

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

Military Personnel En Bloc #3		
Log #	Sponsor	Description
146r1	Speier	Ensures that service members are informed of their right to Special Victims' Counsel before being questioned regarding a sexual assault report.
149	Speier	Directs the preparation of the full record of trial in all special and general courts-martial.
154	Speier	Provides victims of crime access to the Article 32 report related to that crime.
155r1	Speier	Directs the Secretary of each military department to submit, as part of their annual report on sexual assaults, information on sexual harassment, sexual assault in domestic violence cases, and retaliation against service member who report a sexual assault.
158r1	Speier	Directs the Secretary of Defense to ensure that military criminal investigative organizations maintain case files for sexual offenses for a minimum of fifty years, in accordance with other sexual assault record retention requirements.
166	Sanchez	Ensure that members and dependents are provided continuity of services if treatments for infertility are disrupted, including a change of duty station.
173	Turner	Requires a Department of Defense and interagency review process for implementing statutory changes to the Uniform Code of Military Justice, for the purpose of streamlining the process.
175	Turner	Requires the Secretary of Defense to establish uniform guidance that ensures mental-health records of an alleged victim of a sex-related offense are not released by a medical treatment facility without an order from a military judge or hearing officer.
194r2	Walz	Directs the GAO to study gambling and problem gambling in the Armed Forces
199r1	Walz	Requires the Secretary of Defense to develop a policy to coordinate the efforts of the Department of Defense and non-government suicide prevention organizations regarding the use of such non-government organizations to reduce the number of suicide among service members.
200	Walz	The congressional-mandated study related to commissaries, due September 1, 2015, will provide answers to many of Congress' questions about proposed changes and their impacts on the commissaries, exchanges and their patrons. Current funding remains until report is received.

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AMENDMENT TO H.R. 1735

OFFERED BY MS. SPEIER OF CALIFORNIA + Ms. Tsongas of MA

National Defense Authorization Act for Fiscal Year 2016

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

1 SEC. 5 ____. TIMELY NOTIFICATION TO VICTIMS OF SEX-RE-
2 LATED OFFENSES OF THE AVAILABILITY OF
3 ASSISTANCE FROM SPECIAL VICTIMS' COUN-
4 SEL.

5 Section 1044e(f)(1) of title 10, United States Code,
6 is amended by adding at the end the following new sen-
7 tence: "Notice of the availability of a Special Victims'
8 Counsel shall be provided to the victim before any of the
9 personnel identified or designated by the Secretary con-
10 cerned under this paragraph interviews, or requests any
11 statement from, the victim regarding the alleged sex-re-
12 lated offense."



AMENDMENT TO H.R. 1735
OFFERED BY MS. SPEIER OF CALIFORNIA

National Defense Authorization Act for Fiscal Year 2016

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

1 SEC. 5. MODIFICATION OF MANUAL FOR COURTS-MAR-
2 TIAL TO REQUIRE CONSISTENT PREPARA-
3 TION OF THE FULL RECORD OF TRIAL.

4 Not later than 180 days after the date of the enact-
5 ment of this Act, Rule 1103 of the Manual for Courts-
6 Martial (relating to preparation of the record of trial) shall
7 be amended to ensure that, for any general or special
8 court-martial proceeding under chapter 47 of title 10,
9 United States Code (the Uniform Code of Military Jus-
10 tice), trial counsel shall prepare a complete record of trial,
11 consisting of each available content item, matter, or at-
12 tachment specified in the Rule. No content item, matter,
13 or attachment may be exempted based on the outcome of
14 the court-martial proceeding.



AMENDMENT TO H.R. 1735

OFFERED BY MS. SPEIER OF CALIFORNIA

National Defense Authorization Act for Fiscal Year 2016

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

1 SEC. 5 ____. VICTIM ACCESS TO REPORT OF RESULTS OF
2 PRELIMINARY HEARING UNDER ARTICLE 32
3 OF THE UNIFORM CODE OF MILITARY JUSTICE.
4 TICE.

5 Section 832(c) of title 10, United States Code (article
6 32(c) of the Uniform Code of Military Justice), is amend-
7 ed—

8 (1) by inserting “(1)” after “REPORT OF RE-
9 SULTS.—”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) The report prepared under paragraph (1) shall
13 be provided to the victim, without charge, at the same time
14 as the report is delivered to the accused.”.



