

**FY 2013 National Defense Authorization Act Matrix with TMC Positions
October 11, 2012**

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Active Forces Provisions

House (H.R. 4310)	Senate (S. 3254)	TMC Position
Sec. 401 – End strength for Active Forces. Decreases Army by 9,900; Navy by 3,000; Marines by 4,800; Air Force by 2,417.	Sec. 401 – Similar provision except Air Force end strength reduced by 3,203.	Support House provision
Sec. 402 – Revision in permanent active duty end strength minimum levels. To identical levels as Sec. 401.	No similar provision	Support House provision
Sec. 403 – Limitations on end strength reductions for regular Army and USMC. Limits Army reductions to 15,000/yr and USMC to 5,000/yr between FY2014-17. President must certify reductions won't undermine national security or diminish dwell time.	No similar provision	Support House provision
Sec. 404 – Exclusion of members within the IDES from active duty end strength. Personnel in Integrated Disability Evaluation System as of the last day of FY 2013-18 won't count.	No similar provision	Support House provision
Sec. 504 – Extension of TERA authority. Extends authority through FY2018.	No similar provision	Support House provision
Sec. 505 – Temporary increase in the time-in-grade retirement waiver for ranks O5 and O6. Extends authority from FY2013-2018.	No similar provision	Support House provision
Sec. 524 – Authorized leave for birth or adoption of a child. Authorizes 42 days of leave for mother/primary caregiver of a child, and 10 days for father/secondary caregiver.	No similar provision	Support House provision

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No similar provision	Sec. 524 – Reports on involuntary separations. Requires quarterly reports on number of involuntary separations by service, total years of service, occupational specialty, those receiving separation pay, and those completing TAP.	Support Senate provision
Sec. 525 – Responsibility and accountability for the remains of servicemembers who die OCONUS. SecDef must designate a military command responsible for handling remains of members who die outside of the US.	No similar provision	Support House provision
Sec. 532 – Disposition authority for charges involving sexual misconduct under UCMJ. Disposition authority may be no lower than the first O6 in the chain of command.	No similar provision	Support House provision
Sec. 533 – Independent review of UCMJ and judicial proceedings of sexual assault cases. SecDef shall establish a 5 person independent panel of civilian law experts to recommend reforms to UCMJ on sexual assault. Report annually on reforms enacted in the FY2012 defense bill until 30 Sept 2017.	No similar provision	Support House provision
Sec. 534 – Collection and retention of records on sexual assault. Requires SecDef to keep records for at least 20 years after the incident.	No similar provision	Support House provision
No similar provision	Sec. 552 – Associate degree programs under the Community College of the Air Force. Expands eligibility to enlisted servicemembers in services other than the Air Force who are participating in joint-service medical training.	Support Senate provision

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Sec. 541 – Enhancement and transfer of troops-to-teachers program from DoE to DoD. Transfers the program with 90 days of enactment.	No similar provision	Support House provision
Sec. 543 - Access to military installations by for-profit educational institutions. DoD IG to review to assess access of for-profit educational institutions to military institutions and whether there are adequate safeguards to regulate access.	No similar provision	Support House provision
No similar provision	Sec. 555 – Authority for service commitment for reservists who accept fellowships, scholarships, or grants to be performed in the selected reserve. Allows reservists to pursue fellowships, scholarships, or grants if they agree to serve in SelRes for 5 times the length of education/training.	Support Senate provision
Sec. 561 – Impact Aid. Authorizes a total of \$30 million in aid. \$25 million for schools with significant military dependent student populations and \$5 million for schools with enrollment changes due to BRAC.	Sec. 571 – 572. Similar provisions, but \$25 million for schools with significant military dependent student populations, and \$5 million for schools serving children with severe disabilities.	TMC supports: -\$25 million for schools with significant military dependent student populations -\$5 million for schools serving children with severe disabilities and -\$5 million for schools with enrollment changes due to BRAC.
Sec. 565 – Treatment of relocation of servicemembers for active duty for purposes of mortgage refinancing. Servicemembers relocated due to an active duty move shall be considered for all purposes relating to refinancing a mortgage to occupy the residence.	No similar provision	Support House provision

