

**H.R. 2810—FY18 NATIONAL DEFENSE
AUTHORIZATION BILL**

**SUBCOMMITTEE ON MILITARY
PERSONNEL**

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SUMMARY OF BILL LANGUAGE

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TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

SUBTITLE A—ACTIVE FORCES

Section 401—End Strengths for Active Forces

This section would authorize the following end strengths for Active Duty personnel of the Armed Forces as of September 30, 2018:

Service	FY 2017	FY 2018		Change from	
	Authorized	Request	Committee Recommendation	FY 2018 Request	FY 2017 Authorized
Army	476,000	476,000	486,000	10,000	10,000
Navy	323,900	327,900	327,900	0	4,000
USMC	185,000	185,000	185,000	0	0
Air Force	321,000	325,100	325,100	0	4,100
DOD Total	1,305,900	1,314,000	1,324,000	10,000	18,100

Section 402—Revisions in Permanent Active Duty End Strength Minimum Levels

This section would establish new minimum Active Duty end strengths for the Army, Navy, Marine Corps, and Air Force as of September 30, 2018. The committee recommends 486,000 as the minimum Active Duty end strength for the Army, 327,900 as the minimum Active Duty end strength for the Navy, 185,000 as the minimum Active Duty end strength for the Marine Corps, and 325,100 as the minimum Active Duty end strength for the Air Force.

SUBTITLE B—RESERVE FORCES

Section 411—End Strengths for Selected Reserve

This section would authorize the following end strengths for Selected Reserve personnel, including the end strength for Reserves on Active Duty in support of the Reserves, as of September 30, 2018:

Service	FY 2017	FY 2018		Change from	
	Authorized	Request	Committee Recommendation	FY 2018 Request	FY 2017 Authorized
Army National Guard	343,000	343,000	347,000	4,000	4,000
Army Reserve	199,000	199,000	202,000	3,000	3,000
Navy Reserve	58,000	59,000	59,000	0	1,000
Marine Corps Reserve	38,500	38,500	38,500	0	0
Air National Guard	105,700	106,600	106,600	0	900
Air Force Reserve	69,000	69,800	69,800	0	800
DOD Total	813,200	815,900	822,900	7,000	9,700
Coast Guard Reserve	7,000	7,000	7,000	0	0

Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves

This section would authorize the following end strengths for Reserves on Active Duty in support of the Reserves as of September 30, 2018:

Service	FY 2017	FY 2018		Change from	
	Authorized	Request	Committee Recommendation	FY 2018 Request	FY 2017 Authorized
Army National Guard	30,155	30,155	30,155	0	0
Army Reserve	16,261	16,261	16,261	0	0
Navy Reserve	9,955	10,101	10,101	0	146
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,764	16,260	16,260	0	1,496
Air Force Reserve	2,955	3,588	3,588	0	633
DOD Total	76,351	78,626	78,626	0	2,275

Section 413—End Strengths for Military Technicians (Dual Status)

This section would authorize the following end strengths for military technicians (dual status) as of September 30, 2018:

Service	FY 2017	FY 2018		Change from	
	Authorized	Request	Committee Recommendation	FY 2018 Request	FY 2017 Authorized
Army National Guard	25,507	25,507	25,507	0	0
Army Reserve	7,570	7,427	7,427	0	-143
Air National Guard	22,103	21,893	21,893	0	-210
Air Force Reserve	10,061	10,160	10,160	0	99
DOD Total	65,241	64,987	64,987	0	-254

Section 414—Fiscal Year 2018 Limitation on Number of Non-Dual Status Technicians

This section would establish the maximum end strengths for the Reserve Components of the Army and Air Force for non-dual status technicians as of September 30, 2018:

Service	FY 2017	FY 2018		Change from	
	Authorized	Request	Committee Recommendation	FY 2018 Request	FY 2017 Authorized
Army National Guard	1,600	1,600	1,600	0	0
Air National Guard	350	350	350	0	0
Army Reserve	420	420	420	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,460	2,460	2,460	0	0

Section 415—Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support

This section would authorize, as required by section 115(b) of title 10, United States Code, the maximum number of Reserve Component personnel who may be on Active Duty or full-time National Guard duty during fiscal year 2018 to provide operational support. The personnel authorized here do not count against the end strengths authorized by section 401 or section 412 of this Act unless the

duration on Active Duty exceeds the limitations in section 115(b)(2) of title 10, United States Code.

Service	FY 2017	FY 2018		Change from	
	Authorized	Request	Committee Recommendation	FY 2018 Request	FY 2017 Authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS

SUBTITLE A—REGULAR AND RESERVE COMPONENT MANAGEMENT

Section 5xx—Modification of Requirements Relating to Conversion of Certain Military Technician (Dual Status) Positions to Civilian Positions

This section would amend section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), as amended by section 1084 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), to reduce the clerical and administrative dual status technician conversions to title 5, United States Code, civilians required by those sections from 20 percent to 10 percent and would extend the date of completion of those conversions for 1 year until October 1, 2018. Additionally, this section would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 2018, containing recommendations for revisions to section 709 of title 32, United States Code.

Section 5xx—Pilot Program on Use of Retired Senior Enlisted Members of the Army National Guard as Army National Guard Recruiters

This section would authorize the Secretary of the Army to carry out a pilot program under which retired senior enlisted members of the Army National Guard would serve as contract recruiters for the Army National Guard.

SUBTITLE B—GENERAL SERVICE AUTHORITIES AND CORRECTION OF MILITARY RECORDS

Section 5xx—Consideration of Additional Medical Evidence by Boards for the Correction of Military Records and Liberal Consideration of Evidence Relating to Post-Traumatic Stress Disorder or Traumatic Brain Injury

This section would amend section 1552 of title 10, United States Code, to require Boards for the Correction of Military Record to review medical evidence of the Secretary of Veterans Affairs and civilian healthcare providers in cases in which the application is based on matters relating to post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI). In addition, it would require the boards to review the case with liberal consideration to the former member that PTSD or TBI potentially contributed to the discharge or dismissal, or discharge characterization.

Section 5xx—Pilot Program on Use of Video Teleconferencing Technology by Boards for the Correction of Military Records and Discharge Review Boards

This section would authorize the Secretary of Defense to conduct a pilot program on the use of video teleconferencing technology by boards for the correction of military records and discharge review boards so that, when authorized, applicants may appear before the board without being physically present.

SUBTITLE C—MILITARY JUSTICE AND OTHER LEGAL ISSUES

Section 5xx—Clarifying Amendments Related to the Uniform Code of Military Justice Reform by the Military Justice Act of 2016

This section would make clarifying amendments to the Uniform Code of Military Justice, including clarifying that petitions for writs of mandamus by victims have priority in both the Court of Criminal Appeals and the Court of Appeals for the Armed Forces; expanding the pre-referral matters that a military judge may consider to include appointment of a certain individual to assume the rights of certain victims and pre-referral matters related to a petition for a writ of mandamus by a victim; clarifying that the President may establish the types of sentences that require automatic reduction in enlisted rank; and extending the due date of the Military Justice Review Panel's assessment on sentencing data from 2020 to 2021.

Section 5xx—Prohibition on Wrongful Broadcast or Distribution of Intimate Visual Images

This section would amend the Uniform Code of Military Justice to insert a new section (article) prohibiting wrongful broadcast or distribution of intimate visual images.

Section 5xx—Notification of Members of the Armed Forces Undergoing Certain Administrative Separations of Potential Eligibility for Veterans Benefits

This section would require that service members being separated from the military with an other than honorable discharge be informed, in writing, that they may petition the Veterans Benefits Administration of the Department of Veterans Affairs for certain benefits despite their characterization of service.

Section 5xx—Special Victims' Counsel Training Regarding the Unique Challenges Often Faced by Male Victims of Sexual Assault

This section would require that baseline Special Victims' Counsel training include training on how to recognize and deal with the unique challenges often faced by male victims of sexual assault.

SUBTITLE D—MEMBER EDUCATION, TRAINING, RESILIENCE, AND TRANSITION

Section 5xx—Prohibition on Release of Military Service Academy Graduates to Participate in Professional Athletics

This section would amend sections 4348(a), 6959(a), and 9348(a) of title 10, United States Code, to require that any graduate from a military service academy program must fulfill their military service commitments without exception before being released to participate in professional sports.

SUBTITLE E—DEFENSE DEPENDENTS' EDUCATION AND MILITARY FAMILY READINESS MATTERS

Section 5xx—Continuation of Authority to Assist Local Educational Agencies That Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees

This section would authorize \$30.0 million for the continuation of Department of Defense assistance in fiscal year 2018 to local educational agencies that are impacted by the enrollment of dependent children of military members and Department of Defense civilian employees.

Section 5xx—Reimbursement for State Licensure and Certification Costs of a Spouse of a Member of the Armed Forces Arising from Relocation to Another State

This section would amend section 476 of title 37, United States Code, to permit the Secretary of a military department or the Secretary of Homeland Security to reimburse a member of the Armed Forces up to \$500 for a spouse's expenses related to obtaining licensing or certification in another State incident to a permanent change of station. This section would also require the Secretary of

Defense and the Secretary of Homeland Security to work with States to improve the portability of licenses and certifications between States.

SUBTITLE F—DECORATIONS AND AWARDS

Section 5xx—Replacement of Military Decorations at the Request of Relatives of Deceased Members of the Armed Forces

This section would amend section 1135 of title 10, United States Code, to require the Secretary of Defense to replace the military decorations of a deceased recipient to certain relatives at no cost to the Department of Defense.

SUBTITLE G—MISCELLANEOUS REPORTS AND OTHER MATTERS

Section 5xx—Expansion of United States Air Force Institute of Technology Enrollment Authority to Include Civilian Employees of the Homeland Security Industry

The section would amend section 9314a of title 10, United States Code, to allow homeland security industry employees employed by a private firm in one of the critical infrastructure sectors identified in Presidential Policy Directive 21 to attend the United States Air Force Institute of Technology.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

Section 611—One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces

This section would extend the authority, through December 31, 2018, for the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, the authority to reimburse travel expenses for inactive duty training outside of normal commuting distance, and income replacement payments for Reserve Component members experiencing extended and frequent mobilization for Active Duty service.

