

En Bloc Amendments to H.R. 4909

April 27, 2016

Subcommittee on Military Personnel**En Bloc # 2**

Log #	Sponsor	Description
004r1	Aguilar	Implementation by the Services of the recommendations listed in the "Program to Assist Veterans to Acquire Commercial Driver's Licenses Report to Congress"
010r1	Cook	Creates pilot program to share the successes of three state programs in providing low cost and effective job placement services to members of the reserve component and veteran communities
66	Tsongas	Requires the SecDef to ensure that individuals investigating allegations of retaliation have specific training on the definition and characteristic of retaliation. Further requires specific training on retaliation against victims of sexual assault.
78	Sanchez	SOC: Recognition of the expanded service opportunities for women in the military and long service of women in the military
103r1	Speier	Directs the DOD-IG to publically release any reports of administrative investigations of substantiated misconduct involving O-6 promotable and above
177r1	Peters	Directs the Secretary of the Navy to review the circumstances that may have influenced the mutiny charges against and convictions of individuals court-martialed following the explosion at the Port Chicago (California) Naval Magazine in July of 1944
252	Turner	Requires a minimum confinement period for those members of the Armed Forces convicted of certain sex-related offenses
255	Turner	Sense of Congress on male victims of Military Sexual Trauma (MST). This provision encourages DoD's medical and mental health providers to be adequately trained to meet the needs of male survivors of military sexual trauma

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

Offered by Aguilar, Pete (CA-31)

In the appropriate place in the report to accompany H.R. 4909, insert the following new Directive Report Language:

Implementation by the Services of the recommendations listed in the “Program to Assist Veterans to Acquire Commercial Driver’s Licenses Report to Congress”

The committee notes that the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141) mandated the creation of a report from the Secretary of Transportation, in consultation with the Secretary of Defense, and in cooperation with the States, to study the regulatory, economic, and administrative challenges in obtaining Commercial Drivers Licenses by members and former members of the Armed Forces who received training and operated military Commercial Motor Vehicles safely during their service. The result was the Federal Motor Carrier Safety Administration’s (FMCSA) report “Program to Assist Veterans to Acquire Commercial Driver’s Licenses Report to Congress”. The committee is aware that while some of the recommendations have been partially implemented by particular Services, some of the Services have yet to take action on the proposed recommendations. Easing the transition to civilian employment for our service men and women should be a priority of the Department of Defense, especially when the skills and training gained while in the service are applicable to the civilian market. Accordingly, the committee directs the service secretaries to provide a briefing to the congressional defense committees, no later than February 1, 2017, regarding where the services currently are in their efforts to implement these recommendations and what their plans are to implement those that have not been completed fully.

AMENDMENT TO H.R. 4909
OFFERED BY MR. COOK OF CALIFORNIA

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

1 **SEC. 5__ . DIRECT EMPLOYMENT PILOT PROGRAM FOR**
2 **MEMBERS OF THE NATIONAL GUARD AND RE-**
3 **SERVE.**

4 (a) **PROGRAM AUTHORITY.**—The Secretary of De-
5 fense may carry out a pilot program to enhance the efforts
6 of the Department of Defense to provide job placement
7 assistance and related employment services directly to
8 members in the National Guard and Reserves.

9 (b) **ADMINISTRATION.**—The pilot program shall be
10 offered to, and administered by, the adjutants general ap-
11 pointed under section 314 of title 32, United States Code.

12 (c) **COST-SHARING REQUIREMENT.**—As a condition
13 on the provision of funds under this section to a State
14 to support the operation of the pilot program in the State,
15 the State must agree to contribute an amount, derived
16 from non-Federal sources, equal to at least 30 percent of
17 the funds provided by the Secretary of Defense under this
18 section.

1 (d) DIRECT EMPLOYMENT PROGRAM MODEL.—The
2 pilot program should follow a job placement program
3 model that focuses on working one-on-one with a member
4 of a reserve component to cost-effectively provide job
5 placement services, including services such as identifying
6 unemployed and under employed members, job matching
7 services, resume editing, interview preparation, and post-
8 employment follow up. Development of the pilot program
9 should be informed by State direct employment programs
10 for members of the reserve components, such as the pro-
11 grams conducted in California and South Carolina.