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<p>Sec. 571-589 – Provisions related to improving sexual assault prevention and response. (1) Establishment of Special Victim teams to respond to child abuse, domestic violence or sexual assault; (2) increased training and education for sexual assault prevention/response; (3) increased transparency; (4) modified and expanded reporting requirements including sexual harassment incidents.</p>	<p>Sec. 542. A similar, though much less encompassing provision.</p>	<p>Support House provision</p>
<p>No similar provision</p>	<p>Sec. 573 – Impact Aid Improvement Act of 2012. Includes changes to tax status and requirements for prompt payments to schools.</p>	<p>Support Senate provision</p>
<p>No similar provision</p>	<p>Sec. 574 – Noncompetitive appointment of relocating military spouses. Agency heads may appoint relocating military spouses noncompetitively.</p>	<p>Support Senate provision</p>
<p>No similar provision</p>	<p>Sec. 581 – Family briefings on accounting for servicemembers and civilian employees listed as missing. Requires periodic briefings of families of missing persons about efforts to account for them.</p>	<p>Support Senate provision</p>
<p>No similar provision</p>	<p>Sec. 582 – Enhancement of authority to accept gifts. Expands authority to include activities benefiting education, volunteer services searching for missing persons, and cooperative agreements between military museums and education programs for non-profit support.</p>	<p>Support Senate provision</p>
<p>No similar provision</p>	<p>Sec. 584 – Report on accuracy of data in DEERS system. SecDef must report within 90 days on plan to improve completeness and accuracy of DEERS data to ensure eligibility of ID card holders.</p>	<p>Accept Senate provision, but TMC is concerned that past such efforts have led to imposition of arduous documentation requirements that caused excessive hurdles for elderly/disabled eligibles.</p>

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Sec. 590 – Inclusion of freely associate states within JROTC program. Services may establish JROTC programs in Micronesia, the Marshall Islands, and Palau.	No similar provision	Support House provision
Sec. 597 – Report on the effects of multiple deployments. Report on effects of multiple deployments on well-being of servicemembers and recommend changes in health evaluations before and after deployment. Report due NLT 180 days after enactment.	No similar provision	Support House provision
Sec. 601 – Military pay raise. 1.7 percent pay raise.	No similar provision, but current law ties pay raise to the ECI.	Support House provision
Sec. 602 – BAH for dual-member couples when one is on sea duty. Servicemembers E-6 and below are entitled to BAH starting 1 Jan 2013.	No similar provision	Support House provision
Sec. 631 – Authority to provide two years of commissary and exchange benefits after separation. Extends authority until 2018.	No similar provision	Support House provision
Sec. 632 – Transitional use of military family housing. Authorizes transitional use through 31 Dec 2018. No BAH may be authorized for involuntarily separated servicemembers.	No similar provision	Support House provision
Sec. 641 – Charitable organizations eligible for donations of unusable food from commissaries. Food banks, food pantries, or soup kitchens are eligible.	No similar provision	Support House provision
No similar provision	Sec. 642 – Repeal of automatic enrollment in family SGLI for dual-member couples.	Support Senate provision
Sec. 644 – Purchase of sustainable, local, and recyclable products in commissary and exchange systems. Develop a plan to obtain fresh, local, and recyclable products. Guidelines must be developed within 2 years with the goal of achieving objectives by 30 Sept 2017.	No similar provision	Support House provision

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House (H.R. 4310)	Senate (S. 3254)	TMC Position
No similar provision	Sec. 651-654 – Enhancement of consumer credit protections for servicemembers and dependents. (1) SecDef will enhance protection, improve awareness and knowledge of predatory practices, and recommend regulation to prevent them NLT 1 year after enactment. (2) Protections against differential treatment on consumer credit under state law. (3) Civil penalties for violations.	Support Senate provision
Sec. 662 – Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies. Limitation extended until 31 Dec 2016.	No similar provision	Support House provision
Sec. 664 – Mortgage protections. Amends SCRA to (1) provide servicemembers, survivors of servicemembers killed on AD, and Chapter 61 retirees increased protection in mortgage foreclosure proceedings; (2) increases civil penalties for mortgage violations; and (3) requires lending institutions to employ compliance officers and establish a toll-free help line.	No similar provision	Support House provision
Sec 665 – ID cards for certain servicemembers upon discharge. SecDef shall study feasibility and cost of providing an ID card with summary of DD-214 for members expected to be honorably discharged who would not otherwise receive ID cards from DoD or the VA. Report due NLT 1 year after enactment.	No similar provision	Support House provision
Sec. 1077 – Prohibition on DoD use of nondisclosure agreements to prevent servicemembers and civilian employees from communicating with members of Congress.	No similar provision	Support House provision

