

**En Bloc Amendments to H.R. 2810**

**Subcommittee on Military Personnel  
En Bloc #5**

<b>Log #</b>	<b>Sponsor</b>	<b>Description</b>
<b>089</b>	Speier	Military sexual harassment incidents involving nonconsensual distribution of private sexual images shall be included in the annual SAPRO reports.
<b>090</b>	Speier	Requires the Annual DOD Sexual Assault Prevention and Response Report to include data on sexual assaults committed by service members against their spouse, intimate partner, or other dependent in addition to the data included in the Annual Family Advocacy Program Report.
<b>135</b>	Davis	Requires the SecDef to review restrictions on service member appeals to the US Supreme Court.
<b>011</b>	Larsen	Directs DoD to brief on status of Force of the Future gamete cryopreservation pilot program.
<b>053r1</b>	Shea-Porter	SECDEF directed to provide briefing to the HASC on the best method to ensure uniform high standards across the military services for social media use by service members; to require enlistees to be notified and acknowledge these standards and consequences for violations.
<b>204r1</b>	Tsongas	Provides for public availability of the quarterly number and disposition of administrative review board claims when the claims involve sexual assault.

**AMENDMENT TO H.R. 2810**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**  
**(National Defense Authorization Bill)**

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

1 **SEC. 5\_\_\_.** **INCLUSION OF INFORMATION IN ANNUAL**  
2 **SAPRO REPORTS REGARDING MILITARY SEX-**  
3 **UAL HARASSMENT AND INCIDENTS INVOLV-**  
4 **ING NONCONSENSUAL DISTRIBUTION OF PRI-**  
5 **VATE SEXUAL IMAGES.**

6 (a) **ADDITIONAL REPORTING REQUIREMENTS.**—Sec-  
7 tion 1631(b) of the Ike Skelton National Defense Author-  
8 ization Act for Fiscal Year 2011 (Public Law 111–383;  
9 10 U.S.C. 1561 note) is amended by adding at the end  
10 the following new paragraphs:

11 “(13) Information and data collected on official  
12 and unofficial reports of sexual harassment involving  
13 members of the Armed Forces during the year cov-  
14 ered by the report, as follows:

15 “(A) The number of substantiated and un-  
16 substantiated reports.

17 “(B) A synopsis of each substantiated re-  
18 port.

1           “(C) The action taken in the case of each  
2           substantiated report, including the type of dis-  
3           ciplinary or administrative sanction imposed, if  
4           any, such as—

5                   “(i) conviction and sentence by court-  
6                   martial;

7                   “(ii) imposition of non-judicial punish-  
8                   ment under section 815 of title 10, United  
9                   States Code (article 15 of the Uniform  
10                  Code of Military Justice); or

11                  “(iii) administrative separation or  
12                  other type of administrative action im-  
13                  posed.

14           “(14) Information and data collected during the  
15           year covered by the report on each reported incident  
16           involving the nonconsensual distribution by a person  
17           subject to chapter 47 of title 10, United States Code  
18           (the Uniform Code of Military Justice) of a private  
19           sexual image of another person, including the fol-  
20           lowing:

21                   “(A) The number of substantiated and un-  
22                   substantiated reports.

23                   “(B) A synopsis of each substantiated re-  
24                   port.

1           “(C) The action taken in the case of each  
2           substantiated report, including the type of dis-  
3           ciplinary or administrative sanction imposed, if  
4           any, such as—

5                   “(i) conviction and sentence by court-  
6                   martial;

7                   “(ii) imposition of non-judicial punish-  
8                   ment under section 815 of title 10, United  
9                   States Code (article 15 of the Uniform  
10                  Code of Military Justice); or

11                  “(iii) administrative separation or  
12                  other type of administrative action im-  
13                  posed.”.

14           (b) APPLICATION OF AMENDMENT.—The amendment  
15           made by this section shall take effect on the date of the  
16           enactment of this Act and apply beginning with the re-  
17           ports required to be submitted by March 1, 2018, under  
18           section 1631 of the Ike Skelton National Defense Author-  
19           ization Act for Fiscal Year 2011 (Public Law 111–383;  
20           10 U.S.C. 1561 note).



**AMENDMENT TO H.R. 2810**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**

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

1 **SEC. 5\_\_\_.** **INCLUSION OF INFORMATION IN ANNUAL**  
2 **SAPRO REPORTS REGARDING SEXUAL AS-**  
3 **SAULTS COMMITTED BY A MEMBER OF THE**  
4 **ARMED FORCES AGAINST THE MEMBER'S**  
5 **SPOUSE OR OTHER FAMILY MEMBER.**

6 Beginning with the reports required to be submitted  
7 by March 1, 2018, under section 1631 of the Ike Skelton  
8 National Defense Authorization Act for Fiscal Year 2011  
9 (Public Law 111-383; 10 U.S.C. 1561 note), information  
10 regarding a sexual assault committed by a member of the  
11 Armed Forces against the spouse or intimate partner of  
12 the member or another dependent of the member shall be  
13 included in such reports in addition to the annual Family  
14 Advocacy Program report. The information shall be pro-  
15 vided in such reports in the same manner as information  
16 is provided with respect to other official and unofficial re-  
17 ports of sexual assault.