Section 612—One-Year Extension of Certain Bonus and Special Pay Authorities for Health Care Professionals

This section would extend the authority for the nurse officer candidate accession program, repayment of educational loans for certain health professionals who serve in the Selected Reserve, the accession and retention bonuses for psychologists, the accession bonus for registered nurses, the incentive special pay for nurse anesthetists, the special pay for Selected Reserve health care professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties, until December 31, 2018.

Section 613—One-Year Extension of Special Pay and Bonus Authorities for Nuclear Officers

This section would extend the authority for the special pay for nuclear-qualified officers extending a period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus until December 31, 2018.

Section 614—One-Year Extension of Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities

This section would extend the general bonus authority for enlisted members, the general bonus authority for officers, the special bonus and incentive pay authority for nuclear officers, special aviation incentive pay and bonus authorities, the special health professions incentive pay and bonus authorities, contracting bonus for Senior Reserve Officers' Training Corps cadets and midshipmen, hazardous duty pay, assignment pay or special duty pay, skill incentive pay or proficiency bonus, and the retention bonus for members with critical military skills or assigned to high-priority units, until December 31, 2018.

Section 615—One-Year Extension of Authorities Relating to Payment of Other Title 37 Bonuses and Special Pays

This section would extend the authority for the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus for active members, the incentive pay for members of precommissioning programs pursuing foreign language proficiency, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between Armed Forces, and the accession bonus for officer candidates, until December 31, 2018.

Section 6XX—Increase in Maximum Amount of Aviation Bonus for 12-Month Period of Obligated Service

This section would amend section 334(c)(1)(B) of title 37, United States Code, to increase the statutory limits for the aviation retention bonus to \$50,000 and allow the Secretary concerned the flexibility to increase the aviation incentive pay limit set forth in regulations issued by the Secretary of Defense under section 374 of title 37, United States Code. The Secretary of Defense should revise applicable regulations as required.

Section 6XX—Technical and Clerical Amendments Relating to 2008 Consolidation of Certain Special Pay Authorities

This section would make technical and clerical corrections to titles 10, 14, 37, and 42, United States Code, as part of the Department of Defense's transition to the consolidated authorities described in section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), which provided eight consolidated statutory special and incentive pay authorities to replace those currently in use.

SUBTITLE D—COMMISSARY AND NONAPPROPRIATED FUND INSTRUMENTALITY BENEFITS AND OPERATIONS

Section 6xx—Land Conveyance Authority, Army and Air Force Exchange Service Property, Dallas, Texas

This section would allow the Secretary of Defense to authorize the Army and Air Force Exchange Service (AAFES) to divest itself of real property owned by AAFES at 8901 Autobahn Drive, Dallas, Texas, as part of its consolidation into one headquarters building in Dallas, Texas. Additionally, this section would authorize AAFES to retain the nonappropriated funds derived from the divestiture since AAFES acquired the property with nonappropriated funds.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE B—HEALTH CARE ADMINISTRATION

Section 7xx—Maintenance of Inpatient Capabilities of Military Medical Treatment Facilities Located Outside the United States

This section would prohibit the Secretary of Defense from reducing inpatient capacity at military medical facilities located outside the United States. The committee understands that reductions are being considered and believes further review is required before such reductions may proceed.

Section 7xx—Clarification of Roles of Commanders of Military Medical Treatment Facilities and Surgeons General

This section would amend section 1073c of title 10, United States Code, to clarify that the commanders of military medical treatment facilities are responsible for the operation of the military medical treatment facility they supervise. This section would also amend sections 3036, 5137, and 8036 of title 10, United States Code, to clarify that the surgeons general are responsible for the medical readiness provided by the military medical treatment facilities and maintaining a ready medical force within their respective military departments.

Section 7xx—Physical Examinations for Members of a Reserve Component Who Are Separating from the Armed Forces

This section would amend section 1145 of title 10, United States Code, to require the Secretary of Defense to provide a physical examination upon request to a member of a Reserve Component upon separation from service, provided that the member had deployed for more than 30 days within the last 2 years prior to the service member's separation date.

TITLE XIV—OTHER AUTHORIZATIONS

LEGISLATIVE PROVISIONS

SUBTITLE C—OTHER MATTERS

Section 1431—Authority for Transfer of Funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois

This section would authorize the Secretary of Defense to transfer funds from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Section 1432—Authorization of Appropriations for Armed Forces Retirement Home

This section would authorize \$64.3 million to be appropriated for the operation of the Armed Forces Retirement Home during fiscal year 2018.

BILL LANGUAGE

1 **SEC. 401 [Log 65186]. END STRENGTHS FOR ACTIVE FORCES.**

2 The Armed Forces are authorized strengths for active
3 duty personnel as of September 30, 2018, as follows:

4 (1) The Army, 486,000.

5 (2) The Navy, 327,900.

6 (3) The Marine Corps, 185,000.

7 (4) The Air Force, 325,100.

1 **SEC. 402 [Log 65187]. REVISIONS IN PERMANENT ACTIVE**
2 **DUTY END STRENGTH MINIMUM LEVELS.**

3 Section 691(b) of title 10, United States Code, is
4 amended by striking paragraphs (1) through (4) and in-
5 serting the following new paragraphs:

6 “(1) For the Army, 486,000.

7 “(2) For the Navy, 327,900.

8 “(3) For the Marine Corps, 185,000.

9 “(4) For the Air Force, 325,100.”.

1 **SEC. 411 [Log 65188]. END STRENGTHS FOR SELECTED RE-**
2 **SERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2018, as follows:

6 (1) The Army National Guard of the United
7 States, 347,000.

8 (2) The Army Reserve, 202,000.

9 (3) The Navy Reserve, 59,000.

10 (4) The Marine Corps Reserve, 38,500.

11 (5) The Air National Guard of the United
12 States, 106,600.

13 (6) The Air Force Reserve, 69,800.

14 (7) The Coast Guard Reserve, 7,000.

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected

1 Reserve of such component who are on active duty
2 (other than for training or for unsatisfactory partici-
3 pation in training) without their consent at the end
4 of the fiscal year.

5 (c) END STRENGTH INCREASES.—Whenever units or
6 individual members of the Selected Reserve for any reserve
7 component are released from active duty during any fiscal
8 year, the end strength prescribed for such fiscal year for
9 the Selected Reserve of such reserve component shall be
10 increased proportionately by the total authorized strengths
11 of such units and by the total number of such individual
12 members.

1 **SEC. 412 [Log 65189]. END STRENGTHS FOR RESERVES ON**
2 **ACTIVE DUTY IN SUPPORT OF THE RE-**
3 **SERVES.**

4 Within the end strengths prescribed in section
5 411(a), the reserve components of the Armed Forces are
6 authorized, as of September 30, 2018, the following num-
7 ber of Reserves to be serving on full-time active duty or
8 full-time duty, in the case of members of the National
9 Guard, for the purpose of organizing, administering, re-
10 cruiting, instructing, or training the reserve components:

11 (1) The Army National Guard of the United
12 States, 30,155.

13 (2) The Army Reserve, 16,261.

14 (3) The Navy Reserve, 10,101.

15 (4) The Marine Corps Reserve, 2,261.

16 (5) The Air National Guard of the United
17 States, 16,260.

18 (6) The Air Force Reserve, 3,588.

1 **SEC. 413 [Log 65190]. END STRENGTHS FOR MILITARY TECH-**
2 **NICIANS (DUAL STATUS).**

3 (a) IN GENERAL.—The authorized number of mili-
4 tary technicians (dual status) as of September 30, 2018,
5 for the reserve components of the Army and the Air Force
6 (notwithstanding section 129 of title 10, United States
7 Code) shall be the following:

8 (1) For the Army National Guard of the United
9 States, 25,507.

10 (2) For the Army Reserve, 7,427.

11 (3) For the Air National Guard of the United
12 States, 21,893.

13 (4) For the Air Force Reserve, 10,160.

14 (b) VARIANCE.—Notwithstanding section 115 of title
15 10, United States Code, the end strength prescribed by
16 subsection (a) for a reserve component specified in that
17 subsection may be increased—

18 (1) by 3 percent, upon determination by the
19 Secretary of Defense that such action is in the na-
20 tional interest; and

21 (2) by 2 percent, upon determination by the
22 Secretary of the military department concerned that
23 such action would enhance manning and readiness in
24 essential units or in critical specialties or ratings.

1 **SEC. 414 [Log 65191]. FISCAL YEAR 2018 LIMITATION ON**
2 **NUMBER OF NON-DUAL STATUS TECHNI-**
3 **CIANS.**

4 (a) LIMITATIONS.—

5 (1) NATIONAL GUARD.—Within the limitation
6 provided in section 10217(c)(2) of title 10, United
7 States Code, the number of non-dual status techni-
8 cians employed by the National Guard as of Sep-
9 tember 30, 2018, may not exceed the following:

10 (A) For the Army National Guard of the
11 United States, 1,600.

12 (B) For the Air National Guard of the
13 United States, 350.

14 (2) ARMY RESERVE.—The number of non-dual
15 status technicians employed by the Army Reserve as
16 of September 30, 2018, may not exceed 420.

17 (3) AIR FORCE RESERVE.—The number of non-
18 dual status technicians employed by the Air Force
19 Reserve as of September 30, 2018, may not exceed
20 90.

21 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
22 this section, the term “non-dual status technician” has the
23 meaning given that term in section 10217(a) of title 10,
24 United States Code.

1 **SEC. 415 [Log 65192]. MAXIMUM NUMBER OF RESERVE PER-**
2 **SONNEL AUTHORIZED TO BE ON ACTIVE**
3 **DUTY FOR OPERATIONAL SUPPORT.**

4 During fiscal year 2018, the maximum number of
5 members of the reserve components of the Armed Forces
6 who may be serving at any time on full-time operational
7 support duty under section 115(b) of title 10, United
8 States Code, is the following:

9 (1) The Army National Guard of the United
10 States, 17,000.

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

13 (4) The Marine Corps Reserve, 3,000.

14 (5) The Air National Guard of the United
15 States, 16,000.

16 (6) The Air Force Reserve, 14,000.