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Guard and Reserve Provisions

House (H.R. 4310)	Senate (S. 3254)	TMC Position
Sec 411 – Guard/Reserve End Strength. Decreases Navy Reserve end strength by 3,700; Air Nat'l Guard by 695; Coast Guard Reserve by 1,000. Increases Air Force Reserve end strength by 1,028.	Sec. 411. Similar provision except reduces Air Nat'l Guard end strength by 265.	Support House provision. TMC remains concerned with ongoing end strength cuts to the US Navy Reserve.
Sec. 412 – Active Duty in support of Reserve. Increases Army Reserve support end strength by 16; Air Guard by 119; Air Reserve by 226. Decreases Navy Reserve support end strength by 223.	Sec. 412. Similar provision except increases Air Nat'l Guard end strength by 38.	Support Senate provision
Sec. 512 – Automatic federal recognition of promotion of certain NG warrant officers. If a W1 is promoted to W2 in a federally recognized unit of the NG, federal recognition is automatically extended to the officer.	No similar provision	Support House provision
No similar provision	Sec. 512 – Reserve component suicide prevention and resilience program. SecDef will create program to provide suicide prevention training and community response training to members of the Guard, Reserve, and their families. Program sunsets 1 Oct 2015.	Support Senate provision
Sec. 513 – Online tracking of certain Reserve duty. Directs SecDef to establish an online system for Guard/Reserve members to track their operational AD service performed after Jan 28, 2008. Calculator shall specify early retirement credit for each tour as well as cumulative credit.	No similar provision	Support House provision
No similar provision	Sec. 541 – Authority to retain or recall to active duty reserve component members who are victims of sexual assault on active duty. Secretary may order the member to return to active duty at their request.	Support Senate provision

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House (H.R. 4310)	Senate (S. 3254)	TMC Position
Sec. 604 – Post-deployment mobilization respite absence days for reserve components. Oct 2011 changes for post deployment leave shall not apply to members whose qualified mobilization commenced before 1 Oct 2011.	No similar provision	Support House provision
Sec. 605 – Payment of benefit for nonparticipation of eligible members in post-deployment/mobilization respite absence program. Authorize \$200 for each day eligible for program that was not used. Payments to the deceased will be made to legal representative.	No similar provision	Support House provision
No similar provision	Sec. 631 – PCS allowances for reservists filling a vacancy in another unit after involuntary separation. Authorize for reservists filling critical needs in another unit.	Support Senate provision
No similar provision	Sec. 632 – Space A travel. Expands space A travel eligibility to gray-area Reserve and Guard retirees.	Support Senate provision
Sec. 663 – Equal treatment for Coast Guard Reservists called to AD under Title 14. Service under this title will be credited towards early retirement and Post 9/11 GI Bill benefits. Retroactive to 19 Apr 2010.	No similar provision	Support House provision

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Retirement Issues

House (H.R. 4310)	Senate (S. 3254)	TMC Position
No similar provision	Sec. 1604 - 1614 – Military compensation and retirement modernization commission. Requires commission on military retirement and compensation. Recommendations due within 15 months of establishment, to be considered under BRAC-style rules. Commissioners may not include anyone employed by a veterans’ service organization or military advocacy group or association within the preceding year.	TMC believes appointment of any commissioners should be shared between Administration and congressional leaders. TMC objects most strenuously to short-circuiting the normal legislative process under BRAC-like rules. 1986 REDUX retirement changes had to be repealed after they undermined retention, and recent retirement studies have proposed far more severe cuts than REDUX did. These issues are so important to long-term retention and readiness that any changes must be subject to normal Armed Services Committee review and normal congressional debate and amendment processes. Well-founded recommendations should be able to stand up to such scrutiny. TMC also strongly opposes the restriction on appointment of a commissioner employed or previously employed by a VSO/MSO. Past studies have proven that the greatest danger on such commissions is a lack of diversity of opinion and failure to consider the point of view of career servicemembers and their families.