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AMENDMENT TO H.R. 1735
OFFERED BY MS. SPEIER OF CALIFORNIA

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

1 **SEC. 5___ . INCLUSION OF ADDITIONAL INFORMATION IN**
2 **ANNUAL REPORTS REGARDING DEPARTMENT**
3 **OF DEFENSE SEXUAL ASSAULT PREVENTION**
4 **AND RESPONSE.**

5 (a) **ROLE OF DEPARTMENT OF DEFENSE FAMILY**
6 **ADVOCACY PROGRAM.**—Section 1631(b) of the Ike Skel-
7 ton National Defense Authorization Act for Fiscal Year
8 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is
9 amended—

10 (1) in paragraph (1), by inserting after “by the
11 report,” the following: “including all cases under the
12 purview of the Department of Defense Family Advo-
13 cacy Program pursuant to section 1058 of title 10,
14 United States Code,”;

15 (2) in paragraph (2), by inserting after “by the
16 report,” the following: “including all cases under the
17 purview of the Department of Defense Family Advo-
18 cacy Program pursuant to such section 1058,”; and

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1 (3) in paragraph (3), by inserting after “sub-
2 substantiated case,” the following: “including each case
3 under the purview of the Department of Defense
4 Family Advocacy Program pursuant to such section
5 1058.”.

6 (b) INCLUSION OF INFORMATION REGARDING SEX-
7 UAL HARASSMENT INVOLVING MEMBERS OF THE ARMED
8 FORCES.—

9 (1) IN GENERAL.—Section 1631(b) of the Ike
10 Skelton National Defense Authorization Act for Fis-
11 cal Year 2011 (Public Law 111–383; 10 U.S.C.
12 1561 note) is amended by adding at the end the fol-
13 lowing new paragraph:

14 “(12) Information and data collected on sexual
15 harassment involving members of the Armed Forces
16 during the year covered by the report. The informa-
17 tion shall include the number of substantiated and
18 unsubstantiated cases, a synopsis of each such sub-
19 substantiated case, and the action taken in each sub-
20 substantiated case, including the type of disciplinary or
21 administrative sanction imposed, if any, such as con-
22 viction and sentence by court-martial, imposition of
23 non-judicial punishment under section 815 of title
24 10, United States Code (article 15 of the Uniform

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1 Code of Military Justice), or administrative separa-
2 tion or other type administrative action imposed.”.

3 (2) SECRETARY OF DEFENSE ASSESSMENT OF
4 INFORMATION IN REPORTS TO CONGRESS.—Section
5 1631(d)(2) of the Ike Skelton National Defense Au-
6 thorization Act for Fiscal Year 2011 (Public Law
7 111–383; 10 U.S.C. 1561 note) is amended by strik-
8 ing “subsection (b)(11)” and inserting “paragraphs
9 (11) and (12) of subsection (b)”.

10 (c) RETALIATION AGAINST ALLEGED VICTIMS OF
11 SEXUAL ASSAULT.—Section 1631(b) of the Ike Skelton
12 National Defense Authorization Act for Fiscal Year 2011
13 (Public Law 111–383; 10 U.S.C. 1561 note) is amended
14 by inserting after paragraph (12), as added by subsection
15 (b), the following new paragraph:

16 “(13)(A) Information and data collected on re-
17 ports of retaliation against alleged victims of sexual
18 assault, including the number of substantiated and
19 unsubstantiated cases.

20 “(B) In this paragraph, the term ‘retaliation’
21 has the meaning given such term by the Secretary
22 of Defense as required by section 1709(b) of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2014 (Public Law 113–66; 127 Stat. 962; 10 U.S.C.
25 113 note).”.

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1 (d) APPLICATION OF AMENDMENTS.—The amend-
2 ments made by this section shall take effect on the date
3 of the enactment of this Act and apply beginning with the
4 reports required to be submitted by March 1, 2016, under
5 section 1631 of the Ike Skelton National Defense Author-
6 ization Act for Fiscal Year 2011 (Public Law 111–383;
7 10 U.S.C. 1561 note).



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AMENDMENT TO H.R. 1735

OFFERED BY MS. SPEIER OF CALIFORNIA

National Defense Authorization Act for Fiscal Year 2016

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

1 **SEC. 5__.** **RETENTION OF CASE NOTES IN INVESTIGA-**
2 **TIONS OF SEX-RELATED OFFENSES INVOLV-**
3 **ING MEMBERS OF THE ARMY, NAVY, AIR**
4 **FORCE, OR MARINE CORPS.**

5 (a) **RETENTION OF ALL INVESTIGATIVE RECORDS**
6 **REQUIRED.**—Not later than 180 days after the date of
7 the enactment of this Act, the Secretary of Defense shall
8 update Department of Defense records retention policies
9 to ensure that, for all investigations relating to an alleged
10 sex-related offense (as defined in section 1044e(g) of title
11 10, United States Code) involving a member of the Army,
12 Navy, Air Force, or Marine Corps, all elements of the case
13 file shall be retained as part of the investigative records
14 retained in accordance with section 3500 of title 18,
15 United States Code, and section 586 of the National De-
16 fense Authorization Act for Fiscal Year 2012 (Public Law
17 112–81; 10 U.S.C. 1561 note).