1 **SEC. 5** ____ [Log 65207]. **MODIFICATION OF REQUIREMENTS**
2 **RELATING TO CONVERSION OF CERTAIN**
3 **MILITARY TECHNICIAN (DUAL STATUS) POSI-**
4 **TIONS TO CIVILIAN POSITIONS.**

5 (a) **REVISED REDUCTION AND DEADLINE.**—Section
6 1053(a)(1) of the National Defense Authorization Act for
7 Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 10216
8 note), as amended by section 1084(a)(1) of the National
9 Defense Authorization Act for Fiscal Year 2017 (Public
10 Law 114–328; 130 Stat. 2421), is further amended—

11 (1) by striking “October 1, 2017” and inserting
12 “October 1, 2018”; and

13 (2) by striking “20 percent” and inserting “10
14 percent”.

15 (b) **REPORTING REQUIREMENT.**—Not later than
16 March 1, 2018, the Secretary of Defense shall submit to
17 the Committees on Armed Services of the Senate and the
18 House of Representatives a report containing such rec-
19 ommendations as the Secretary considers appropriate for
20 revising section 709 of title 32, United States Code, re-
21 garding the employment, use, and status of military tech-
22 nicians in the National Guard. The Secretary shall pre-
23 pare the recommendations in consultation with the Sec-

- 1 retary of the Army, the Secretary of the Air Force, and
- 2 the Chief of the National Guard Bureau.

1 **SEC. 5** ____ [Log 65588]. **PILOT PROGRAM ON USE OF RE-**
2 **TIRED SENIOR ENLISTED MEMBERS OF THE**
3 **ARMY NATIONAL GUARD AS ARMY NATIONAL**
4 **GUARD RECRUITERS.**

5 (a) **PILOT PROGRAM AUTHORIZED.**—The Secretary
6 of the Army may carry out a pilot program for the Army
7 National Guard under which retired senior enlisted mem-
8 bers of the Army National Guard would serve as contract
9 recruiters for the Army National Guard.

10 (b) **OBJECTIVES OF PILOT PROGRAM.**—The Sec-
11 retary of the Army shall design any pilot program con-
12 ducted under this section to determine the following:

13 (1) The feasibility and effectiveness of hiring
14 retired senior enlisted members of the Army Na-
15 tional Guard who have retired within the previous
16 two years to serve as recruiters.

17 (2) The merits of hiring such retired senior en-
18 listed members as contractors or as employees of the
19 Department of Defense.

20 (3) The best method of providing a competitive
21 compensation package for such retired senior en-
22 listed members.

23 (4) The merits of requiring such retired senior
24 enlisted members to wear a military uniform while

1 performing recruiting duties under the pilot pro-
2 gram.

3 (c) CONSULTATION.—In developing a pilot program
4 under this section, the Secretary of the Army shall consult
5 with the operators of a previous pilot program carried out
6 by the Army involving the use of contract recruiters.

7 (d) COMMENCEMENT AND DURATION.—The Sec-
8 retary of the Army may commence a pilot program under
9 this section on or after January 1, 2018, and all activities
10 under such a pilot program shall terminate no later than
11 December 31, 2022.

12 (e) REPORTING REQUIREMENT.—If a pilot program
13 is conducted under this section, the Secretary of the Army
14 shall submit to the Committees on Armed Services of the
15 House of Representatives and the Senate a report con-
16 taining an evaluation of the success of the pilot program,
17 including the determinations described in subsection (b).
18 The report shall be submitted not later than January 1,
19 2020.

1 **SEC. 5** ____ [Log 65059]. **CONSIDERATION OF ADDITIONAL**
2 **MEDICAL EVIDENCE BY BOARDS FOR THE**
3 **CORRECTION OF MILITARY RECORDS AND**
4 **LIBERAL CONSIDERATION OF EVIDENCE RE-**
5 **LATING TO POST-TRAUMATIC STRESS DIS-**
6 **ORDER OR TRAUMATIC BRAIN INJURY.**

7 (a) IN GENERAL.—Section 1552 of title 10, United
8 States Code, is amended—

9 (1) by redesignating subsections (h) and (i) as
10 subsections (i) and (j), respectively; and

11 (2) by inserting after subsection (g) the fol-
12 lowing new subsection (h):

13 “(h)(1) This subsection applies to a former member
14 of the armed forces whose claim under this section for re-
15 view of a discharge or dismissal is based in whole or in
16 part on matters relating to post-traumatic stress disorder
17 or traumatic brain injury as supporting rationale, or as
18 justification for priority consideration, and whose post-
19 traumatic stress disorder or traumatic brain injury is re-
20 lated to combat or military sexual trauma, as determined
21 by the Secretary concerned.

22 “(2) In the case of a claimant described in paragraph
23 (1), a board established under subsection (a)(1) shall—

1 “(A) review medical evidence of the Secretary
2 of Veterans Affairs or a civilian health care provider
3 that is presented by the claimant; and

4 “(B) review the claim with liberal consideration
5 to the claimant that post-traumatic stress disorder
6 or traumatic brain injury potentially contributed to
7 the circumstances resulting in the discharge or dis-
8 missal or to the original characterization of the
9 claimant’s discharge or dismissal.”.

10 (b) CONFORMING AMENDMENT.—Section
11 1553(d)(3)(A)(ii) of title 10, United States Code, is
12 amended by striking “discharge of a lesser characteriza-
13 tion” and inserting “discharge or dismissal or to the origi-
14 nal characterization of the member’s discharge or dis-
15 missal”.

1 **SEC. 5** ____ [Log 65323]. **PILOT PROGRAM ON USE OF VIDEO**
2 **TELECONFERENCING TECHNOLOGY BY**
3 **BOARDS FOR THE CORRECTION OF MILITARY**
4 **RECORDS AND DISCHARGE REVIEW BOARDS.**

5 (a) **PILOT PROGRAM AUTHORIZED.**—The Secretary
6 of Defense may carry out a pilot program under which
7 boards for the correction of military records established
8 under section 1552 of title 10, United States Code, and
9 discharge review boards established under section 1553 of
10 such title are authorized to utilize video teleconferencing
11 technology in the performance of their duties.

12 (b) **PURPOSE.**—The purpose of the pilot program is
13 to evaluate the feasibility and cost-effectiveness of utilizing
14 video teleconferencing technology to allow persons who
15 raise a claim before a board for the correction of military
16 records, persons who request a review by a discharge re-
17 view board, and witnesses who present evidence to such
18 a board to appear before such a board without being phys-
19 ically present.

20 (c) **IMPLEMENTATION.**—As part of the pilot program,
21 the Secretary of Defense shall make funds available to de-
22 velop the capabilities of boards for the correction of mili-
23 tary records and discharge review boards to effectively use
24 video teleconferencing technology.

1 (d) NO EXPANSION OF ELIGIBILITY.—Nothing in the
2 pilot program is intended to alter the eligibility criteria
3 of persons who may raise a claim before a board for the
4 correction of military records, request a review by a dis-
5 charge review board, or present evidence to such a board.

6 (e) TERMINATION.—The authority of the Secretary
7 of Defense to carry out the pilot program shall terminate
8 on December 31, 2020.

1 **SEC. 5** [Log 65048]. **CLARIFYING AMENDMENTS RELATED**
2 **TO THE UNIFORM CODE OF MILITARY JUS-**
3 **TICE REFORM BY THE MILITARY JUSTICE**
4 **ACT OF 2016.**

5 (a) ENFORCEMENT OF RIGHTS OF VICTIMS OF OF-
6 FENSES UNDER UCMJ.—Section 806b(e)(3) of title 10,
7 United States Code (article 6b(e)(3) of the Uniform Code
8 of Military Justice), is amended—

9 (1) by inserting “(A)” after “(3)”;

10 (2) by striking “President, and, to the extent
11 practicable, shall have priority over all other pro-
12 ceedings before the court.” and inserting the fol-
13 lowing; “President, subject to section 830a of this
14 title (article 30a).”; and

15 (3) by adding at the end the following new sub-
16 paragraphs:

17 “(B) To the extent practicable, a petition for a writ
18 of mandamus described in this subsection shall have pri-
19 ority over all other proceedings before the Court of Crimi-
20 nal Appeals.

21 “(C) Review of any decision by the Court of Criminal
22 Appeals on a petition for a writ of mandamus described
23 in this subsection shall have priority in the Court of Ap-

1 peals for the Armed Forces, as determined under the rules
2 of the Court of Appeals for the Armed Forces.”.

3 (b) REVIEW OF CERTAIN MATTERS BEFORE REFER-
4 RAL OF CHARGES AND SPECIFICATIONS.—Subsection
5 (a)(1) of section 830a of title 10, United States Code (ar-
6 ticle 30a of the Uniform Code of Military Justice), as
7 added by section 5202 of the Military Justice Act of 2016
8 (division E of Public Law 114–328; 130 Stat. 2904), is
9 amended by adding at the end the following new subpara-
10 graph:

11 “(D) Pre-referral matters under subsection (c)
12 or (e) of section 806b of this title (article 6b).”.

13 (c) DEFENSE COUNSEL ASSISTANCE IN POST-TRIAL
14 MATTERS FOR ACCUSED CONVICTED BY COURT-MAR-
15 TIAL.—Section 838(c)(2) of title 10, United States Code
16 (article 38(c)(2) of the Uniform Code of Military Justice),
17 is amended by striking “section 860 of this title (article
18 60)” and inserting “section 860, 860a, or 860b of this
19 title (article 60, 60a, or 60b)”.

20 (d) LIMITATION ON ACCEPTANCE OF PLEA AGREE-
21 MENTS.—Subsection (b) of section 853a of title 10,
22 United States Code (article 53a of the Uniform Code of
23 Military Justice), as added by section 5237 of the Military
24 Justice Act of 2016 (division E of Public Law 114–328;
25 130 Stat. 2917), is amended—

1 (1) in paragraph (2), by striking “or” after the
2 semicolon;

3 (2) in paragraph (3), by striking the period and
4 inserting a semicolon; and

5 (3) by adding at the end the following new
6 paragraphs:

7 “(4) is prohibited by law; or

8 “(5) is contrary to, or is inconsistent with, a
9 regulation prescribed by the President with respect
10 to terms, conditions, or other aspects of plea agree-
11 ments.”.

12 (e) APPLICABILITY OF STANDARDS AND PROCE-
13 DURES TO SENTENCE APPEAL BY THE UNITED
14 STATES.—Subsection (d)(1) of section 856 of title 10,
15 United States Code (article 56 of the Uniform Code of
16 Military Justice), as added by section 5301 of the Military
17 Justice Act of 2016 (division E of Public Law 114–328;
18 130 Stat. 2919), is amended—

19 (1) in the matter preceding subparagraph (A),
20 by inserting after “concerned,” the following: “and
21 consistent with standards and procedures set forth
22 in regulations prescribed by the President,”; and

23 (2) in subparagraph (B), by inserting before
24 the period at the end the following: “, as determined

1 in accordance with standards and procedures pre-
2 scribed by the President”.

