

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Personnel

End strengths for active forces (sec. 401)

The committee recommends a provision that would authorize active-duty end strengths for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army	475,000	460,000	460,000	0	-15,000
Navy	329,200	322,900	322,900	0	-6,300
Marine Corps	184,000	182,000	182,000	0	-2,000
Air Force	320,715	317,000	317,000	0	-3,715
DOD Total	1,308,915	1,281,900	1,281,900	0	-27,015

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The committee recommends a provision that would authorize Selected Reserve end strengths for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	342,000	335,000	335,000	0	-7,000
Army Reserve	198,000	195,000	195,000	0	-3,000
Navy Reserve	57,400	58,000	58,000	0	+600
Marine Corps Reserve	38,900	38,500	38,500	0	-400
Air National Guard	105,500	105,700	105,700	0	+200
Air Force Reserve	69,200	69,000	69,000	0	-200
DOD Total	811,000	801,200	801,200	0	-9,800
Coast Guard Reserve	7,000	7,000	7,000	0	0

End strengths for Reserves on active duty in support of the reserves (sec. 412)

The committee recommends a provision that would authorize full-time support end strengths for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	30,770	30,155	30,155	0	-615
Army Reserve	16,261	16,261	16,261	0	0
Navy Reserve	9,934	9,955	9,955	0	+21

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Marine Corps Reserve	2,260	2,261	2,261	0	+1
Air National Guard	14,748	14,764	14,764	0	+16
Air Force Reserve	3,032	2,955	2,955	0	-77
DOD Total	77,005	76,351	76,351	0	-654

End strengths for military technicians (dual status) (sec. 413)

The committee recommends a provision that would authorize military technicians (dual status) for the reserve components of the Army and Air Force for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	26,099	25,507	25,507	0	-592
Army Reserve	7,395	7,570	7,570	0	+175
Air National Guard	22,104	22,103	22,103	0	-1
Air Force Reserve	9,814	10,061	10,061	0	+247
DOD Total	65,412	65,241	65,241	0	-171

The provision also authorizes variance from the end strengths described above in accordance with the variance authorities found in subsections (f)(1) and (g)(1)(B) of section 115 of title 10, United States Code.

Fiscal year 2017 limitation on number of non-dual status technicians (sec. 414)

The committee recommends a provision that would establish limits on the number of non-dual status technicians who may be employed in the Department of Defense as of September 30, 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	1,600	1,600	1,600	0	0
Air National Guard	350	350	350	0	0
Army Reserve	595	420	420	0	-175
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	2,460	2,460	0	-175

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The committee recommends a provision that would establish limits on the number of reserve personnel authorized to be on active duty for operational support under section 115(b) of title 10, United States Code, as of September 30, 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 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

Technical corrections to annual authorization for personnel strengths (sec. 416)

The committee recommends a provision that would make a technical correction to section 115 of title 10, United States Code.

Subtitle C—Authorization of Appropriations

Military personnel (sec. 421)

The committee recommends a provision that would authorize appropriations for military personnel at the levels identified in section 4401 of division D of this Act.

Budget Items

Military personnel funding changes

The amount authorized to be appropriated for military personnel programs include the following changes from the budget request:

[Changes in millions of dollars]

Military Personnel Underexecution	- 880.5
Rejection of Department of Defense Budgeted Retired Reforms	- 400.0
Rejection of Air Force Pilot Bonus Increase for All Platforms	- 2.5
Defense Officer Personnel Management Act Reforms	+100.0
Foreign currency fluctuation adjustment	- 0.73
Total	- 1,183.73

The committee recommends a total reduction in the Military Personnel (MILPERS) appropriation of \$1183.73 million. This amount includes: (1) A reduction of \$880.45 million to reflect the Government Accountability Office’s most recent assessment of the average annual MILPERS underexecution; (2) A reduction of \$400 million to account for the rejection of a Department of Defense legislative proposal to change the vesting date for Thrift Savings Plan (TSP) contributions from two years of service to five and other matters; (3) A reduction of \$2.5 million for the rejection of an Air Force proposal to increase the maximum aviation continuation bonus from \$25,000 from \$35,000 for all platforms; (4) An increase of \$100 million to support reforms to the Defense Officer Personnel Management Act; (5) An adjustment of \$0.73 million to reflect the foreign currency fluctuation.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Reform of distribution and authorized strength of general and flag officers (sec. 501)

The committee recommends a provision that would add a new section 525a to title 10, United States Code, to establish the authorized distribution of general and flag officers for the Army, Navy, Marine Corps and Air Force, effective December 31, 2017. The provision would require a 25 percent reduction in the number of general and flag officers in the military departments. The provision would also sunset the authorized distribution of general and flag officers in section 525 of title 10, after December 31, 2017.

The provision would add a new section 526a, to title 10, United States Code, to limit the number of general and flag officers on Active Duty in the military departments and to exclude from those limits the specified number of general and flag officers serving in joint duty assignments. The provision would require a 25 percent reduction in the number of general and flag officers in the military departments and the joint pool. The provision would also sunset the authorized distribution of general and flag officers in section 526 of title 10, after December 31, 2017.

The provision would add a new section 12004a, to title 10, United States Code, to establish the authorized distribution of general and flag officers in an active status in the reserve component, effective December 31, 2017. The provision would require a 25 percent reduction in the number of general and flag officers in active status in the reserve component, including general officers of the National Guard of the States and territories and general officers serving in the National Guard Bureau, but excluding officers serving as adjutants general or assistant adjutants general of a state. The provision would also sunset the authorized distribution of general and flag officers in section 12004 of title 10, after December 31, 2017.

Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces (sec. 502)

The committee recommends a provision that would amend or repeal various statutory specifications in title 10, United States Code, to remove the requirement that an officer serving must hold a specified general or flag officer grade for certain positions in the Armed Forces. The Committee determined that in order to effectively manage the reduction in the number of general and flag officers prescribed elsewhere in this Act, that the Secretary of Defense must be given the flexibility to assign appropriate officer grades to posi-

tions. The provision would not prohibit the position from being filled by an officer with the same, or a higher, or lower grade than the law currently requires.

Temporary suspension of officer grade strength tables (sec. 503)

The committee recommends a provision that would amend sections 523(a) and 12011(a) of title 10, United States Code, to remove the limitations on the total number of commissioned officers authorized to serve on Active Duty or on full-time reserve component duty in the pay grades of O-4 through O-6 as of the end of the fiscal year for fiscal years 2017 through 2021. The committee determined that providing relief from statutory caps on the numbers of officers of the active and reserve components serving in pay grades from O-4 to O-6, for a 5-year trial period, would allow the secretaries of the military departments to adjust the shape of their officer corps to affect talent management-based promotion systems and more quickly adapt to changing war fighting requirements and available talent supply.

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, describing the use of this authority, the specific categories of adjustments in control grades and the number and percentages of such adjustments, and an assessment of the impact of the authority as implemented on the desired officer grade composition of the military departments. The report shall specifically address the use of this authority for military intelligence officers, foreign area specialists, judge advocates with a military justice skill identifier, and officers with expertise in cyber matters. The report will reflect the officer control grade composition on the last day of the fiscal year, and shall be submitted annually not later than October 31.

The committee recognizes the value of flexibility in personnel authorities, yet remains concerned that the authority under this section must not be used to promote “grade creep” that bloats senior officer ranks.

Enhanced authority for service credit for experience or advanced education upon original appointment as a commissioned officer (sec. 504)

The committee recommends a provision that would amend section 533 of title 10, United States Code, to authorize service secretaries to credit an applicant for an original appointment in a commissioned grade with an amount of constructive credit limited to the amount required for an original appointment in the grade of colonel in the Army, Air Force, or Marine Corps, or in the grade of captain in the Navy. The provision would authorize the secretary concerned to award constructive credit for leadership experience, professional credentials, and technical expertise to directly commission officers up to the grade of O-6. The authorities created by this provision would be similar to existing authorities used to commission professionals such as doctors, lawyers, and chaplains. The authorities would also extend to branches, career fields, and occupational specialties that may be designated by the services as having

technical track status. It would also enhance the ability to rapidly assess highly qualified personnel for emergent warfighting areas such as cyber.

Authority of promotion boards to recommend officers of particular merit be placed at the top of the promotion list (sec. 505)

The committee recommends a provision that would amend section 616 of title 10, United States Code, to authorize an officer promotion board to recommend Active-Duty officers of particular merit to be placed at the top of the promotion list.

Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies (sec. 506)

The committee recommends a provision that would amend section 629(c) of title 10, United States Code, to provide that the period for promotion eligibility of an officer would not expire during the period when the Senate is unable to obtain information necessary to give its advice and consent to the appointment concerned because the information is under control of a department or agency of the federal government other than the Department of Defense.

Length of joint duty assignments (sec. 507)

The committee recommends a provision that would amend section 664 of title 10, United States Code, to modify the qualifying period for joint duty assignments from 3 years to not less than 2 years. The proposal would repeal the average tour length requirement and repeal the authority for shorter tour lengths for officers initially assigned to critical occupational specialties.

The committee is concerned that joint duty assignments must provide an adequate opportunity for officers to gain meaningful experience with and exposure to joint requirements. The committee determined that a period of not less than 2 years is an acceptable period of time to achieve this desired result. In addition to clarifying that a qualifying joint tour length must be not less than 2 years it allows officers additional time to attain service-specific warfare professional development experience.

Modification of definitions relating to joint officer management (sec. 508)

The committee recommends a provision that would amend section 668 of title 10, United States Code, to update the definitions of joint matters and joint duty assignment for the purpose of joint officer management. The provision would also repeal the definition of critical occupational specialty.

Continuation of certain officers on Active Duty without regard to requirement for retirement for years of service (sec. 509)

The committee recommends a provision that would amend chapter 36 of title 10, United States Code, to authorize service secretaries to allow officers in a grade above O-4 who are serving in

military occupational specialties designated by the secretary to remain on Active Duty for up to 40 years of active service.

Extension of force management authorities allowing enhanced flexibility for officer personnel management (sec. 510)

The committee recommends a provision that would:

(a) amend section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) to extend Temporary Early Retirement Authority through December 31, 2025;

(b) amend section 638a(a)(2) of title 10, United States Code, to extend through December 31, 2025 authority for service secretaries to manage authorized officer personnel strength by shortening the period of continuation of service by officers on Active Duty, to authorize involuntary early retirement for certain officers on Active Duty, and to consider officers for involuntary discharge who are not eligible for retirement;

(c) amend section 1175a(k)(1) of title 10, United States Code to extend through December 31, 2025 authority to provide voluntary separation pay and benefits; and

(d) amend section 1370(a)(2)(F) of title 10, United States Code to extend through fiscal year 2025, authority for early retirement of up to 4 percent of the authorized Active-Duty strength of officers in the grades of O–5 and O–6 without reduction in grade, in each fiscal year.