12 (e) EVALUATION.—The Secretary of Defense shall
13 develop outcome measurements to evaluate the success of
14 the pilot program.

15 (f) REPORTING REQUIREMENTS.—

16 (1) REPORT REQUIRED.—Not later than Janu-
17 ary 31, 2021, the Secretary of Defense shall submit
18 to the Committees on Armed Services of the Senate
19 and the House of Representatives a report describ-
20 ing the results of the pilot program. The Secretary
21 shall prepare the report in coordination with the
22 Chief of the National Guard Bureau.

23 (2) ELEMENTS OF REPORT.—A report under
24 paragraph (1) shall include the following:

1 (A) A description and assessment of the ef-
2 fectiveness and achievements of the pilot pro-
3 gram, including the number of members of the
4 reserve components hired and the cost-per-
5 placement of participating members.

6 (B) An assessment of the impact of the
7 pilot program and increased reserve component
8 employment levels on the readiness of members
9 of the reserve components.

10 (C) Any other matters considered appro-
11 priate by the Secretary.

12 (g) DURATION OF AUTHORITY.—

13 (1) IN GENERAL.—The authority to carry out
14 the pilot program expires September 30, 2019.

15 (2) EXTENSION.—Upon the expiration of the
16 authority under paragraph (1), the Secretary of De-
17 fense may extend the pilot program for not more
18 than two additional fiscal years.



AMENDMENT TO H.R. 4909
OFFERED BY Ms. TSONGAS OF MASSACHUSETTS

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

1 **SEC. 5__ . IMPROVED INVESTIGATION OF ALLEGATIONS**
2 **OF PROFESSIONAL RETALIATION.**

3 Section 1034(e)(4) of title 10, United States Code,
4 is amended by adding at the end the following new sub-
5 paragraph:

6 “(F) The Secretary concerned shall ensure that any
7 individual investigating an allegation as described in para-
8 graph (1) must have training in the definition and charac-
9 teristics of retaliation. In addition, if the investigation in-
10 volves alleged retaliation in response to a communication
11 regarding a violation of a law or regulation prohibiting
12 rape, sexual assault, or other sexual misconduct in viola-
13 tion of sections 920 through 920c of this title (articles
14 120 through 120c of the Uniform Code of Military Jus-
15 tice), the training shall include specific instruction regard-
16 ing such violations.”.



AMENDMENT TO H.R. 4909
OFFERED BY Ms. LORETTA SANCHEZ OF
CALIFORNIA

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

1 **SEC. 5 ____ . RECOGNITION OF THE EXPANDED SERVICE OP-**
2 **PORTUNITIES AVAILABLE TO FEMALE MEM-**
3 **BERS OF THE ARMED FORCES AND THE LONG**
4 **SERVICE OF WOMEN IN THE ARMED FORCES.**

5 Congress—

6 (1) honors women who have served, and who
7 are currently serving, as members of the Armed
8 Forces;

9 (2) commends female members of the Armed
10 Forces who have sacrificed their lives in defense of
11 the United States;

12 (3) recognizes that female members of the
13 Armed Forces are an integral and invaluable part of
14 the Armed Forces;

15 (4) urges the Secretary of Defense to ensure
16 that female members of the Armed Forces receive
17 adequate, well-fitted equipment in order to ensure
18 optimal safety and protection;

1 (5) urges the Secretary of Defense to ensure
2 that female members of the Armed Forces have ac-
3 cess to adequate health services that fully address
4 their specific medical needs;

5 (6) encourages the Secretary of Defense to de-
6 velop new initiatives focused on recruiting and re-
7 taining more women in the officer corps; and

8 (7) recognizes that the United States must con-
9 tinue to encourage and support female members of
10 the Armed Forces as they fight for and defend the
11 United States.