3 (f) SENTENCE OF REDUCTION IN ENLISTED
4 GRADE.—

5 (1) IN GENERAL.—Subsection (a) of section
6 858a of title 10, United States Code (article 58a of
7 the Uniform Code of Military Justice), as amended
8 by section 5303(1) of the Military Justice Act of
9 2016 (division E of Public Law 114–328; 130 Stat.
10 2923), is further amended in the matter after para-
11 graph (3) by striking “, effective on the date” and
12 inserting the following: “, if such a reduction is au-
13 thorized by regulation prescribed by the President.
14 The reduction in pay grade shall take effect on the
15 date”.

16 (2) SECTION HEADING.—The heading of section
17 858a of title 10, United States Code (article 58a of
18 the Uniform Code of Military Justice), is amended
19 to read as follows:

20 “§ 858a. Art 58a. Sentences: reduction in enlisted
21 grade”.

22 (3) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of subchapter VIII of chapter
24 47 of title 10, United States Code (the Uniform
25 Code of Military Justice) is amended by striking the

1 item relating to section 858a (article 58a) and in-
2 sserting the following new item:

“858a. 58a. Sentences: reduction in enlisted grade.”.

3 (g) CONVENING AUTHORITY AUTHORITIES.—Section
4 858b(b) of title 10, United States Code (article 58b(b) of
5 the Uniform Code of Military Justice), is amended in the
6 first sentence by striking “section 860 of this title (article
7 60)” and inserting “section 860a or 860b of this title (ar-
8 ticle 60a or 60b)”.

9 (h) APPEAL BY THE UNITED STATE.—Section
10 862(b) of title 10, United States Code (article 62(b) of
11 the Uniform Code of Military Justice), is amended by
12 striking “, notwithstanding section 866(c) of this title (ar-
13 ticle 66(c))”.

14 (i) REHEARING AND SENTENCING.—Subsection (b)
15 of section 863 of title 10, United States Code (article 63
16 of the Uniform Code of Military Justice), as added by sec-
17 tion 5327 of the Military Justice Act of 2016 (division
18 E of Public Law 114–328; 130 Stat. 2929), is amended
19 by inserting before the period at the end the following:
20 “, subject to such limitations as the President may pre-
21 scribe by regulation”.

22 (j) COURTS OF CRIMINAL APPEALS.—Section 866 of
23 title 10, United States Code (article 66 of the Uniform
24 Code of Military Justice), as amended by section 5330 of

1 the Military Justice Act of 2016 (division E of Public Law
2 114–328; 130 Stat. 2932), is further amended—

3 (1) in subsection (e)(2)(C), by inserting after
4 “required” the following: “by regulation prescribed
5 by the President or”; and

6 (2) in subsection (f)(3), by adding at the end
7 the following new sentence: “If the Court of Appeals
8 for the Armed Forces determines that additional
9 proceedings are warranted, the Court of Criminal
10 Appeals shall order a hearing or other proceeding in
11 accordance with the direction of the Court of Ap-
12 peals for the Armed Forces.”.

13 (k) MILITARY JUSTICE REVIEW PANEL.—Subsection
14 (f) of section 946 of title 10, United States Code (article
15 146 of the Uniform Code of Military Justice), as added
16 by section 5521 of the Military Justice Act of 2016 (divi-
17 sion E of Public Law 114–328; 130 Stat. 2962), is
18 amended—

19 (1) in paragraph (1), by striking “fiscal year
20 2020” in the first sentence and inserting “fiscal
21 year 2021”;

22 (2) in paragraph (2), by striking the sentence
23 beginning “Not later than” and inserting the fol-
24 lowing new sentence: “The analysis under this para-

1 graph shall be included in the assessment required
2 by paragraph (1).”; and

3 (3) by striking paragraph (5) and inserting the
4 following new paragraph (5):

5 “(5) REPORTS.—With respect to each review
6 and assessment under this subsection, the Panel
7 shall submit a report to the Committees on Armed
8 Services of the Senate and the House of Representa-
9 tives. Each report—

10 “(A) shall set forth the results of the re-
11 view and assessment concerned, including the
12 findings and recommendations of the Panel;
13 and

14 “(B) shall be submitted not later than De-
15 cember 31 of the calendar year in which the re-
16 view and assessment is concluded.”.

17 (l) TRANSITIONAL COMPENSATION FOR DEPEND-
18 ENTS OF MEMBERS SEPARATED FOR DEPENDENT
19 ABUSE.—Section 1059(e) of title 10, United States Code,
20 is amended—

21 (1) in paragraph (1)(A)(ii), by striking “the ap-
22 proval of” and all that follows through “as ap-
23 proved,” and inserting “entry of judgment under
24 section 860c of this title (article 60c of the Uniform
25 Code of Military Justice) if the sentence”; and

1 (2) in paragraph (3)(A), by striking “by a
2 court-martial” the second place it appears and all
3 that follows through “include any such punishment,”
4 and inserting “for a dependent-abuse offense and
5 the conviction is disapproved or is otherwise not part
6 of the judgment under section 860c of this title (ar-
7 ticle 60c of the Uniform Code of Military Justice) or
8 the punishment is disapproved or is otherwise not
9 part of the judgment under such section (article),”.

10 (m) BENEFITS FOR DEPENDENTS WHO ARE VIC-
11 TIMS OF ABUSE BY MEMBERS LOSING RIGHT TO RE-
12 TIRED PAY.—Section 1408(h)(10)(A) of title 10, United
13 States Code, is amended by striking “the approval” and
14 all that follows through the end of the subparagraph and
15 inserting “entry of judgment under section 860c of this
16 title (article 60c of the Uniform Code of Military Jus-
17 tice).”.

18 (n) TREATMENT OF CERTAIN OFFENSES PENDING
19 EXECUTION OF MILITARY JUSTICE ACT OF 2016 AMEND-
20 MENTS.—

21 (1) CHILD ABUSE OFFENSES.—With respect to
22 offenses committed before the date designated by the
23 President under section 5542(a) of the Military Jus-
24 tice Act of 2016 (division E of Public Law 114–328;
25 130 Stat. 2967), subsection (b)(2)(B) of section 843

1 of title 10, United States Code (article 43 of the
2 Uniform Code of Military Justice), shall be applied
3 as in effect on December 22, 2016.

4 (2) FRAUDULENT ENLISTMENT OR APPOINT-
5 MENT OFFENSES.—With respect to the period begin-
6 ning on December 23, 2016, and ending on the day
7 before the date designated by the President under
8 section 5542(a) of the Military Justice Act of 2016
9 (division E of Public Law 114–328; 130 Stat.
10 2967), in the application of subsection (h) of section
11 843 of title 10, United States Code (article 43 of the
12 Uniform Code of Military Justice), as added by sec-
13 tion 5225(b) of that Act (130 Stat. 2909), the ref-
14 erence in such subsection (h) to section 904a(1) of
15 title 10, United States Code (article 104a(1) of the
16 Uniform Code of Military Justice), shall be deemed
17 to be a reference to section 883(1) of title 10,
18 United States Code (article 83(1) of the Uniform
19 Code of Military Justice).

20 (o) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect immediately after the amend-
22 ments made by the Military Justice Act of 2016 (division
23 E of Public Law 114–328) take effect as provided for in
24 section 5542 of that Act (130 Stat. 2967).

1 **SEC. 5** [Log 65058]. **PROHIBITION ON WRONGFUL BROAD-**
2 **CAST OR DISTRIBUTION OF INTIMATE VISUAL**
3 **IMAGES.**

4 (a) PROHIBITION.—Subchapter X of chapter 47 of
5 title 10, United States Code, is amended by inserting after
6 section 917 (article 117 of the Uniform Code of Military
7 Justice) the following new section (article):

8 **“§ 917a. Art. 117a. Wrongful broadcast or distribution**
9 **of intimate visual images**

10 “(a) PROHIBITION.—Any person subject to this chap-
11 ter who—

12 “(1) knowingly and wrongfully broadcasts or
13 distributes an intimate visual image of a private
14 area of another person who—

15 “(A) is at least 18 years of age at the time
16 the intimate visual image was created;

17 “(B) is identifiable from the image itself or
18 from information displayed in connection with
19 the image; and

20 “(C) does not explicitly consent to the
21 broadcast or distribution of the intimate visual
22 image;

23 “(2) knows or reasonably should have known
24 that the intimate visual image was made under cir-

1 cumstances in which the person depicted in the inti-
2 mate visual image retained a reasonable expectation
3 of privacy regarding any broadcast or distribution of
4 the intimate visual image; and

5 “(3) knows or reasonably should have known
6 that the broadcast or distribution of the intimate
7 visual image is likely—

8 “(A) to cause harm, harassment, intimidati-
9 on, emotional distress, or financial loss for the
10 person depicted in the intimate visual image; or

11 “(B) to harm substantially the depicted
12 person with respect to that person’s health,
13 safety, business, calling, career, financial condi-
14 tion, reputation, or personal relationships;

15 is guilty of wrongful distribution of intimate visual images
16 and shall be punished as a court-martial may direct.

17 “(b) DEFINITIONS.—In this section (article):

18 “(1) BROADCAST.—The term ‘broadcast’ means
19 to electronically transmit a visual image with the in-
20 tent that it be viewed by a person or persons.

21 “(2) DISTRIBUTE.—The term ‘distribute’
22 means to deliver to the actual or constructive posses-
23 sion of another person, including transmission by
24 mail or electronic means.

1 “(3) INTIMATE VISUAL IMAGE.—The term ‘inti-
2 mate visual image’ means a photograph, video, film,
3 or recording made by any means that depicts a pri-
4 vate area of a person.

5 “(4) PRIVATE AREA.—The term ‘private area’
6 means the naked or underwear-clad genitalia, anus,
7 buttocks, or female areola or nipple.

