and use of a com-
6 prehensive and consistent data-collection system for the
7 collection of reports, including anonymous reports, of inci-
8 dents of hazing involving a member of the Armed Forces.
9 The Secretary shall issue department-wide guidance re-
10 garding the availability and use of the database, including
11 information on protected classes, such as race and reli-
12 gion, who are often the victims of hazing.

13 (b) **IMPROVED TRAINING.**—The Secretary of each
14 military department, in consultation with the Chief of
15 Staff of each Armed Force under the jurisdiction of such
16 Secretary, shall seek to improve training to assist mem-
17 bers of the Armed Forces better recognize, prevent, and
18 respond to hazing at all command levels.

1 (c) ANNUAL SURVEY.—The Secretary of each mili-
2 tary department, in consultation with the Chief of Staff
3 of each Armed Force under the jurisdiction of such Sec-
4 retary, shall conduct an annual survey among members
5 of each Armed Force under the jurisdiction of such Sec-
6 retary to determine the following:

7 (1) The prevalence of hazing in the Armed
8 Force.

9 (2) The effectiveness of training provided mem-
10 bers of the Armed Force to recognize and prevent
11 hazing.

12 (3) The extent to which members of the Armed
13 Force report, including anonymously report, inci-
14 dents of hazing.

15 (d) ANNUAL REPORTS ON HAZING.—

16 (1) REPORT REQUIRED.—Not later than Janu-
17 ary 31 of each year through January 31, 2021, the
18 Secretary of each military department, in consulta-
19 tion with the Chief of Staff of each Armed Force
20 under the jurisdiction of such Secretary, shall sub-
21 mit to the Committees on Armed Services of the
22 Senate and the House of Representatives a report
23 containing a description of efforts during the pre-
24 vious year—

1 (A) to prevent and to respond to incidents
2 of hazing involving members of the Armed
3 Forces;

4 (B) to track and encourage reporting, in-
5 cluding reporting anonymously, incidents of
6 hazing in the Armed Force; and

7 (C) to ensure the consistent implementa-
8 tion of anti-hazing policies.

9 (2) ADDITIONAL ELEMENTS.—Each report re-
10 quired by this subsection also shall address the same
11 elements originally addressed in the anti-hazing re-
12 ports required by section 534 of the National De-
13 fense Authorization Act for Fiscal Year 2013 (Pub-
14 lic Law 112–239; 126 Stat. 1726).



AMENDMENT TO H.R. 4909
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5** . **BURDENS OF PROOF APPLICABLE TO INVES-**
2 **TIGATIONS 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).”.

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.



*Revised Amendment
Log 129R1*

**AMENDMENT TO H.R. 4909
OFFERED BY MR. VEASEY OF TEXAS**

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

1 **SEC. 5 ____ . BODY MASS INDEX TEST.**

2 (a) REVIEW.—The Secretary of Defense shall re-
3 view—

4 (1) the current body mass index test procedure
5 used by the Armed Forces; and

6 (2) other methods to measure body fat with a
7 more holistic health and wellness approach.

8 (b) ELEMENTS.—The review under subsection (a)
9 shall—

10 (1) address nutrition counseling;

11 (2) determine the best methods to be used by
12 the Armed Forces to assess body fat percentages;
13 and

14 (3) improve the accuracy of body fat measure-
15 ments.



AMENDMENT TO H.R. _____

OFFERED BY MS. SPEIER OF CALIFORNIA

At the appropriate place in title V, add the following
new section:

1 **SEC. 5 ____ . PRESEPARATION COUNSELING REGARDING OP-**
2 **TIONS FOR DONATING BRAIN TISSUE AT**
3 **TIME OF DEATH FOR RESEARCH.**

4 Section 1142(b)(11) of title 10, United States Code,
5 is amended by inserting before the period at the end the
6 following: “, and information concerning options available
7 to the member for registering at or following separation
8 to donate brain tissue at time of the member’s death for
9 research regarding traumatic brain injury and chronic
10 traumatic encephalopathy”.