**Amendment to H.R. 2810  
National Defense Authorization Act for Fiscal Year 2018**

**Offered by Mrs. Davis of California**

In the appropriate place in the report to accompany H.R. 2810, insert the following new Directive Report Language:

**Review of the Court Martial Appeals Process**

The committee recognizes the significant efforts made to modernize the Uniform Code of Military Justice in order to maintain good order and discipline in the armed forces while providing service members due process protections. However, the committee is aware that certain service members are unable to appeal their court-martial cases to the United State Supreme Court. Under existing law, the Supreme Court lacks jurisdiction to hear appeals in which the Court of Appeals for the Armed Forces (CAAF): declined review; denied extraordinary relief; or, in some cases, denied interlocutory appeals. In these cases, service members have less access to Supreme Court review than civilians operating in the civilian court system. Therefore, the committee directs the Secretary of Defense to review restrictions on service member appeals to the United States Supreme Court and whether these restrictions should be eliminated and provide a briefing to the Committee on Armed Services of the House of Representatives no later than April 30, 2018.

## Amendment to H.R. 2810 National Defense Authorization Act for Fiscal Year 2018

### Offered by Mr. Larsen of Washington

In the appropriate place in the report to accompany H.R. 2810, insert the following new Directive Report Language:

#### Force of the Future Pilot Program on Cryopreservation of Gametes

The committee is aware that nearly 2,000 servicemembers suffered injuries to the genitourinary tract while deployed to Iraq and Afghanistan. These injuries and other blast injuries to the spine and brain can have a profound impact on servicemembers' reproductive health.

In order to preserve the ability to start a family, some servicemembers have elected to freeze reproductive material pre-deployment, paying for the cost out of pocket. Recognizing this demand, the Department of Defense proposed a pilot program to allow individuals to cryopreserve gametes, but has not moved forward with this initiative. The committee is supportive of this pilot program because it preserves deploying servicemembers' options for the future in the event of a catastrophic injury, and provides deploying servicemembers with important peace of mind. Therefore the committee directs the Secretary of Defense, not later than January 31, 2018, to brief the committee on the program and the status of implementation.

**Amendment to H.R. 2810  
National Defense Authorization Act for Fiscal Year 2018**

**Offered by: Carol Shea-Porter**

In the appropriate place in the report to accompany H.R. 2810, insert the following new Directive Report Language:

**Social Media Policy for Recruits**

The committee notes that DOD Instruction 1304.26, March 23, 2015, ENCLOSURE 3 contains a section, "Character/Conduct," that reads as follows: "The underlying purpose of these enlistment, appointment, and induction standards is to minimize entrance of persons who are likely to become disciplinary cases, security risks, or who are likely to disrupt good order, morale, and discipline. The Military Services are responsible for the defense of the Nation and should not be viewed as a source of rehabilitation for those who have not subscribed to the legal and moral standards of society at-large." The committee understands that DD FORM 4/1, OCT 2007, ENLISTMENT/REENLISTMENT DOCUMENT ARMED FORCES OF THE UNITED STATES, states, "If my behavior fails to meet acceptable military standards, I may be discharged and given a certificate for less than honorable service, which may hurt my future job opportunities and my claim for veteran's benefits."

The committee is troubled by recent high-profile cases involving the nonconsensual sharing of intimate images. In addition, the committee is concerned that the military departments continue to have varying policies outlining appropriate social media conduct. The committee believes that all service members must be explicitly notified, upon enlistment or reenlistment, that online harassment, bullying, or hazing, including sexual harassment, bullying, or hazing, will not be tolerated and, if verified, may lead to a less than honorable discharge.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by January 31, 2018, on the best method to ensure uniform high standards across the military services for social media use by service members, and to require notification and acknowledgment by all enlistees of the existence of these policies and the potential consequences for violations of these standards.



**AMENDMENT TO H.R. 2810**  
**OFFERED BY MS. TSONGAS OF MASSACHUSETTS**

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

1 **SEC. 5\_\_\_ . PUBLIC AVAILABILITY OF INFORMATION RE-**  
2 **LATED TO DISPOSITION OF CLAIMS REGARD-**  
3 **ING DISCHARGE OR RELEASE OF MEMBERS**  
4 **OF THE ARMED FORCES WHEN THE CLAIMS**  
5 **INVOLVE SEXUAL ASSAULT.**

6 (a) **BOARDS FOR THE CORRECTION OF MILITARY**  
7 **RECORDS.**—Section 1552(h) of title 10, United States  
8 Code, as added by section 533(a) of the National Defense  
9 Authorization Act for Fiscal Year 2017 (Public Law 114–  
10 328), is amended by adding at the end the following new  
11 paragraph:

12 “(4) The number and disposition of claims de-  
13 cided during the calendar quarter preceding the cal-  
14 endar quarter in which such information is made  
15 available in which sexual assault is alleged to have  
16 contributed, whether in whole or in part, to the  
17 original characterization of the discharge or release  
18 of the claimant.”.

1           (b) DISCHARGE REVIEW BOARDS.—Section 1553(f)  
2 of title 10, United States Code, as added by section 533(b)  
3 of the National Defense Authorization Act for Fiscal Year  
4 2017 (Public Law 114–328), is amended by adding at the  
5 end the following new paragraph:

6           “(4) The number and disposition of claims de-  
7 cided during the calendar quarter preceding the cal-  
8 endar quarter in which such information is made  
9 available in which sexual assault is alleged to have  
10 contributed, whether in whole or in part, to the  
11 original characterization of the discharge or release  
12 of the claimant.”.