8 “(5) REASONABLE EXPECTATION OF PRI-
9 VACY.—The term ‘reasonable expectation of privacy’
10 refers to circumstances in which a reasonable person
11 would believe that an intimate visual image of a pri-
12 vate area of the person would not be broadcast or
13 distributed to another person.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of subchapter X of chapter 47 of title
16 10, United States Code (the Uniform Code of Military
17 Justice), is amended by inserting after the item relating
18 to section 917 (article 117) the following new item:

“917a. 117a. Wrongful broadcast or distribution of intimate visual images.”.

1 **SEC. 5** ____ [Log 65060]. **NOTIFICATION OF MEMBERS OF THE**
2 **ARMED FORCES UNDERGOING CERTAIN AD-**
3 **MINISTRATIVE SEPARATIONS OF POTENTIAL**
4 **ELIGIBILITY FOR VETERANS BENEFITS.**

5 (a) **NOTIFICATION REQUIRED.**—A member of the
6 Armed Forces who receives an administrative separation
7 or mandatory discharge under conditions other than hon-
8 orable shall be provided written notification that the mem-
9 ber may petition the Veterans Benefits Administration of
10 the Department of Veterans Affairs to receive, despite the
11 characterization of the member’s service, certain benefits
12 under the laws administered by the Secretary of Veterans
13 Affairs.

14 (b) **DEADLINE FOR NOTIFICATION.**—Notification
15 under subsection (a) shall be provided to a member de-
16 scribed in such subsection in conjunction with the mem-
17 ber’s notification of the administrative separation or man-
18 datory discharge or as soon thereafter as practicable.

1 **SEC. 5** ____ [Log 65091]. **SPECIAL VICTIMS' COUNSEL TRAIN-**
2 **ING REGARDING THE UNIQUE CHALLENGES**
3 **OFTEN FACED BY MALE VICTIMS OF SEXUAL**
4 **ASSAULT.**

5 The baseline Special Victims' Counsel training estab-
6 lished under section 1044e(d)(2) of title 10, United States
7 Code, shall include training for Special Victims' Counsels
8 to recognize and deal with the unique challenges often
9 faced by male victims of sexual assault.

1 **SEC. 5** ____ [Log 65184]. **PROHIBITION ON RELEASE OF MILI-**
2 **TARY SERVICE ACADEMY GRADUATES TO**
3 **PARTICIPATE IN PROFESSIONAL ATHLETICS.**

4 (a) UNITED STATES MILITARY ACADEMY.—Section
5 4348(a) of title 10, United States Code, is amended by
6 adding at the end the following new paragraph:

7 “(5) That the cadet will not seek release from
8 the commissioned service obligation of the cadet to
9 pursue a career as a professional athlete and under-
10 stands that the appointment alternative described in
11 paragraph (3) will not be used to allow the cadet to
12 pursue such a career.”.

13 (b) UNITED STATES NAVAL ACADEMY.—Section
14 6959(a) of title 10, United States Code, is amended by
15 adding at the end the following new paragraph:

16 “(5) That the midshipman will not seek release
17 from the commissioned service obligation of the mid-
18 shipman to pursue a career as a professional athlete
19 and understands that the appointment alternative
20 described in paragraph (3) will not be used to allow
21 the midshipman to pursue such a career.”.

22 (c) UNITED STATES AIR FORCE ACADEMY.—Section
23 9348(a) of title 10, United States Code, is amended by
24 adding at the end the following new paragraph:

1 “(5) That the cadet will not seek release from
2 the commissioned service obligation of the cadet to
3 pursue a career as a professional athlete and under-
4 stands that the appointment alternative described in
5 paragraph (2) will not be used to allow the cadet to
6 pursue such a career.”.

7 (d) APPLICATION OF AMENDMENTS.—The Secre-
8 taries of the military departments shall promptly revise
9 the cadet and midshipman service agreements under sec-
10 tions 4348, 6959, and 9348 of title 10, United States
11 Code, to reflect the amendments made by this section. The
12 revised agreement shall apply to cadets and midshipmen
13 who are attending the United States Military Academy,
14 the United States Naval Academy, or the United States
15 Air Force Academy on the date of the enactment of this
16 Act and to persons who begin attendance at such military
17 service academies on or after that date.

1 **SEC. 5** **[Log 65220]. CONTINUATION OF AUTHORITY TO**
2 **ASSIST LOCAL EDUCATIONAL AGENCIES**
3 **THAT BENEFIT DEPENDENTS OF MEMBERS**
4 **OF THE ARMED FORCES AND DEPARTMENT**
5 **OF DEFENSE CIVILIAN EMPLOYEES.**

6 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
7 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
8 amount authorized to be appropriated for fiscal year 2018
9 by section 301 and available for operation and mainte-
10 nance for Defense-wide activities as specified in the fund-
11 ing table in division D, \$30,000,000 shall be available only
12 for the purpose of providing assistance to local educational
13 agencies under subsection (a) of section 572 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2006
15 (Public Law 109–163; 20 U.S.C. 7703b).

16 (b) LOCAL EDUCATIONAL AGENCY DEFINED.—In
17 this section, the term “local educational agency” has the
18 meaning given that term in section 7013(9) of the Ele-
19 mentary and Secondary Education Act of 1965 (20 U.S.C.
20 7713(9)).

1 **SEC. 5** ____ [Log 65226]. **REIMBURSEMENT FOR STATE LICEN-**
2 **SURE AND CERTIFICATION COSTS OF A**
3 **SPOUSE OF A MEMBER OF THE ARMED**
4 **FORCES ARISING FROM RELOCATION TO AN-**
5 **OTHER STATE.**

6 (a) REIMBURSEMENT AUTHORIZED.—Section 476 of
7 title 37, United States Code, is amended by adding at the
8 end the following new subsection:

9 “(p)(1) The Secretary concerned may reimburse a
10 member of the armed forces for qualified relicensing costs
11 of the spouse of the member when—

12 “(A) the member is reassigned, either as a per-
13 manent change of station or permanent change of
14 assignment, from a duty station in one State to a
15 duty station in another State; and

16 “(B) the movement of the member’s dependents
17 is authorized at the expense of the United States
18 under this section as part of the reassignment.

19 “(2) Reimbursement provided to a member under
20 this subsection may not exceed \$500 in connection with
21 each reassignment described in paragraph (1).

22 “(3) In this subsection, the term ‘qualified relicensing
23 costs’ means costs, including exam and registration fees,
24 that—

1 “(A) are imposed by the State of the new duty
2 station to secure a license or certification to engage
3 in the same profession that the spouse of the mem-
4 ber engaged in while in the State of the original
5 duty station; and

6 “(B) are paid or incurred by the member or
7 spouse to secure the license or certification from the
8 State of the new duty station after the date on
9 which the orders directing the reassignment de-
10 scribed in paragraph (1) are issued.”.

11 (b) DEVELOPMENT OF RECOMMENDATIONS TO EX-
12 PEDITATE LICENSE PORTABILITY FOR MILITARY
13 SPOUSES.—

14 (1) CONSULTATION WITH STATES.—The Sec-
15 retary of Defense, and the Secretary of Homeland
16 Security with respect to the Coast Guard, shall con-
17 sult with States—

18 (A) to identify barriers to the portability
19 between States of a license, certification, or
20 other grant of permission held by the spouse of
21 a member of the Armed Forces to engage in an
22 occupation when the spouse moves between
23 States as part of a permanent change of station
24 or permanent change of assignment of the
25 member; and

1 (B) to develop recommendations for the
2 Federal Government and the States, together or
3 separately, to expedite the portability of such li-
4 censes, certifications, and other grants of per-
5 mission for military spouses.

6 (2) SPECIFIC CONSIDERATIONS.—In conducting
7 the consultation and preparing the recommendations
8 under paragraph (1), the Secretaries shall consider
9 the feasibility of—

10 (A) States accepting licenses, certifi-
11 cations, and other grants of permission de-
12 scribed in paragraph (1) issued by another
13 State and in good standing in that State;

14 (B) the issuance of a temporary license
15 pending completion of State-specific require-
16 ments; and

17 (C) the establishment of an expedited re-
18 view process for military spouses.

19 (3) REPORT REQUIRED.—Not later than March
20 15, 2018, the Secretaries shall submit to the appro-
21 priate congressional committees and the States a re-
22 port containing the recommendations developed
23 under this subsection.

24 (4) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—In this subsection, the term “appropriate

1 congressional committees” means the congressional
2 defense committees, the Committee on Homeland
3 Security and Government Affairs of the Senate, and
4 the Committee on Oversight and Government Re-
5 form of the House of Representatives.

1 **SEC. 5** ____ [Log 65430]. **REPLACEMENT OF MILITARY DECO-**
2 **RATIONS AT THE REQUEST OF RELATIVES OF**
3 **DECEASED MEMBERS OF THE ARMED**
4 **FORCES.**

5 Subsection (a) of section 1135 of title 10, United
6 States Code, is amended to read as follows:

7 “(a) **REPLACEMENT.**—(1) The Secretary concerned
8 shall replace, on a one-time basis, a military decoration
9 upon the request of—

10 “(A) the recipient of the military decoration;

11 “(B) the immediate next of kin of a deceased
12 recipient of a military decoration; or

13 “(C) a relative of a deceased recipient of a mili-
14 tary decoration who is related within the second or
15 third degree of consanguinity to the deceased recipi-
16 ent.

17 “(2) The replacement of a military decoration under
18 subparagraph (A) or (B) of paragraph (1) shall be pro-
19 vided without charge. The replacement of a military deco-
20 ration under subparagraph (C) of such paragraph shall
21 be provided at no cost to the Department of Defense.

22 “(3) The authority provided by this subsection is in
23 addition to any other authority available to the Secretary
24 concerned to replace a military decoration.”.

1 **SEC. 5** [Log 65626]. **EXPANSION OF UNITED STATES AIR**
2 **FORCE INSTITUTE OF TECHNOLOGY ENROLL-**
3 **MENT AUTHORITY TO INCLUDE CIVILIAN EM-**
4 **PLOYEES OF THE HOMELAND SECURITY IN-**
5 **DUSTRY.**

6 (a) DEFINITION.—Subsection (b) of section 9314a of
7 title 10, United States Code, is amended to read as fol-
8 lows:

9 “(b) COVERED PRIVATE SECTOR EMPLOYEE DE-
10 FINED.—(1) In this section, the term ‘covered private sec-
11 tor employee’ means—

12 “(A) an individual employed by a private firm
13 that is engaged in providing to the Department of
14 Defense significant and substantial defense-related
15 systems, products, or services; or

16 “(B) an individual employed by a private firm
17 in one of the critical infrastructure sectors identified
18 in Presidential Policy Directive 21 (Critical Infra-
19 structure Security and Resilience).