Subtitle B—Reserve Component Management

Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau (sec. 521)

The committee recommends a provision that would amend section 10505(a)(4) of title 10, United States Code, to authorize the Secretary of Defense to extend the term of office of the Vice Chief of the National Guard Bureau for up to 90 days to provide for the orderly transition of officers appointed to the positions of the Chief and the Vice Chief of the National Guard Bureau.

Authority to designate certain Reserve officers as not to be considered for selection for promotion (sec. 522)

The committee recommends a provision that would amend section 14301 of title 10, United States Code, to authorize the secretaries of the military departments to defer promotion consideration for reserve component officers in a non-participatory (membership points only) status. Currently, section 14301 of title 10, United States Code, requires servicemembers identified on the Reserve Active Status List to be considered for promotion to the next higher grade. This includes certain categories of reservists on the Reserve Active Status List who, by Department of Defense guidance, are in the Individual Ready Reserve and the Standby Reserve and who remain eligible for promotion consideration, but are not actively participating in Reserve duty because they are in a status in which they are receiving membership only points for Reserve credit.

Under current law, some individuals assigned to the Individual Ready Reserve may be discharged from the reserve component upon their second deferral for promotion because they are considered to have twice failed for promotion. This provision would provide the reserve component flexibility to remove individuals from promotion consideration during a period when they are least competitive for promotion, and would allow the services to retain servicemembers with significant military training as well as civilian technical and professional skills that could contribute to their potential for selection for promotion should the individual return to active participation in military service.

Rights and protections available to military technicians (sec. 523)

The committee recommends a provision that would amend section 709 of title 32, United States Code, to clarify the employment rights and protections of military technicians such that when a military technician files an appeal of a personnel action that concerns an activity that occurs while the member is in a military status or concerns fitness for duty in the reserve components, current statutory limitations concerning such appeals will continue to apply. With respect to an appeal concerning any other activity occurring while the member is in a civilian status, the provisions of section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e-16) shall apply.

Extension of suicide prevention and resilience programs for the National Guard and Reserves (sec. 524)

The committee recommends a provision that would amend section 10219(g) of title 10, United States Code, to extend the authority for suicide prevention and resilience programs for the National Guard and Reserves until October 1, 2022.

Inapplicability of certain laws to National Guard technicians performing Active Guard and Reserve duty (sec. 525)

The committee recommends a provision that would amend section 709 of title 32, United States Code, to clarify that the provision that grants military leave to individuals appointed to the civil service does not apply to members of the Active Guard and Reserve, just as it does not apply to members on Active Duty.

Subtitle C—General Service Authorities

Responsibility of Chiefs of Staff of the Armed Forces for standards and qualifications for military specialties within the Armed Forces (sec. 531)

The Committee recommends a provision that would vest in the Chief of Staff of each of the Armed Forces the responsibility for establishing, approving, and modifying the criteria, standards, and qualifications for military specialty codes within that Armed Force. The Secretary of Defense will still retain oversight authority.

Leave matters (sec. 532)

The committee recommends a provision that would modify section 701 of title 10, United States Code, to authorize up to 6 weeks of uncharged leave that may be taken by a servicemember who is the primary caregiver in the case of the birth of a child or the adoption of a child. In the case of leave taken following the birth of a child, the availability of primary caregiver leave would commence after completion of medical convalescent leave resulting from the birth of such child.

The provision would also increase the amount of uncharged leave authorized for a secondary caregiver in the case of the birth of a child or the adoption of child. The provision would authorize 21 days of uncharged leave for a birth parent or an adoptive parent who is the secondary caregiver. The provision would repeal subsections of section 701 relating to spouse and adoption leave as obsolete.

The provision would require the Secretary of Defense to prescribe in regulation definitions of eligible primary and secondary caregivers for the purposes of this benefit, and to establish regulations for requesting and approving uncharged leave associated with births to a military family, and with adoptions by a military family, and would allow a military member to accept a 1-week extension of a servicemember's military service obligation for every week of such leave approved and taken. The implementing regulations would authorize the secretary concerned to waive service obligation extensions related to this leave as an incentive for re-enlistments.

The provision would also create a new section 704a of title 10, United States Code, that would prohibit leave to be authorized, granted or assigned, including uncharged leave, unless expressly authorized by law. The committee considers this provision necessary to clarify that military leave is established by law and may not be created without express congressional authority.

Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations (sec. 533)

The committee recommends a provision that would relocate the authority to reimburse members of the Armed Force for expenses incurred in connection with leave cancelled due to contingency operations from section 453 of title 37, United States Code, to title 10, United States Code.

Reduction of tenure on the temporary disability retired list (sec. 534)

The committee recommends a provision that would amend section 1210 of title 10, United States Code, to reduce the maximum tenure for servicemembers placed on the Temporary Disability Retired List (TDRL), due to an injury or illness eligible for disability retirement, from 5 years to 3 years. The committee notes that this provision addresses a recommendation from the Government Accountability Office in 2009 for Congress to shorten the maximum tenure for placement on the TDRL.

Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member gender (sec. 535)

The committee recommends a provision that would prohibit a military commission established under chapter 47A of title 10, United States Code, from acting by order, ruling, finding, or otherwise that a member of the Armed Forces may not perform duties otherwise lawfully assigned if the prohibition is based solely on the gender of the servicemember. The provision would also vacate any such order issued before the date of enactment of this Act.