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1 (b) ELEMENTS.—In updating records retention poli-
2 cies as required by subsection (a), the Secretary of De-
3 fense shall address, at a minimum, the following matters:

4 (1) The elements of the case file to be retained
5 must include, at a minimum, the case activity
6 record, case review record, investigative plans, and
7 all case notes made by an investigating agent or
8 agents.

9 (2) All investigative records must be retained
10 for no less than 50 years.

11 (3) No element of the case file may be de-
12 stroyed until the expiration of the time that inves-
13 tigative records must be kept.

14 (4) Records may be stored digitally or in hard
15 copy, in accordance with existing law or regulations
16 or additionally prescribed policy considered nec-
17 essary by the Secretary of the military department
18 concerned.

19 (c) CONSISTENT EDUCATION AND POLICY.—The
20 Secretary of Defense shall ensure that existing policy, edu-
21 cation, and training are updated to reflect policy changes
22 in accordance with subsection (a).

23 (d) UNIFORM APPLICATION TO MILITARY DEPART-
24 MENTS.—The Secretary of Defense shall ensure that, to
25 the maximum extent practicable, the policy developed

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- 1 under subsections (a) is implemented uniformly by the
- 2 military departments.



AMENDMENT TO H.R. 1735
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

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

1 **SEC. 7___ . ACCESS TO INFERTILITY TREATMENT FOR MEM-**
2 **BERS OF THE ARMED FORCES AND DEPEND-**
3 **ENTS.**

4 (a) **ACCESS.**—Pursuant to the findings contained in
5 the report required by section 729 of the National Defense
6 Authorization Act for Fiscal Year 2015 (Public Law 113–
7 291), the Secretary of Defense, in coordination with the
8 Secretaries of the military departments, shall provide to
9 members of the Armed Forces and dependents of members
10 of the Armed Forces access to reproductive counseling and
11 treatments for infertility.

12 (b) **CONTINUITY OF SERVICES.**—In carrying out sub-
13 section (a), the Secretary shall ensure that members and
14 dependents are provided continuity of services as appro-
15 priate if treatments for infertility are disrupted, including
16 pursuant to a change of duty station.



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AMENDMENT TO H.R. 1735

OFFERED BY MR. TURNER OF OHIO, *Tsongas*

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

1 **SEC. 564. IMPROVED IMPLEMENTATION OF CHANGES TO**
2 **UNIFORM CODE OF MILITARY JUSTICE.**

3 The Secretary of Defense shall examine the Depart-
4 ment of Defense and interagency review process for imple-
5 menting statutory changes to the Uniform Code of Mili-
6 tary Justice for the purpose of developing options for
7 streamlining such process. The Secretary shall adopt pro-
8 cedures to ensure that legal guidance is published at the
9 same time as statutory changes to the Uniform Code of
10 Military Justice are implemented.



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

Tsongas

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

1 **SEC. 5___ . ADDITIONAL GUIDANCE REGARDING RELEASE**
2 **OF MENTAL HEALTH RECORDS OF DEPART-**
3 **MENT OF DEFENSE MEDICAL TREATMENT FA-**
4 **CILITIES IN CASES INVOLVING ANY SEX-RE-**
5 **LATED OFFENSE.**

6 The Secretary of Defense shall establish and issue
7 uniform guidance to ensure that, with respect to any case
8 involving any sex-related offense, mental health records of
9 the alleged victim of the sex-related offense and commu-
10 nications related to such mental health records that are
11 maintained by a Department of Defense medical treat-
12 ment facility are neither sought by investigators or mili-
13 tary justice practitioners nor acknowledged or released by
14 the medical treatment facility unless and until the produc-
15 tion of such mental health records or communications has
16 been ordered by a military judge or a hearing officer de-
17 scribed in section 832(b) of title 10, United States Code
18 (article 32 of the Uniform Code of Military Justice).



Amendment Offered by Mr. Walz**H.R. 1735—National Defense Authorization Act for Fiscal Year 2016**

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

United States Government Accountability Office Study on Gambling and
Problem Gambling in the Armed Forces

The committee recognizes that the Department of Defense does not currently have treatment programs for members with problem gambling behaviors, while it does operate treatment programs for alcohol abuse, illegal substance abuse, and tobacco addiction. The committee is aware that The Diagnostic and Statistical Manual of Mental Disorders (Fifth Edition, published in May 2013) includes gambling addiction as a behavioral addiction, which reflects research finding that gambling disorders are similar to substance-related disorders in clinical expression, brain origin, comorbidity, physiology, and treatment. Individuals with problem gambling behavior have higher incidences of bankruptcy, domestic abuse, and suicide. Moreover, people who engage in problem gambling have high rates of co-occurring substance abuse and mental health disorders.