20 “(2) A covered private sector employee admitted for
21 instruction at the United States Air Force Institute of
22 Technology remains eligible for such instruction only so
23 long as the person remains employed by the same firm.”.

1 (b) USE OF DEFINED TERM.—Section 9314a of title
2 10, United States Code, is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (1)—

5 (i) by striking “defense industry em-
6 ployees described in subsection (b)” and
7 inserting “a covered private sector em-
8 ployee”; and

9 (ii) by striking “Any such defense in-
10 dustry employee” and inserting “A covered
11 private sector employee”; and

12 (B) in paragraph (2), by striking “defense
13 industry employees” and inserting “covered pri-
14 vate sector employees”; and

15 (C) in paragraph (3), by striking “defense
16 industry employee” both places it appears and
17 inserting “covered private sector employee”;

18 (2) in subsection (c)—

19 (A) by striking “Defense industry employ-
20 ees” and inserting “A covered private sector
21 employee”; and

22 (B) by striking “defense industry employ-
23 ees” and inserting “covered private sector em-
24 ployees”;

1 (3) in subsection (d)(1), by striking “defense
2 industry employees” and inserting “a covered pri-
3 vate sector employee”; and

4 (4) in subsection (f), by striking “defense in-
5 dustry employees” and inserting “covered private
6 sector employees”.

7 (c) OTHER CONFORMING AMENDMENTS.—Section
8 9314a of title 10, United States Code, is further amend-
9 ed—

10 (1) in subsection (a)(1), by striking “a defense
11 focused” and inserting “a defense-focused or home-
12 land security-focused”; and

13 (2) in subsection (d)—

14 (A) in paragraph (1), by inserting “or
15 homeland security” after “and defense”; and

16 (B) in paragraph (2), by inserting before
17 the period at the end the following: “or the De-
18 partment of Homeland Security, as applicable”.

19 (d) CLERICAL AMENDMENTS.—

20 (1) SECTION HEADING.—The heading of section
21 9314a of title 10, United States Code, is amended
22 to read as follows:

1 **“§ 9314a. United States Air Force Institute of Tech-**
2 **nology: admission of certain private sec-**
3 **tor civilians”.**

4 (2) TABLE OF SECTIONS.—The table of sections
5 at the beginning of chapter 901 of title 10, United
6 States Code, is amended by striking the item relat-
7 ing to section 9314a and inserting the following new
8 item:

“9314a. United States Air Force Institute of Technology: admission of certain
private sector civilians.”.

1 **SEC. 611 [Log 64941]. ONE-YEAR EXTENSION OF CERTAIN**
2 **BONUS AND SPECIAL PAY AUTHORITIES FOR**
3 **RESERVE FORCES.**

4 The following sections of title 37, United States
5 Code, are amended by striking “December 31, 2017” and
6 inserting “December 31, 2018”:

7 (1) Section 308b(g), relating to Selected Re-
8 serve reenlistment bonus.

9 (2) Section 308c(i), relating to Selected Reserve
10 affiliation or enlistment bonus.

11 (3) Section 308d(c), relating to special pay for
12 enlisted members assigned to certain high-priority
13 units.

14 (4) Section 308g(f)(2), relating to Ready Re-
15 serve enlistment bonus for persons without prior
16 service.

17 (5) Section 308h(e), relating to Ready Reserve
18 enlistment and reenlistment bonus for persons with
19 prior service.

20 (6) Section 308i(f), relating to Selected Reserve
21 enlistment and reenlistment bonus for persons with
22 prior service.

1 (7) Section 478a(e), relating to reimbursement
2 of travel expenses for inactive-duty training outside
3 of normal commuting distance.

4 (8) Section 910(g), relating to income replace-
5 ment payments for reserve component members ex-
6 periencing extended and frequent mobilization for
7 active duty service.

1 **SEC. 612 [Log 64942]. ONE-YEAR EXTENSION OF CERTAIN**
2 **BONUS AND SPECIAL PAY AUTHORITIES FOR**
3 **HEALTH CARE PROFESSIONALS.**

4 (a) TITLE 10 AUTHORITIES.—The following sections
5 of title 10, United States Code, are amended by striking
6 “December 31, 2017” and inserting “December 31,
7 2018”:

8 (1) Section 2130a(a)(1), relating to nurse offi-
9 cer candidate accession program.

10 (2) Section 16302(d), relating to repayment of
11 education loans for certain health professionals who
12 serve in the Selected Reserve.

13 (b) TITLE 37 AUTHORITIES.—The following sections
14 of title 37, United States Code, are amended by striking
15 “December 31, 2017” and inserting “December 31,
16 2018”:

17 (1) Section 302c-1(f), relating to accession and
18 retention bonuses for psychologists.

19 (2) Section 302d(a)(1), relating to accession
20 bonus for registered nurses.

21 (3) Section 302e(a)(1), relating to incentive
22 special pay for nurse anesthetists.

1 (4) Section 302g(e), relating to special pay for
2 Selected Reserve health professionals in critically
3 short wartime specialties.

4 (5) Section 302h(a)(1), relating to accession
5 bonus for dental officers.

6 (6) Section 302j(a), relating to accession bonus
7 for pharmacy officers.

8 (7) Section 302k(f), relating to accession bonus
9 for medical officers in critically short wartime spe-
10 cialties.

11 (8) Section 302l(g), relating to accession bonus
12 for dental specialist officers in critically short war-
13 time specialties.

1 **SEC. 613 [Log 64943]. ONE-YEAR EXTENSION OF SPECIAL**
2 **PAY AND BONUS AUTHORITIES FOR NUCLEAR**
3 **OFFICERS.**

4 The following sections of title 37, United States
5 Code, are amended by striking “December 31, 2017” and
6 inserting “December 31, 2018”:

7 (1) Section 312(f), relating to special pay for
8 nuclear-qualified officers extending period of active
9 service.

10 (2) Section 312b(c), relating to nuclear career
11 accession bonus.

12 (3) Section 312c(d), relating to nuclear career
13 annual incentive bonus.

1 **SEC. 614 [Log 64949]. ONE-YEAR EXTENSION OF AUTHORI-**
2 **TIES RELATING TO TITLE 37 CONSOLIDATED**
3 **SPECIAL PAY, INCENTIVE PAY, AND BONUS**
4 **AUTHORITIES.**

5 The following sections of title 37, United States
6 Code, are amended by striking “December 31, 2017” and
7 inserting “December 31, 2018”:

8 (1) Section 331(h), relating to general bonus
9 authority for enlisted members.

10 (2) Section 332(g), relating to general bonus
11 authority for officers.

12 (3) Section 333(i), relating to special bonus and
13 incentive pay authorities for nuclear officers.

14 (4) Section 334(i), relating to special aviation
15 incentive pay and bonus authorities for officers.

16 (5) Section 335(k), relating to special bonus
17 and incentive pay authorities for officers in health
18 professions.

19 (6) Section 336(g), relating to contracting
20 bonus for cadets and midshipmen enrolled in the
21 Senior Reserve Officers’ Training Corps.

22 (7) Section 351(h), relating to hazardous duty
23 pay.

1 (8) Section 352(g), relating to assignment pay
2 or special duty pay.

3 (9) Section 353(i), relating to skill incentive
4 pay or proficiency bonus.

5 (10) Section 355(h), relating to retention incen-
6 tives for members qualified in critical military skills
7 or assigned to high priority units.

1 **SEC. 615 [Log 64950]. ONE-YEAR EXTENSION OF AUTHORI-**
2 **TIES RELATING TO PAYMENT OF OTHER**
3 **TITLE 37 BONUSES AND SPECIAL PAYS.**

4 The following sections of title 37, United States
5 Code, are amended by striking “December 31, 2017” and
6 inserting “December 31, 2018”:

7 (1) Section 301b(a), relating to aviation officer
8 retention bonus.

9 (2) Section 307a(g), relating to assignment in-
10 centive pay.

11 (3) Section 308(g), relating to reenlistment
12 bonus for active members.

13 (4) Section 309(e), relating to enlistment
14 bonus.

15 (5) Section 316a(g), relating to incentive pay
16 for members of precommissioning programs pur-
17 suing foreign language proficiency.

18 (6) Section 324(g), relating to accession bonus
19 for new officers in critical skills.

20 (7) Section 326(g), relating to incentive bonus
21 for conversion to military occupational specialty to
22 ease personnel shortage.

23 (8) Section 327(h), relating to incentive bonus
24 for transfer between Armed Forces.

- 1 (9) Section 330(f), relating to accession bonus
- 2 for officer candidates.

1 **SEC. 6** ____ [Log 65183]. **INCREASE IN MAXIMUM AMOUNT OF**
2 **AVIATION BONUS FOR 12-MONTH PERIOD OF**
3 **OBLIGATED SERVICE.**

4 Section 334(c)(1)(B) of title 37, United States Code,
5 is amended by striking “\$35,000” and inserting
6 “\$50,000”.

1 **SEC. 6** ____ **[log 65761]. TECHNICAL AND CLERICAL AMEND-**
2 **MENTS RELATING TO 2008 CONSOLIDATION**
3 **OF CERTAIN SPECIAL PAY AUTHORITIES.**

4 (a) **REPAYMENT PROVISIONS.—**

5 (1) **TITLE 10.**—Section 510(i), subsections
6 (a)(3) and (c) of section 2005, paragraphs (1) and
7 (2) of section 2007(e), section 2105, section
8 2123(e)(1)(C), section 2128(c), section 2130a(d),
9 section 2171(g), section 2173(g)(2), paragraphs (1)
10 and (2) of section 2200a(e), section 4348(f), section
11 6959(f), section 9348(f), subsections (a)(2) and (b)
12 of section 16135, section 16203(a)(1)(B), section
13 16301(h), section 16303(d), and the matter pre-
14 ceding subparagraph (A) of paragraph (1) and the
15 matter preceding subparagraph (A) of paragraph (2)
16 of section 16401(f) of title 10, United States Code,
17 are each amended by inserting “or 373” before “of
18 title 37”.

19 (2) **TITLE 14.**—Section 182(g) of title 14,
20 United States Code, is amended by inserting “or
21 373” before “of title 37”.