Board for the Correction of Military Records and Discharge Review Board matters (sec. 536)

The committee recommends a provision that would amend section 1552 of title 10, United States Code, to require that a board convened to consider a claim for correction of military records by a former servicemember (1) who had been deployed in support of contingency operation and who was subsequently diagnosed as experiencing post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI), or (2) who was diagnosed while serving in the military as experiencing a mental health disorder include a clinical psychologist or psychiatrist, or a physician with training on mental health issues connected with PTSD or TBI. The proposal would require the military department concerned, or the Department of Homeland Security, to make available to the public on an Internet website information regarding claims considered by the service board for correction of military records in a calendar quarter.

The committee also recommends a provision that would modify section 1553 of title 10, United States Code, to require similar information be made available to the public on an Internet website information regarding claims considered by the service discharge review boards in a calendar quarter.

The committee endorses the supplemental guidance issued by former Secretary of Defense Chuck Hagel on September 3, 2014, to military boards for correction of military/Naval records considering discharge upgrade requests by veterans claiming PTSD. This guidance requires the boards to give liberal consideration to petitions for changes in characterization of service to service treatment record entries which document one or more symptoms which meet the diagnostic criteria of PTSD or related conditions. The committee directs that similar guidance be provided to military discharge review boards and that in cases where PTSD or PTSD-related conditions may be reasonably determined to have existed at the time of discharge, all boards will consider those conditions as potential mitigating factors for any misconduct that resulted in a discharge less than an honorable discharge.

Reconciliation of contradictory provisions relating to qualifications for enlistment in the reserve components of the Armed Forces (sec. 537)

The committee recommends a provision that would amend section 12102(b) of title 10, United States Code, to align the requirements for enlistment in the reserve components of the Armed

Forces with the requirements for enlistment in the active components.

Subtitle D—Military Justice and Legal Assistance Matters

Part I—Retaliation

Report to complainants of resolution of investigations into retaliation (sec. 541)

The committee recommends a provision that would require the Secretary of Defense to prescribe regulations that would require that the results of an investigation of a retaliation complaint by a member of the Armed Forces be reported to the member who initiated the complaint. The report would inform the member whether the complaint was substantiated, unsubstantiated, or dismissed. The provision would also require the Secretary of Homeland Security to prescribe similar regulations to report on retaliation complaints by a member of the Coast Guard.

Training for Department of Defense personnel on sexual assault trauma in individuals claiming retaliation in connection with reports of sexual assault in the Armed Forces (sec. 542)

The committee recommends a provision that would require the Secretary of Defense to prescribe training on the nature and consequences of sexual assault trauma to individuals in the Department of Defense who investigate claims of retaliation.

Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces (sec. 543)

The committee recommends a provision that would amend section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) to require the annual report on sexual assault and response efforts to include information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.

Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces (sec. 544)

The committee recommends a provision that would require the Sexual Assault Prevention and Response Office of the Department of Defense to establish and issue metrics to be used by the military departments to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

Part II—Other Military Justice Matters

Discretionary authority for military judges to designate an individual to assume the rights of the victim of an offense under the Uniform Code of Military Justice when the victim is a minor, incompetent, incapacitated, or deceased (sec. 546)

The committee recommends a provision that would amend section 806b(c) of title 10, United States Code (Article 6b(c), Uniform Code of Military Justice (UCMJ)) to authorize military judges to decide on a case-by-case basis whether it is appropriate to appoint an individual to assume the victim's rights in all cases under the UCMJ in which the victim of an offense is under 18 years of age (unless the victim is a member of the Armed Forces) or is incompetent, incapacitated, or deceased. The proposal would bring Article 6b(c), UCMJ, in line with the discretion federal civilian judges have to appoint an individual to assume the victim's rights under the Crime Victims' Rights Act (18 U.S.C. 3771). The proposal would help protect minors in those situations where they are mature enough to communicate their desires themselves or through counsel. The American Bar Association Model Rules of Professional Conduct, upon which the service rules are based, presume the competency of minors to exercise their rights, unless or until they demonstrate they are not able to do so.

Appellate standing of victims in enforcing rights of victims under the Uniform Code of Military Justice (sec. 547)

The committee recommends a provision that would amend section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice (UCMJ)) to authorize victims to file pleadings as a real party in interest when the Government files appellate pleadings implicating the victim's rights relating to Military Rule of Evidence (MRE) 412, relating to the admission of evidence regarding a victim's sexual background; MRE 513, relating to the psychotherapist-patient privilege; or MRE 514, relating to the victim advocate-patient privilege. The provision would also amend section 806b of title 10, United States Code (article 6b of the UCMJ) to afford a victim with the right to reasonable, accurate, and timely notice of any appellate matters.

Effective prosecution and defense in courts-martial (sec. 548)

The committee recommends a provision that would require the service secretaries to carry out a program to ensure that trial and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case, or that there is adequate supervision and oversight of the trial counsel and the defense counsel to ensure effective prosecution and defense in the court-martial. The provision would also require service secretaries to establish and use a system of skill identifiers to identify judge advocates with skill and experience in military justice proceedings to identify judge advocates to provide supervision and oversight of less experienced judge advocates prosecuting and defending in military courts-martial.

The committee is concerned that junior judge advocates may be detailed as trial counsel or defense counsel in complex cases where the judge advocate does not have the skill and experience to effectively address the complex issues in the case. In those cases where the judge advocate does not have the requisite skill or experience, the committee expects the service secretaries, acting through their Judge Advocates General, or Staff Judge Advocate to the Commandant in the case of the Marine Corps, to provide adequate supervision and oversight to ensure that the case is professionally and competently prosecuted and defended.