The committee believes that an assessment of gambling problems and factors related to the development of such problems (including co-occurring disorders such as substance use, post-traumatic stress disorder, traumatic brain injury, stress, and sensation seeking), and the social, health, and financial impacts of gambling on members is needed by incorporating questions on problem gambling behavior into ongoing research efforts as appropriate, including restoring them into the Health Related Behaviors Survey of Active Duty Military Personnel.

Therefore, the committee directs the United States Government Accountability Office, not later than March 1, 2016, conduct and submit a study to the Senate Committee on Armed Services and the House Committee on Armed Services, on the number, type, and location of gambling installations (including bingo) operated by each military department, the total amount of cash flow through the gambling installations, the amount of revenue generated, and how the revenue is spent. The study shall include an assessment of the prevalence of problem gambling in the Armed Forces, including recommendations for military policy and programs to address such prevalence.

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

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

1 **SEC. 5___.** **FINDING AND QUALIFYING NON-GOVERNMENT**
2 **SUICIDE PREVENTION ORGANIZATIONS AND**
3 **AGENCIES TO ASSIST IN REDUCING SUI-**
4 **CIDES.**

5 (a) **POLICY REQUIRED.—**

6 (1) **IN GENERAL.—**The Secretary of Defense
7 shall develop a policy to coordinate the efforts of the
8 Department of Defense and non-government suicide
9 prevention organizations regarding—

10 (A) the use of such non-government orga-
11 nizations to reduce the number of suicides
12 among members of the Armed Forces by com-
13 prehensively addressing the needs of members
14 of the Armed Forces who have been identified
15 as being at risk of suicide;

16 (B) the delineation of the responsibilities
17 within the Department of Defense regarding
18 interaction with such organizations; and

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1 (C) the collection of data regarding the ef-
2 ficacy and cost of coordinating with such orga-
3 nizations; and

4 (D) the preparation and preservation of
5 any reporting material the Secretary determines
6 necessary to carry out this section.

7 (2) SELECTION OF ORGANIZATIONS.—The pol-
8 icy required by paragraph (1) shall include a policy
9 on the identification of appropriate non-government
10 organizations by the Secretary of Defense using fac-
11 tors developed by the Secretary. Such factors shall
12 include—

13 (A) the record of an organization in reduc-
14 ing suicide rates among participants in the pro-
15 grams carried out by the organization;

16 (B) the familiarity of an organization with
17 the structure, ethos, and environment of the
18 Armed Forces;

19 (C) the demonstrated experience of an or-
20 ganization in understanding and working with
21 injured and disabled members of the Armed
22 Forces, including those who were injured in
23 combat;

24 (D) the expertise of an organization in im-
25 proving the emotional well being, mental clarity,

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1 and ability to perform missions of program par-
2 ticipants; and

3 (E) the expertise of an organization in im-
4 proving the health and fitness of program par-
5 ticipants.

6 (3) AUTHORITY OF SECRETARY OF DEFENSE.—

7 The Secretary of Defense shall be authorized to take
8 any necessary measures to prevent suicides by mem-
9 bers of the Armed Forces, including by facilitating
10 the access of members of the Armed Forces to suc-
11 cessful non-governmental treatment regimen.

12 (4) CONSULTATION.—In developing the policy
13 under this subsection, the Secretary of Defense shall
14 consult with the Secretaries of each of the military
15 departments and the Chief of the National Guard
16 Bureau.

17 (b) SUBMISSION AND IMPLEMENTATION.—

18 (1) SUBMISSION.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the Committees on
21 Armed Services of the Senate and House of Rep-
22 resentatives a copy of the policy developed under this
23 section.

24 (2) DEADLINE FOR IMPLEMENTATION.—The
25 Secretary of Defense shall ensure that the policy de-

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1 veloped under this section is implemented by not
2 later than the date that is 180 days after the sub-
3 mission of the policy under paragraph (1).



AMENDMENT TO H.R. 1735

OFFERED BY MR. WALZ OF MINNESOTA

National Defense Authorization Act for Fiscal Year 2016

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

1 SEC. 6 ____. PROHIBITION ON REPLACEMENT OR CONSOLI-
2 DATION OF DEFENSE COMMISSARY AND EX-
3 CHANGE SYSTEMS PENDING SUBMISSION OF
4 REQUIRED REPORT ON DEFENSE COM-
5 MISSARY SYSTEM.

6 The Secretary of Defense shall take no action to re-
7 place or consolidate the defense commissary and exchange
8 systems, including through the establishment of a new de-
9 fense resale system, before submission of the report on the
10 defense commissary system required by section 634 of the
11 National Defense Authorization Act for Fiscal Year 2015
12 (Public Law 113–291).