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

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

1 **SEC. 9** . **PUBLIC RELEASE BY INSPECTORS GENERAL OF**
2 **REPORTS OF MISCONDUCT.**

3 (a) **RELEASE OF INSPECTOR GENERAL OF THE DE-**
4 **PARTMENT OF DEFENSE ADMINISTRATIVE MISCONDUCT**
5 **REPORTS.**—Section 141 of title 10, United States Code,
6 is amended by adding at the end the following new sub-
7 section:

8 “(c) Within 60 days after issuing a final report, the
9 Inspector General of the Department of Defense shall pub-
10 licly release any reports of administrative investigations
11 that confirm misconduct, including violations of Federal
12 law and violations of policies of the Department of De-
13 fense, of members of the Senior Executive Service, individ-
14 uals who are employed in positions of a confidential or
15 policy-determining character under schedule C of subpart
16 C of part 213 of title 5 of the Code of Federal Regula-
17 tions, or commissioned officers in the Armed Forces in
18 pay grades O–6 promotable and above. In releasing the
19 reports, the Inspector General shall ensure that informa-

1 tion that would be protected under section 552 of title 5
2 (commonly known as the 'Freedom of Information Act'),
3 section 552a of title 5 (commonly known as the 'Privacy
4 Act of 1974'), or section 6103 of the Internal Revenue
5 Code of 1986 is not disclosed.”.

6 (b) RELEASE OF INSPECTOR GENERAL OF THE ARMY
7 ADMINISTRATIVE MISCONDUCT REPORTS.—Section 3020
8 of such title is amended by adding at the end the following
9 new subsection:

10 “(f) Within 60 days after issuing a final report, the
11 Inspector General of the Army shall publicly release any
12 reports of administrative investigations that confirm mis-
13 conduct, including violations of Federal law and violations
14 of policies of the Department of Defense, of members of
15 the Senior Executive Service, individuals who are em-
16 ployed in positions of a confidential or policy-determining
17 character under schedule C of subpart C of part 213 of
18 title 5 of the Code of Federal Regulations, or commis-
19 sioned officers in the Armed Forces in pay grades O-6
20 promotable and above. In releasing the reports, the In-
21 spector General shall ensure that information that would
22 be protected under section 552 of title 5 (commonly known
23 as the 'Freedom of Information Act'), section 552a of title
24 5 (commonly known as the 'Privacy Act of 1974'), or sec-

1 tion 6103 of the Internal Revenue Code of 1986 is not
2 disclosed.”.

3 (c) RELEASE OF NAVAL INSPECTOR GENERAL AD-
4 MINISTRATIVE MISCONDUCT REPORTS.—Section 5020 of
5 such title is amended by adding at the end the following
6 new subsection:

7 “(e) Within 60 days after issuing a final report, the
8 Naval Inspector General shall publicly release any reports
9 of administrative investigations that confirm misconduct,
10 including violations of Federal law and violations of poli-
11 cies of the Department of Defense, of members of the Sen-
12 ior Executive Service, individuals who are employed in po-
13 sitions of a confidential or policy-determining character
14 under schedule C of subpart C of part 213 of title 5 of
15 the Code of Federal Regulations, or commissioned officers
16 in the Armed Forces in pay grades O-6 promotable and
17 above. In releasing the reports, the Naval Inspector Gen-
18 eral shall ensure that information that would be protected
19 under section 552 of title 5 (commonly known as the
20 ‘Freedom of Information Act’), section 552a of title 5
21 (commonly known as the ‘Privacy Act of 1974’), or section
22 6103 of the Internal Revenue Code of 1986 is not dis-
23 closed.”.