Pilot programs on military justice career track for judge advocates (sec. 549)

The committee recommends a provision that would require the Secretary of each military department to conduct a 5 year pilot program to assess the feasibility and advisability of a career military justice litigation track for judge advocates in the Armed Forces. The pilot programs would include a military justice career track that leads to senior judge advocates with military justice expertise in prosecuting and defending complex cases in military courts-martial. The provision would use authority provided elsewhere in this Act to suspend limitations on the number of certain senior commissioned officers on active duty, under section 532(a) of title 10, United States Code. The provision would require the use of skill identifiers to identify judge advocates participating in the pilot programs. The provision would also require promotion boards to give the same opportunity for promotion as all other judge advocates being considered for promotion.

The provision would require the Secretary of Defense to submit reports on the pilot programs not later than 4 years after the date of enactment of this Act.

Modification of definition of sexual harassment for purposes of investigations of complaints of harassment by commanding officers (sec. 550)

The committee recommends a provision that would amend section 1561(i) of title 10, United States Code, to modify the definition of sexual harassment. The committee is concerned that the existing definition of sexual harassment has caused the military services to consider sexual harassment as a violation of equal opportunity policy instead of an adverse behavior that data have demonstrated is on the spectrum of behavior that can contribute to an increase in the incidence of sexual assault.

Extension and clarification of annual reports regarding sexual assault involving members of the armed forces (sec. 551)

The committee recommends a provision that would amend section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) that would extend the requirement for the annual report on sexual assault in the military under that section through February, 2025, and require the reports to be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31 each

year. The provision would also clarify the scope of sexual assaults covered by the report to include all reported sexual assaults, regardless of the age of the offender or victim or the relationship status between the offender and victim, including, at a minimum, all sexual assault reports received by the Sexual Assault Prevention and Response Program, or equivalent, and the Family Advocacy Program, or equivalent, of each Armed Force.

Expansion of authority to execute certain military instruments (sec. 552)

The committee recommends a provision that would amend section 1044d of title 10, United States Code, to authorize a person authorized to act as a notary under section 1044a of title 10, United States Code, or a state-licensed notary employed by a military department or the Coast Guard, who is supervised by a military legal assistance counsel, to notarize military testamentary instruments. The provision would also amend section 1044a(b) to authorize all civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel, to act as a notary.

United States Court of Appeals for the Armed Forces (sec. 553)

The committee recommends a provision that would amend section 942(b)(2) of title 10, United States Code (Article 142(b)(2) of the Uniform Code of Military Justice) to modify the terms of two civilian judges of the United States Court of Appeals for the Armed Forces (“the court”) to avoid disruption that may occur to the operations of the court when two judicial vacancies occur simultaneously.

The provision would modify the daily rate of compensation for senior judges performing judicial duties with the court so that they would be paid the difference between the pay of a judge of the court and their federal retired pay, consistent with the process employed by the United States Court of Appeals for the District of Columbia and the United States Bankruptcy Courts.

The provision would authorize the judges of the court to administer oaths in a similar manner as other federal judges.

The provision would repeal the provision in article 142(b)(3) that precludes more than three judges of the court from being from the same political party. The party balance requirement was included in the original Uniform Code of Military Justice, which established the Court of Military Appeals (as the Court of Appeals for the Armed Forces was originally named) as a new three-judge Court. The committee has determined that the party balance requirement has outlived its usefulness. It does not appear that any other federal court is subject to a party balance requirement.

Subtitle E—Member Education, Training, and Transition

Limitation on tuition assistance for off-duty training or education (sec. 561)

The committee recommends a provision that would amend section 2007 of title 10, United States Code, to limit the tuition assist-

ant program for off-duty training and education to education programs likely to contribute to the professional development of the servicemember. The committee notes that this provision was recommended in the final report of the Military Compensation and Retirement Modernization Commission. The committee strongly recommends this limit as essential to good stewardship of the tuition assistance program.

The committee also notes that this amendment preserves the important distinction between off-duty education programs funded by tuition assistance that primarily benefit professional development of service members while currently serving in the Armed Forces and programs addressed elsewhere in this Act that support the transition to civilian life by providing access to civilian credentials based on military training and experience.

Modification of program to assist members of the Armed Forces in obtaining professional credentials (sec. 562)

The committee recommends a provision that would amend section 2015 of title 10, United States Code, to include within the program to assist members in obtaining professional credentials those credentials that were acquired during military service, but which were not necessarily obtained incident to the performance of their military duties. The provision would also eliminate the requirement that credentialing programs be accredited by third party accreditation bodies, and instead would require that credentialing programs meet certain other quality assurance benchmarks.

Access to Department of Defense installations of institutions of higher education providing certain advising and student support services (sec. 563)

The committee recommends a provision that would amend chapter 101 of title 10, United States Code, to require the Secretary of Defense to grant access to all Department of Defense installations any institution of higher education that has a Voluntary Education Partnership Memorandum of Understanding with the Department for the purposes of student advising and support services.

Priority processing of applications for Transportation Worker Identification Credentials for members undergoing discharge or release from the Armed Forces (sec. 564)

The committee recommends a provision that would require the Secretary of Defense to consult, and enter into a memorandum of understanding, with the Secretary of Homeland Security to afford a priority in the processing of applications for Transportation Worker Identification Credentials (TWIC) by members of the Armed Forces who are undergoing separation, discharge or release from the Armed forces. The provision would require adjudication of such applications not later than 14 days after the application is submitted, unless an appeal or waiver applies, or if other documentation is required. The priority for separating servicemembers shall commence not later than 180 days after enactment of this Act. The provision also requires a report on the implementation of this provision one year after enactment of this Act.