Veterans/Other Provisions

House (H.R. 4310)	Senate (S. 3254)	TMC Position
Sec. 591 – Preservation of editorial independence of Stars and Stripes. SecDef will extend lease of S&S office space in Washington until SecDef provides the space and support to relocate operations to a location in the NCR away from the Defense Media Activity.	No similar provision	Support House provision

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Sec. 592 – Sense of Congress on the designation of “Taps” as national song of remembrance.	No similar provision	Support House provision
Sec. 594 – Inspection of military cemeteries under DoD jurisdiction. The 2013 report on Arlington Nat’l Cemetery and the US Soldiers and Airmen’s Home Nat’l Cemetery will be conducted by DoD IG. The report and plan of action due 29 June 2013 and 1 October 2013.	No similar provision	Support House provision
No similar provision	Sec. 1044 – Participation of veterans in the Transition Assistance Program. Every veteran will be authorized to use the TAP program during the one year period following their separation from the military.	Support Senate provision

Health Care Provisions

House (H.R. 4310)	Senate (S. 3254)	TMC Position
Sec. 527 – Compliance with medical profiles. Commanders can’t prohibit or restrict health care providers from issuing a medical profile for a servicemember, and must comply with profile while assigning duties to the servicemember.	No similar provision	Support House provision
No similar provision	Sec. 554 – Grade of commissioned officers in the Uniformed Medical Accession Programs. Medical students shall be appointed 01. If they meet certain criteria they can be promoted to 02.	Support Senate provision
Sec. 622 - Travel and transportation allowances for non-medical attendants for seriously ill and wounded. Per diem and/or transportation and travel reimbursement may be provided to non-medical attendants of wounded servicemembers whose presence may contribute to the servicemembers’ health and welfare.	No similar provision	Support House provision

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House (H.R. 4310)	Senate (S. 3254)	TMC Position
Sec. 701 – Sense of Congress on nonmonetary healthcare premiums paid by career servicemembers and families. Career members' decades of service and sacrifice constitute a significant pre-paid premium for health care in retirement, over and above fees paid in cash.	No similar provision	Support House provision
No similar provision	Sec. 702 – Inclusion of certain over-the-counter drugs in TRICARE formulary. SecDef may include over-the-counter drugs approved by the Pharmacy and Therapeutics Committee.	Support Senate provision
Sec. 703 – Medical and dental care contracts for Nat'l Guard. SecDef shall ensure that contracts between the Nat'l Guard and States meet standards of medical and dental readiness upon mobilization of an individual.	No similar provision	Support House provision
No similar provision	Sec. 703 – Expansion of evaluation of the effectiveness of TRICARE. Expands evaluation focusing on military retirees to also include the currently serving and dependents.	Support Senate provision
Sec. 704 – Treatment of Autism under TRICARE. Adds Applied Behavioral Analysis (ABA) to accepted behavioral health treatments for active and retired members of the armed forces. Authorizes \$30M for coverage. Specifically excludes Coast Guard dependents.	No similar provision	TMC supports TRICARE coverage for ABA therapy, but believes TRICARE coverage must apply equally to members of all uniformed services (as defined in 10 USC 101(a)(5)). The Coalition also believes ABA therapy should be available to family members with diagnoses other than autism for whom this treatment is therapeutic.
Sec. 705 – Mental health screenings for servicemembers. Requires mental health screenings once every 180 days for a servicemember that is deployed.	Sec. 713 – Timing of mental health screenings for servicemembers deployed in connection with contingency operations. Requires screenings every 18 months instead of every 12.	Support House provision

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<p>Sec. 711 – Unified Medical Command. Establish 4-star unified medical command to provide medical services. All MTFs, training organizations, and research entities to be under the command, which shall develop programs and doctrine, prepare and submit budget to SecDef, exercise authority, direction, and control over funds, training forces, validate requirements, and monitor promotions, assignments, retention etc. Defense Health Agency will be established and led by a 3-star. TMA and all other TRICARE programs would fall under the new DHA. NLT 1 Jul 2013 SecDef shall submit a plan to Congress on establishing the Unified Medical Command.</p>	No similar provision	Support House provision*
<p>Sec. 712 – Automatic enrollment of dependents in TRICARE Prime. TRICARE will automatically enroll the dependents of servicemembers above the grade E-4 in TRICARE Prime. Enrollment may be terminated by the member or dependent at any time.</p>	No similar provision	Support House provision
No similar provision	<p>Sec. 712 – Availability of fertility preservation treatments for active duty members. Members can receive fertility treatment at MTFs or through the TRICARE network if not available at an MTF.</p>	Support Senate provision
<p>Sec. 713 – Cooperative health care agreements between military departments and non-military health care entities. Military secretaries can establish cooperative health agreements between military installations and local or regional health care entities.</p>	No similar provision	Support House provision