24 (d) RELEASE OF INSPECTOR GENERAL OF THE AIR
25 FORCE ADMINISTRATIVE MISCONDUCT REPORTS.—Sec-

1 tion 8020 of such title is amended by adding at the end
2 the following new subsection:

3 “(f) Within 60 days after issuing a final report, the
4 Inspector General of the Air Force shall publicly release
5 any reports of administrative investigations that confirm
6 misconduct, including violations of Federal law and viola-
7 tions of policies of the Department of Defense, of members
8 of the Senior Executive Service, individuals who are em-
9 ployed in positions of a confidential or policy-determining
10 character under schedule C of subpart C of part 213 of
11 title 5 of the Code of Federal Regulations, or commis-
12 sioned officers in the Armed Forces in pay grades O-6
13 promotable and above. In releasing the reports, the In-
14 spector General shall ensure that information that would
15 be protected under section 552 of title 5 (commonly known
16 as the ‘Freedom of Information Act’), section 552a of title
17 5 (commonly known as the ‘Privacy Act of 1974’), or sec-
18 tion 6103 of the Internal Revenue Code of 1986 is not
19 disclosed.”.



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

Offered by: Mr. Peters of California

In the appropriate place in the report to accompany H.R. 4909, insert the following new Directive Report Language:

Review and Report on Port Chicago

The Committee directs the Secretary of the Navy to carry out a thorough review of the circumstances which may have influenced the mutiny charges against, and convictions of the individuals convicted in courts-martial arising from the explosion at the Port Chicago (California) Naval Magazine on July 17, 1944. The purpose of the review shall be to assess the extent to which racial prejudice or other factors may have impacted the African American sailors who were stationed at Port Chicago and Mare Island throughout the duration of their service. Specifically, the Secretary is directed to review findings of racial bias including those acknowledged in the Navy's 1994 report entitled "Port Chicago Courts-Martial Review." If the Secretary determines that the filing of a charge of mutiny against any of the African American sailors in any such case was connected to, or impacted by, racial prejudice, or if the Secretary determines that the presence of prejudicial practices created a pattern of discriminatory treatment affecting African American sailors at Port Chicago, then, notwithstanding any other provision of law, the Secretary shall submit to the President and Congress such recommendations as the Secretary considers appropriate regarding corrective actions that should be considered.

AMENDMENT TO H.R. 4909
OFFERED BY MR. TURNER OF OHIO

After section 6701, add the following new section:

1 **SEC. 6701A. MINIMUM CONFINEMENT PERIOD REQUIRED**
2 **FOR CONVICTION OF CERTAIN SEX-RELATED**
3 **OFFENSES COMMITTED BY MEMBERS OF THE**
4 **ARMED FORCES.**

5 (a) MANDATORY PUNISHMENTS.—Subsection (b)(1)
6 of section 856 of title 10, United States Code (article 56
7 of the Uniform Code of Military Justice), as amended by
8 section 6701, is further amended by striking “shall include
9 dismissal or dishonorable discharge, as applicable.” and
10 inserting the following: “shall include, at a minimum—

11 “(A) dismissal or dishonorable discharge, as ap-
12 plicable; and

13 “(B) confinement for two years.”.

14 (b) APPLICATION OF AMENDMENT.—Subparagraph
15 (B) of paragraph (1) of section 856(b) of title 10, United
16 States Code (article 56(b) of the Uniform Code of Military
17 Justice), as added by subsection (a), shall apply to of-
18 fenses specified in paragraph (2) of such section com-

- 1 mitted on or after the date that is 180 days after the date
- 2 of the enactment of this Act.



AMENDMENT TO H.R. 4909
OFFERED BY MR. TURNER OF OHIO

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

1 **SEC. 5___ . SENSE OF CONGRESS REGARDING PLIGHT OF**
2 **MALE VICTIMS OF MILITARY SEXUAL TRAU-**
3 **MA.**

4 (a) **FINDING.**—Congress finds that the plight of male
5 victims of military sexual trauma remains in the shadows
6 due a lack of social awareness on the issue of male victim-
7 ization.

8 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
9 gress that the Secretary of Defense should—

10 (1) enhance victims' access to intensive medical
11 and mental health treatment for military sexual
12 trauma treatment;

13 (2) look for opportunities to utilize male sur-
14 vivors of sexual assault as presenters during annual
15 Sexual Assault Preventions and Response training;
16 and

17 (3) ensure Department of Defense medical and
18 mental health providers are adequately trained to

- 1 meet the needs of male survivors of military sexual
- 2 trauma.