The committee recommends that the memorandum of understanding required under this provision should provide, to the greatest extent practicable, that the Transportation Safety Administration (TSA) accept validated security clearance information from the Department of Defense, including the National Agency Check with Law and Credit (NACLC), to meet the expeditious processing of applications required under this provision. The committee understands that the Department of Defense's security clearance checks meet or exceed the requirements currently required and conducted by the TSA.

The committee is yet again disappointed that the Department of Defense and the Department of Homeland Security have failed to take necessary action to implement priority processing of TWIC applications for transitioning servicemembers who are qualified and motivated to serve in the maritime industry. The Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114–92) expressed the disappointment of conferees in the lack of progress in providing the prioritized treatment of such applications. The committee expects the Department of Defense and the Department of Homeland Security to now work to implement the priority required by this provision, and without further delay.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 571)

The committee recommends a provision that would authorize \$25.0 million in Operation and Maintenance, Defense-wide, for continuation of the Department of Defense (DOD) assistance program to local educational agencies impacted by enrollment of dependent children of military members and DOD civilian employees.

Impact aid for children with severe disabilities (sec. 572)

The committee recommends a provision that would authorize \$5.0 million in Operation and Maintenance, defense-wide, for impact aid payments for children with disabilities (as enacted by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a) using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), for continuation of Department of Defense assistance to local educational agencies that benefit eligible dependents with severe disabilities.

Impact Aid amendments (sec. 573)

The committee recommends a provision that would: 1) amend sections 7003(b)(2)(B)(i)(I), 7003(b)(2)(B)(i)(II)(bb), and 7003(b)(2)(B)(i)(IV) of the Elementary and Secondary Education Act of 1965 (most recently amended by Public Law 114–95) to: 1) make a technical correction to the current statute to prevent the inadvertent disqualification of some local school districts from the Im-

pact Aid heavily impacted program whose boundaries are within the perimeter of military installations; 2) provide additional time to collect data on the effects to the Impact Aid heavily impacted program; and 3) adjust eligibility criteria to meet congressional intent.

One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies (sec. 574)

The committee recommends a provision that would amend section 547(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) to extend the authorities relating to transition and support of military dependent students to local educational agencies from September 30, 2016, to September 30, 2017. The provision would also require the administration to submit detailed budget justification information with any annual budget request that includes a request for the future extension of these authorities.

Comptroller General of the United States analysis of unsatisfactory conditions and overcrowding at public schools on military installations (sec. 575)

The committee recommends a provision that would require the Comptroller General of the United States to submit a report, within 1 year after the date of enactment of this Act, which provides an analysis of the condition and capacity of public schools on military installations. The provision would require the analysis to include schools omitted from the July 2011 Department of Defense analysis of such schools.

Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families (sec. 576)

The committee recommends a provision that would amend section 1056 of title 10, United States Code, to permit enhanced flexibility in giving relocation assistance to members of the Armed Forces and their families. The provision would allow the Department of Defense to adapt the delivery of relocation assistance to meet the evolving needs of military servicemembers and their families by leveraging technology to improve access, efficiency, and responsiveness of the relocation assistance program, especially in situations where servicemembers reside overseas or away from a military installation with a relocation assistance program. Finally, the provision would establish the position of Program Manager of Military Relocation Assistance in the office of the Assistant Secretary of Defense for Manpower and Reserve Affairs.

Reporting on allegations of child abuse in military families and homes (sec. 577)

The committee recommends a provision that would require the Secretary of Defense and the Secretary of Homeland Security to prescribe regulations to ensure that the family advocacy program office at a military installation to which a member of the Armed Forces is assigned is provided an immediate report of credible in-

formation obtained by any individual in the chain of command of the servicemember, that a child in the family or home of the servicemember has suffered an incident of child abuse. The provision would require a similar report by any member of the Armed Forces in a profession described by subsection 226(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) who has reason to suspect that a child in the family or home of a servicemember has suffered an incident of child abuse.

Background checks for employees of agencies and schools providing elementary and secondary education for Department of Defense dependents (sec. 578)

The committee recommends a provision that would require certain local educational agencies receiving impact aid under subchapter VII of chapter 70 of title 20, United States Code, and each Department of Defense (DOD) domestic dependent elementary and secondary school, within 2 years of enactment of this Act, to establish policies and procedures requiring a criminal background check for each school employee of the agency or school. Additionally, this provision would: (1) prohibit the employment of a school employee at the agency or school if the employee refuses to consent to a criminal background check, makes a false statement in connection with a criminal background check, or has a conviction for certain specific felonies; (2) require periodic updates of background checks in accordance with policies established by local educational agencies or DOD domestic schools; (3) authorize a school employee, upon request, to receive a copy of the criminal background check, and the employee would have a right to appeal the accuracy and completeness of the background check; and (4) authorize a local educational agency or school to share the results of a criminal background check with another educational agency considering an employee for employment. Finally, the provision would authorize certain federal and state officials to charge reasonable fees for conducting a criminal background check not to exceed the actual costs for processing and administering the background check.

Support for programs providing camp experience for children of military families (sec. 579)

The committee recommends a provision that would authorize the Secretary of Defense to provide financial or non-monetary support to qualified non-profit organizations to assist those organizations in carrying out programs to support the attendance of children of military families at a camp or camp-like setting.