*AFA and AFSA do not support a Unified Medical Command

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House (H.R. 4310)	Senate (S. 3254)	TMC Position
Sec. 714 – Requirement to ensure effectiveness and efficiency of health engagements. SecDef, ASDHA, and USUHS shall develop a process to ensure efficiency and effectiveness in DoD health engagements. Pilot programs may be conducted to assess efficiency and effectiveness.	No similar provision	Support House provision
Sec. 715 – Clarification of federal tort claims to health subcontractors contracted by DoD.	Sec. 721 – similar, but more specific provision	Support Senate provision
Sec. 716 – Pilot program on increased third-party collection reimbursements in MTFs. Three year pilot program to assess feasibility of increasing collections from third-party payers. Select at least 2 facilities in which 40 percent of the population has third-party coverage.	No similar provision	Support House provision
Sec. 717 – Pilot program for refills of maintenance medications for TFL beneficiaries through mail-order pharmacy. Require one-year mail-order use for maintenance medications. SecDef has waiver authority.	No similar provision	Support House provision as a means of limiting copays for FY 2013 and capping future copays at COLA percentage. Survey showed 97% of beneficiaries see this as preferable to accepting higher Administration-proposed Rx copays.
Sec. 718 – Cost-sharing rates for TRICARE pharmacy. Limits copay increases to \$5/\$17/\$44 for retail and \$0/\$13/\$43 for mail-order. Ties future copay increases to the percentage growth in military retired pay.	No similar provision (absence of restriction would allow Administration to implement far steeper increases in copays for FY2013 and out years)	Strongly support House provision. Combined with Sec. 717 of House bill, House provisions actually save slightly more than Senate bill and are far preferable from beneficiaries' standpoint.
Sec. 723 –TRICARE pediatric working group. Sense of Congress on improving care for children. Working group to meet at least 4 times a year and consist of Chief Medical Officers of TRICARE, the TROs, Army, Navy, and Air Force Surgeons General and the three TRICARE contractors, three representatives from TMC, one from American Academy of Pediatrics, one from National Assn of Children's Hospitals, and one military family member not employed by an organization representing military families.	No similar provision	Support House provision

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Sec. 725 – Pilot program on improving DoD efforts on mental health in Guard/Reserves through community partnerships. 3-year pilot to enhance research, treatment, education, outreach on mental health, substance abuse, and TBI through community partners. SecDef may award grants to community partners	Sec. 722 – similar provision, but refers to it as research program, and requires a report NLT 5 years after the commencement of the project.	Support House provision
Sec. 726 – Breast cancer among veterans and servicemembers. SecDef and SecVA shall conduct a study on incidence. Report due 18 months after enactment.	No similar provision	Support House provision
Sec. 727 – Increased collaboration with NIH to combat triple negative breast cancers. DoD and NIH will work to identify genetic and molecular targets for triple negative breast cancer and work to identify multiple targeted therapies.	No similar provision	Support House provision
No similar provision	Sec. 731 – Performance data on Warriors in Transition programs. Services will report on physical health, mental and behavioral health, and education and vocational aptitude and capabilities of servicemembers in the Warriors in Transition program. Report due every 180 days.	Support Senate provision
Sec. 729 – Congressional support for greater awareness of PTSD. Expresses support for education efforts and establishment of advisory committee to coordinate efforts of DoD, VA and other agencies for prevention, diagnosis and treatment of PTSD.	No similar provision	Support House provision

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House (H.R. 4310)	Senate (S. 3254)	TMC Position
No similar provision	Sec. 732 – Report on traumatic injury as a result of DoD-required vaccinations. SecDef shall report on the number and nature of traumatic injuries since 1 Jan 2001 and recommendations for improvements to prevent these injuries. Report due NLT 180 days after enactment.	Support Senate provision
No similar provision	Sec. 733 – Plan to eliminate gaps and redundancies in psychological health/TBI programs. SecDef shall report in 1 year on a plan to streamline programs on psychological health and TBI, and identify gaps in service and treatments.	Support Senate provision
No similar provision	Sec. 734 – Report on servicemember hearing loss. SecDef shall report on the implementation of the Comptroller General’s Jan 2011 report on hearing loss prevention improvements within 180 days of enactment.	Support Senate provision