22 (b) **OFFICERS APPOINTED PURSUANT TO AN AGREE-**
23 **MENT UNDER SECTION 329 OF TITLE 37.**—Section 641

1 of title 10, United States Code, is amended by striking
2 paragraph (6).

3 (c) REENLISTMENT LEAVE.—The matter preceding
4 paragraph (1) of section 703(b) of title 10, United States
5 Code, is amended by inserting “or paragraph (1) or (3)
6 of section 351(a)” after “section 310(a)(2)”.

7 (d) REST AND RECUPERATION ABSENCE: QUALIFIED
8 MEMBERS EXTENDING DUTY AT A DESIGNATED LOCA-
9 TION OVERSEAS.—The matter following paragraph (4) of
10 section 705(a) of title 10, United States Code, is amended
11 by inserting “or 352” after “section 314”.

12 (e) REST AND RECUPERATION ABSENCE: CERTAIN
13 MEMBERS UNDERGOING EXTENDED DEPLOYMENT TO A
14 COMBAT ZONE.—Section 705a(b)(1)(B) of title 10,
15 United States Code, is amended by inserting or “352(a)”
16 after “section 305”.

17 (f) MILITARY PAY AND ALLOWANCES CONTINUANCE
18 WHILE IN A MISSING STATUS.—Section 552(a)(2) of title
19 37, United States Code, is amended by inserting “or para-
20 graph (2) of section 351(a)” after “section 301”.

21 (g) MILITARY PAY AND ALLOWANCES.—Section
22 907(d) of title 37, United States Code, is amended—

23 (1) in paragraph (1)—

24 (A) in subparagraph (A), by inserting “or
25 351” after “section 301”;

1 (B) in subparagraph (B), by inserting “or
2 352” after “section 301c”;

3 (C) in subparagraph (C), by inserting “or
4 353(a)” after “section 304”;

5 (D) in subparagraph (D), by inserting “or
6 352” after “section 305”;

7 (E) in subparagraph (E), by inserting “or
8 352” after “section 305a”;

9 (F) in subparagraph (F), by inserting “or
10 352” after “section 305b”;

11 (G) in subparagraph (G), by inserting “or
12 352” after “section 307a”;

13 (H) in subparagraph (I), by inserting “or
14 352” after “section 314”;

15 (I) in subparagraph (J), by striking “316”
16 and inserting “353(b)”; and

17 (J) in subparagraph (K), by striking
18 “323” and inserting “355”; and

19 (2) in paragraph (2)—

20 (A) in subparagraph (A), by inserting “or
21 352” after “section 307”;

22 (B) in subparagraph (B), by striking
23 “308” and inserting “331”;

24 (C) in subparagraph (C), by striking
25 “309” and inserting “331”; and

1 (D) in subparagraph (D), by inserting “or
2 353” after “section 320”.

3 (h) PAY AND ALLOWANCES.—Section 208(a)(2) of
4 the Public Health Service Act (42 U.S.C. 210(a)(2)) is
5 amended by inserting “or 373” after “303a(b)”.

1 **SEC. 6** ____ [Log 65250]. **LAND CONVEYANCE AUTHORITY,**
2 **ARMY AND AIR FORCE EXCHANGE SERVICE**
3 **PROPERTY, DALLAS, TEXAS.**

4 (a) CONVEYANCE AUTHORIZED.—The Army and Air
5 Force Exchange Service may convey, by sale, exchange,
6 or a combination thereof, all right, title, and interest of
7 the United States in and to a parcel of real property, in-
8 cluding improvements thereon, that is located at 8901
9 Autobahn Drive in Dallas, Texas, and was purchased
10 using nonappropriated funds of the Army and Air Force
11 Exchange Service.

12 (b) CONSIDERATION.—

13 (1) IN GENERAL.—Consideration for the real
14 property conveyed under subsection (a) shall be at
15 least equal to the fair market value of the property,
16 as determined by the Army and Air Force Exchange
17 Service.

18 (2) TREATMENT OF CASH CONSIDERATION.—
19 Any cash consideration received from the conveyance
20 of the property under subsection (a) may be retained
21 by the Army and Air Force Exchange Service since
22 the property was acquired using nonappropriated
23 funds.

1 (c) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the real property to be conveyed
3 under subsection (a) shall be determined by a survey satis-
4 factory to the Army and Air Force Exchange Service. The
5 recipient of the property shall be required to cover the cost
6 of the survey.

7 (d) ADDITIONAL TERMS AND CONDITIONS.—The
8 Army and Air Force Exchange Service may require such
9 additional terms and conditions in connection with the
10 conveyance under subsection (a) as the Army and Air
11 Force Exchange Service considers appropriate to protect
12 the interests of the United States.

1 **SEC. 7____.[Log 64983] MAINTENANCE OF INPATIENT CAPA-**
2 **BILITIES OF MILITARY MEDICAL TREATMENT**
3 **FACILITIES LOCATED OUTSIDE THE UNITED**
4 **STATES.**

5 In carrying out section 1073d of title 10, United
6 States Code, the Secretary of Defense shall ensure that
7 each military medical treatment facility located outside the
8 United States maintains, at a minimum, the inpatient ca-
9 pabilities of such facility as of September 30, 2016.

1 **SEC. 7** ____ .**[Log 64984] CLARIFICATION OF ROLES OF COM-**
2 **MANDERS OF MILITARY MEDICAL TREAT-**
3 **MENT FACILITIES AND SURGEONS GENERAL.**

4 (a) **ROLE OF COMMANDERS.**—Section 1073c(a)(2) of
5 title 10, United States Code, is amended—

6 (1) by redesignating subparagraphs (A) and
7 (B) as subparagraphs (B) and (C), respectively; and

8 (2) by inserting before subparagraph (B) the
9 following new subparagraph (A):

10 “(A) the operation of such facility;”.

11 (b) **ROLE OF SURGEONS GENERAL.**—

12 (1) **SURGEON GENERAL OF THE ARMY.**—Sec-
13 tion 3036(f) of title 10, United States Code, is
14 amended by adding at the end the following new
15 paragraph:

16 “(4)(A) The Surgeon General is responsible—

17 “(i) for the medical readiness provided by the
18 military medical treatment facilities of the Army;
19 and

20 “(ii) for maintaining a ready medical force of
21 the Army.

22 “(B) In carrying out subparagraph (A), the Surgeon
23 General shall provide operational oversight of readiness

1 matters of the military medical treatment facilities of the
2 Army.”.

3 (2) SURGEON GENERAL OF THE NAVY.—Section
4 5137(b) of title 10, United States Code, is amended
5 by adding at the end the following new paragraph:

6 “(4)(A) The Surgeon General is responsible—

7 (i) for the medical readiness provided by the
8 military medical treatment facilities of the Navy;
9 and

10 (ii) for maintaining a ready medical force of
11 the Navy.

12 “(B) In carrying out subparagraph (A), the Surgeon
13 General shall provide operational oversight of readiness
14 matters of the military medical treatment facilities of the
15 Navy.”.

16 (3) SURGEON GENERAL OF THE AIR FORCE.—
17 Section 8036(b) of title 10, United States Code, is
18 amended by adding at the end the following new
19 paragraph:

20 “(4)(A) The Surgeon General is responsible—

21 (i) for the medical readiness provided by the
22 military medical treatment facilities of the Air
23 Force; and

24 (ii) for maintaining a ready medical force of
25 the Air Force.

1 “(B) In carrying out subparagraph (A), the Surgeon
2 General shall provide operational oversight of readiness
3 matters of the military medical treatment facilities of the
4 Air Force.”.

1 **SEC. 7 ____.** [Log 65219] **PHYSICAL EXAMINATIONS FOR MEM-**
2 **BERS OF A RESERVE COMPONENT WHO ARE**
3 **SEPARATING FROM THE ARMED FORCES.**

4 Section 1145 of title 10, United States Code, is
5 amended—

6 (1) by redesignating subsections (d) and (e) as
7 subsections (e) and (f), respectively; and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection (d):

10 “(d) **PHYSICAL EXAMINATIONS FOR CERTAIN MEM-**
11 **BERS OF A RESERVE COMPONENT.**—(1) The Secretary
12 concerned shall provide a physical examination pursuant
13 to subsection (a)(5) to each member of a reserve compo-
14 nent who—

15 “(A) during the two-year period before the date
16 on which the member is scheduled to be separated
17 from the armed force served on active duty in sup-
18 port of a contingency operation for a period of more
19 than 30 days;

20 “(B) will not otherwise receive such an exam-
21 ination under such subsection; and

22 “(C) elects to receive such a physical examina-
23 tion.

24 “(2) The Secretary concerned shall—

1 “(A) provide the physical examination under
2 paragraph (1) to a member during the 90-day period
3 before the date on which the member is scheduled to
4 be separated from the armed forces; and

5 “(B) issue orders to such a member to receive
6 such physical examination.

7 “(3) A member may not be entitled to health care
8 benefits pursuant to subsection (a), (b), or (c) solely by
9 reason of being provided a physical examination under
10 paragraph (1).

11 “(4) In providing to a member a physical examination
12 under paragraph (1), the Secretary concerned shall pro-
13 vide to the member a record of the physical examination.”.

1 **SEC. 1431 [log 65393]. AUTHORITY FOR TRANSFER OF**
2 **FUNDS TO JOINT DEPARTMENT OF DEFENSE-**
3 **DEPARTMENT OF VETERANS AFFAIRS MED-**
4 **ICAL FACILITY DEMONSTRATION FUND FOR**
5 **CAPTAIN JAMES A. LOVELL HEALTH CARE**
6 **CENTER, ILLINOIS.**

7 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
8 funds authorized to be appropriated by section 1405 and
9 available for the Defense Health Program for operation
10 and maintenance, \$115,500,000 may be transferred by the
11 Secretary of Defense to the Joint Department of Defense—
12 Department of Veterans Affairs Medical Facility Dem-
13 onstration Fund established by subsection (a)(1) of sec-
14 tion 1704 of the National Defense Authorization Act for
15 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
16 For purposes of subsection (a)(2) of such section 1704,
17 any funds so transferred shall be treated as amounts au-
18 thorized and appropriated specifically for the purpose of
19 such a transfer.