Comptroller General of the United States report on Exceptional Family Member Program (sec. 580)

The committee recommends a provision that would require 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 180 days after the date of enactment of this Act, on the effectiveness of each Exceptional Family Member Program of the Armed Forces.

Repeal of Advisory Council on Dependents' Education (sec. 581)

The committee recommends a provision that would repeal section 1411 of the Defense Dependents' Education Act of 1978 to abolish the Advisory Council on Dependents' Education.

Subtitle G—Decorations and Awards

Authorization for award of the Medal of Honor to Charles S. Kettles for acts of valor during the Vietnam war (sec. 586)

The committee recommends a provision that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to Charles S. Kettles, for acts of valor on May 15, 1967, during the Vietnam War, while as Flight Commander in the United States Army, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam.

Authorization for award of the Medal of Honor to Gary M. Rose for action of valor during the Vietnam war (sec. 587)

The committee recommends a provision that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to Gary M. Rose, for acts of valor from September 11 through 14, 1970, during the Vietnam War, while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor during World War II (sec. 588)

The committee recommends a provision that would authorize the Secretary of the Army to award the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor while interned as a prisoner of war by Japan, from December 30, 1941 to September 7, 1944.

Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list (sec. 589)

The committee recommends a provision that would posthumously advance Colonel George E. "Bud" Day, United States Air Force, to the rank of brigadier general on the retired list of the United States Air Force. Colonel Day's benefits would not be affected by this action.

Subtitle H—Miscellaneous Reports and Other Matters

Applicability of Military Selective Service Act to female citizens and persons (sec. 591)

The committee recommends a provision that would amend the Selective Service Act (Public Law 65-12) to include women in the requirement to register for selective service, to the same extent

men are currently required, beginning January 1, 2018. The committee notes that the ban of females serving in ground combat units has been lifted by the Department of Defense, and as such, there is no further justification to apply the selective service act to males only.

Senior Military Acquisition Advisors in the Defense Acquisition Corps (sec. 592)

The committee recommends a provision that would add a new section 1725 to title 10, United States Code, to establish positions known as “Senior Military Acquisition Advisors” in the Defense Acquisition Corps. The provision would authorize the Secretary of Defense to establish in the Defense Acquisition Corps positions to be known as “Senior Military Acquisition Advisors”. Senior Military Acquisition Advisors will be appointed by the President, by and with the advice and consent of the Senate. Eligible officers include officers in the grade of colonel or captain in the Navy, with extensive defense acquisition experience, and who are eligible for retirement. Senior Military Acquisition Advisors will be authorized to remain in service in support of their Service Acquisition Executive and be assigned as an adjunct professor at the Defense Acquisition University.

Senior Military Acquisition Advisors would be competitively selected and would provide senior level acquisition expertise to the Service Acquisition Executive of their military department for the remainder of their career. An officer who is continued on active duty under this program is not eligible for consideration for selection for promotion. A Senior Military Acquisition Advisor will serve no longer than a 5-year term. When a Senior Military Acquisition Advisor retires with a minimum of 3 years of service, the officer may, at the discretion of the President, be retired as a brigadier general or rear admiral (lower half), but without increase in retired pay or other compensation by reason of retirement of an officer in the grade of brigadier general or rear admiral (lower half).

Annual reports on progress of the Army and the Marine Corps in integrating women into military occupational specialties and units recently opened to women (sec. 593)

The committee recommends a provision that would require a report to be delivered to the Committees on Armed Services of the Senate and the House of Representatives by the Chief of Staff of the Army, the Commandant of the Marine Corps, and the Commander of the United States Special Operations Command annually on April 1, 2017 and each year thereafter through 2021 on the progress of integrating women into military occupational specialties and units recently opened to women.

Elements of the report shall include: (1) The status of gender-neutral standards throughout the Entry Level Training continuum; (2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program; (3) Success rates in Initial Screening Tests and Military Occupational Specialty (MOS) Classification Standards for newly-opened ground combat military occupational specialties, by gender; (4) Attrition

rates and causes of attrition throughout the Entry Level Training continuum, by gender and military occupational specialty; (5) Re-classification rates and causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty; (6) Injury rates and causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty; (7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty; (8) A comparative analysis of injury rates, causes of injury, and nondeployability rates in similar military occupational specialties of allied countries, including Australia, Canada, Israel, and the United Kingdom, and a comparative analysis of the mitigation factors used by the United States and such countries; (9) Lateral move approval rates into newly opened military occupational specialties, by gender and military occupational specialty; (10) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty; (11) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender; and (12) Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Forces.

Report on career progression tracks of the Armed Forces for women in combat arms units (sec. 594)

The committee recommends a provision that would require the Secretary of Defense to submit a description of the career progression track for entry level and laterally moved female service members both officer and enlisted of each Armed Force for positions that have been opened as a result of the December 3, 2015, decision by the Secretary to open all previously closed military occupations to women.

Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President (sec. 595)

The committee recommends a provision that would repeal section 9337 of title 10, United States Code, that requires a chaplain at the United States Air Force Academy appointed by the President. The section is not required because the Air Force and the other military departments already assign chaplains to the service academies under existing service personnel assignment procedures.

Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies (sec. 596)

The committee recommends a provision that would amend section 1559 of title 10, United States Code, to extend the limitation on reducing the number of military and civilian personnel assigned to duty with the service review agencies through December 31, 2019.