20 (b) **USE OF TRANSFERRED FUNDS.**—For the pur-
21 poses of subsection (b) of such section 1704, facility oper-
22 ations for which funds transferred under subsection (a)
23 may be used are operations of the Captain James A.
24 Lovell Federal Health Care Center, consisting of the

1 North Chicago Veterans Affairs Medical Center, the Navy
2 Ambulatory Care Center, and supporting facilities des-
3 ignated as a combined Federal medical facility under an
4 operational agreement covered by section 706 of the Dun-
5 can Hunter National Defense Authorization Act for Fiscal
6 Year 2009 (Public Law 110–417; 122 Stat. 4500).

1 **SEC. 1432 [log 65394]. AUTHORIZATION OF APPROPRIA-**
2 **TIONS FOR ARMED FORCES RETIREMENT**
3 **HOME.**

4 There is hereby authorized to be appropriated for fis-
5 cal year 2018 from the Armed Forces Retirement Home
6 Trust Fund the sum of \$64,300,000 for the operation of
7 the Armed Forces Retirement Home.

DIRECTIVE REPORT LANGUAGE

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ITEMS OF SPECIAL INTEREST

Digital Transformation of the Recruiting Process

The committee understands that the Department of Defense and the military departments are working to improve and modernize the military recruiting process. However, the committee is aware that additional modernization is required to optimize recruiting and entrance processing. Therefore, the committee directs the Secretary of Defense, in consultation with the military services, to provide a briefing to the Committee on Armed Services of the House of Representatives no later than April 1, 2018, on the plan to modernize military recruiting and entrance processing. The briefing shall include:

- (1) how the enlistment and commissioning workflow process can be modernized to improve workflow by minimizing paperwork and maximizing paperless transactions;
- (2) how the military services measure effectiveness and return on investment for recruiting and advertising; and
- (3) how the military services are using data analytics to improve recruiting.

GI Bill Benefit Review

The committee recognizes the substantial benefit the Post 9-11 GI Bill provides service members to further their or their dependent's education. Due to the length of service requirements to earn the benefit or transfer the benefit to a dependent, many service members have experienced difficulty understanding how much of the benefit they have earned. The committee is aware that service members, both Active Duty and in the Reserve Components, have had to reimburse the government for unauthorized use of the benefit due to not meeting the length of service requirements. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by November 30, 2017, on whether providing service members information on their remaining entitlement upon discharge from service would be feasible and appropriate. The committee believes relevant information would include the amount of the Post 9-11 GI Bill benefit each service member has earned prior to separation, retirement or release from military service, including whether or not they have completed any additional service obligation for transferring the benefit to a dependent.

Military Child Custody Protections

The committee remains concerned that service members are not receiving necessary information related to State child custody laws governing their dependents. While the Secretaries of the military departments are currently required to provide notice of child custody protections under the Servicemembers Civil Relief Act, the military departments do not have uniform requirements to provide information on State child custody laws. Therefore, the committee directs the Secretary of Defense, in consultation with the Secretaries of the military departments, to provide a briefing to the Committee on Armed Services of the House of Representatives not later than March 1, 2018, on the information and resources currently provided to service members regarding State child custody laws. The briefing shall include an analysis of how best to standardize the dissemination of this information to all affected service members, as well as an analysis of when, and how often, the information should be provided to these service members.

Pilot Shortage Assessment

The committee recognizes that the services are having difficulty addressing shortfalls in critical career fields that are vital for the readiness of our Armed Forces, specifically in the pilot career field. The committee is concerned about the Air Force's retention and recruitment issues within the fighter pilot community. The committee notes that the Air Force provided written testimony to the committee on February 7, 2017, stating that the Air Force was short 723 fighter pilots below requirement and 1,555 pilots short across all mission areas.

Therefore, the committee encourages the Secretary of the Air Force to evaluate all options for improving the recruitment and retention of Air Force pilots. As part of such an assessment, the committee directs the Secretary of the Air Force to provide a briefing to the Committee on Armed Services of the House of Representatives by December 1, 2017, on the extent to which moving pilot or other aviation billets to the Active Guard and Reserve Components would address these shortages.

Pre-Command Audit Training Course

The committee believes that good financial management and auditability are important responsibilities of military leaders at all levels and is concerned that responsible officers receive inadequate training on these matters in the course of their careers. Therefore, the committee directs the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2018, on the current programs of education used to train those officers assuming a command billet or a billet directly responsible for financial management on their responsibilities regarding financial management and auditability.

Additionally, the committee directs the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by June 1, 2018, that provides an assessment of the programs identified in the Secretary's report. The report of the Comptroller General shall also include an overview of current law and the Department of Defense's financial management and audit efforts to be in compliance with statutory guidance, as well as general financial management training requirements for command billets or billets requiring management of Department of Defense funds.

Review of Resourcing of Trial Defense Services

The committee is aware of the integral role that an independent and adequately resourced military trial defense service plays in the military justice system. Accordingly, the committee directs the Secretary of Defense, in coordination with the Secretaries of the military departments, to conduct a review of the trial defense services resourcing, and to provide a briefing to the Committee on Armed Services of the House of Representatives not later than April 1, 2018. The review will include:

(1) whether military defense counsel require independent investigators in order to adequately defend their clients, and the costs associated with providing such investigators;

(2) whether trial defense offices are adequately resourced with personnel and equipment;

(3) the feasibility and advisability of providing independent funding and approval authority to trial defense services for expert witnesses; and

(4) the programs in place to ensure that lead defense counsel in complex cases, such as murder and sexual assault, have the appropriate experience and training required to effectively defend their clients.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

ITEMS OF SPECIAL INTEREST

Morale, Welfare, and Recreation Assessment

The committee recognizes that the continued support for service members and families is vital to their quality of life as operational requirements and budgetary pressures continue unabated. The committee is concerned that the military services have not complied with established Department of Defense policy to ensure appropriate financial support of family, welfare, and recreational programs for the past several years, particularly for programs within Category B, which relies on both appropriated and nonappropriated funding.

The committee recognizes that all programs, including Morale, Welfare, and Recreation (MWR) programs, need to be constantly reviewed to ensure that

they are necessary, effective, and cost efficient. Therefore, the committee directs the Comptroller General of the United States to conduct a review of the Department of Defense's MWR programs by category to assess the Department's current Category A, B, and C appropriated and nonappropriated funding policies and priorities. The review should include a baseline assessment of the programs; the budgeting, funding, and accounting processes used by the services; an analysis and assessment of the review process by which services ensure that programs continue to be effective and cost-effective; and whether the organizational structure of the services are adequate to provide the appropriate oversight of these important programs. The committee further directs the Comptroller General to submit a report to the House Committee on Armed Services not later than April 1, 2018, on the results of the assessment.

Review of Department of Defense Debt Collection Practices

The committee notes that the Department of Defense operates a debt collection process to recoup erroneous payments. While debt collection is sometimes necessary, the committee is concerned that some Department of Defense debt collection practices may place an undue burden on service members and their families. The committee therefore directs the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than June 1, 2018, on debt collection procedures of the Department of Defense. The report shall include an analysis of the following:

- (1) policies of the Department that govern such overpayments and debt collection actions, including the extent to which such policies ensure uniform enforcement and due process for members of the Armed Forces;
- (2) the extent to which the Department has processes or controls in place to ensure compliance with applicable laws related to debt collection;
- (3) means by which the Department may be flexible in the enforcement of debt collection practices regarding members of the Armed Forces, including the ability to grant debt forgiveness or provide other forms of debt relief;
- (4) how the Department reports such overpayments and related debt collection actions to credit rating agencies, including whether and how such agencies distinguish between types of delinquency; and
- (5) policies and procedures of the Department that allow members of the Armed Forces to challenge alleged overpayments or debt collection actions by the Department before the Department reports such overpayments or actions to credit rating agencies.

TITLE VII—HEALTH CARE PROVISIONS

ITEMS OF SPECIAL INTEREST

Post-Traumatic Stress Disorder

The committee acknowledges the efforts of the Department of Defense and the military services to diagnose and treat military members suffering from post-traumatic stress disorder (PTSD). Despite the progress that has been made, the committee believes that more needs to be done to ensure service members seek and receive the treatment they deserve. The committee continues to believe PTSD is underreported and underdiagnosed, leading to unnecessary suffering and some service members receiving other than honorable discharges that are unwarranted. The committee wishes to stay informed of the Department's progress in addressing these concerns and directs the Secretary of Defense to provide a briefing to the Committee on Armed Services of the House of Representatives not later than December 1, 2017, on the extent to which service members are seeking PTSD treatment; steps the military services are taking to eliminate the stigma sometimes associated with seeking treatment; and efforts by the military services to ensure commanders carefully weigh a diagnosis of PTSD when adjudicating involuntary separations.

Post-Traumatic Stress Disorder and Traumatic Brain Injury Research Initiatives

The committee notes that the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury collaborate with a wide variety of research institutions, both military and civilian, to better understand the impacts and improve treatment for post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). The committee encourages the Secretary of Defense to continue to explore complementary and integrative PTSD therapies that benefit patients, such as art or music therapy, and to pursue research into appropriate therapy drugs that are under development. With regard to TBI, the committee is heartened by the creation of the Center for Neuroscience and Regenerative Medicine Brain Tissue Repository that will allow service members to donate their brain for research after death, but is concerned by the Department's slow pace in publicizing the effort and the process involved. Therefore, the committee directs the Secretary of Defense to provide a briefing to the Committee on Armed Services of the House of Representatives by June 1, 2018, on his plan for informing service members about the Brain Tissue Repository, donor qualifications, and the donation process.

TRICARE Pharmacy Pilot Program

The committee notes that section 743 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) authorizes the

Secretary of Defense to conduct a pilot program to evaluate whether extending additional discounts for prescription drugs filled at retail pharmacies will maintain or reduce cost for the Department of Defense. This pilot gives the Secretary of Defense the authority to implement a pilot program that would test prescription drug acquisition cost parity in the TRICARE pharmacy program.

The committee believes there is merit in executing the pilot program in order to determine if TRICARE pharmacy costs to the Department can be reduced through decreased acquisition costs, lower administrative fees, and competition, while restoring beneficiary access to brand-name maintenance prescription drugs at all dispensing retail pharmacies. Therefore, the committee encourages the Secretary to promptly utilize the authority granted under section 743 and implement the pilot program. In the event the Secretary declines to conduct the pilot, the committee directs the Secretary to provide a briefing to the House Committee on Armed Services by September 15, 2017, on the analytical basis for that decision.