The committee determined that the service review agencies must continue to be staffed at a level to accommodate expeditious review of cases and to reduce backlog. The committee notes that recent changes to eligibility for service record and discharge reviews may

have increased the number of former servicemembers seeking review, particularly for members who were separated for misconduct that may be attributed to the effects of post-traumatic stress disorder, whether or not diagnosed at the time of the misconduct, and for members separated for homosexual conduct prior to the repeal of “Don’t Ask Don’t Tell”. The service review agencies must continue to be staffed with an adequate number of personnel to perform their important work.

Items of Special Interest

Assessment of Joint Professional Military Education

The committee believes that Joint Professional Military Education (JPME) is a key component of growing joint-qualified officers, and in developing leaders capable of planning, fighting, and winning tomorrow’s wars. The committee also believes, however, that the delivery of JPME, and Professional Military Education (PME) provided by the military services, can be improved. Therefore, the committee directs the Secretary of Defense to review the delivery of Joint Professional Military Education in the military services, including an assessment of: (1) the current statutory and regulatory framework authorizing, regulating, and potentially restricting development of better methods and models of delivering JPME; (2) the curricula of JPME and PME, and whether they are adequately preparing tomorrow’s leaders; (3) the quality of faculty, both military and civilian; (4) whether institutions that deliver JPME and PME afford faculty sufficient academic freedoms and career progression opportunities to attract and retain talented instructors; (5) whether any JPME or PME courses, programs, or schools should be added or eliminated; and (6) any other aspect of JPME or PME that the Secretary deems appropriate. The Secretary shall provide a report to the Committees on Armed Services of the Senate and the House of Representatives by no later than April 1, 2017, on the results of this review.

Comptroller General of the United States assessment of Department of Navy personnel strategies for unmanned systems

Unmanned systems have become an integral part of the Department of Defense’s warfighting capabilities as demonstrated in Iraq and Afghanistan. In recent years, much focus has been on the Air Force and the Army regarding their use of unmanned aerial systems. However, the Navy is also rapidly increasing its use of unmanned systems and has recently established a deputy assistant secretary of the Navy for unmanned systems. The Navy’s use of unmanned systems not just in the air, but also on the sea and undersea, creates unique challenges that must be addressed. As the Secretary of the Navy has noted, unmanned systems are inherently different from their manned counterparts, and policies and procedures must be in place for the design, development, testing and evaluation of unmanned systems. The committee also believes the associated unique personnel issues of the Department of the Navy’s unmanned systems must be considered and addressed.

Therefore, the committee directs the Comptroller General of the United States to submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted by the Comptroller General with preliminary observations due no later than March 1, 2017, and a report to follow, to examine the Department of Navy's personnel strategies for unmanned systems, including unmanned aerial vehicles, unmanned surface vehicles and unmanned underwater vehicles. The report shall include an examination of the extent to which the Navy and the Marine Corps have done the following: (1) analyzed the personnel requirements for positions required to operate aerial, surface, and underwater systems including the existing and future critical skills and competencies needed; (2) examined alternative populations, such as civilians and contractors, as well as the type of military personnel used, officer, enlisted, or a mix, that could be assigned to unmanned systems; (3) conducted a cost benefit analysis to determine the risks and advantages of the varying personnel assignment strategies they are pursuing for unmanned operators; and (4) developed strategies to recruit and retain personnel to operate unmanned using compensation tools available.

Comptroller General of the United States review of pilot programs on career flexibility to enhance retention of members of the armed forces

The committee directs the Comptroller General of the United States to review career intermission pilot programs implemented pursuant to section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as amended by section 523 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), and the reports prepared and submitted under section 533(k) of that Act, and to provide a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives by December 31, 2016. At a minimum, the review should assess:

(a) whether the authorities of the pilot program have provided an effective means to enhance the retention of members of the armed forces possessing critical skills, talents, and leadership abilities;

(b) the career progression in the armed forces of individuals who participated in the pilot program and whether their careers have been adversely affected;

(c) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the armed forces;

(d) the extent to which the designation as a pilot program has discouraged participation by qualified applicants; and

(e) the costs incurred in the program to date, and an assessment of the expected annual costs in the expanded program as modified by section 523 of the National Defense Authorization Act for Fiscal Year 2016 to remove limits and restrictions on participation.

Comptroller General report on the continuum of offenses involving unwanted sexual behavior in the armed forces

Over the past decade, the Department of Defense (DOD) has made significant strides to address problems in its ranks regarding hazing, sexual harassment, domestic violence, and sexual assault. As DOD has grappled with these problems, however, it has historically found that the reporting of these incidents is under-reported and fragmented. Defining such behaviors as “hazing,” “sexual harassment,” “domestic violence,” and “sexual assault” has been difficult because these behaviors frequently overlap, and because efforts to combat unacceptable behaviors must be founded on clearly understood definitions that precisely distinguish between unacceptable and criminal behavior. These difficulties have been complicated by the fact that DOD and the services assign responsibility for preventing these behaviors and setting policies regarding unwanted sexual behaviors to separate offices with different chains of command and different reporting databases and reporting mechanisms. As a result, DOD lacks a comprehensive view of the continuum of offenses involving sexual behavior and can therefore not adequately target policies to prevent them, hold perpetrators accountable, and care for those who are victims. Because of this fragmentation and lack of focus for DOD’s sexual prevention efforts, the committee directs the Comptroller General of the United States to provide preliminary observations to the Senate Committee on Armed Services no later than April 1, 2017, that are based on the following questions:

- (a) To what extent do offices and programs in DOD that are responsible for setting policy and preventing the various types of unwanted sexual behavior involving servicemembers perform the same or similar functions?
- (b) To what extent do these offices coordinate and collaborate with each other to share information and leverage resources?
- (c) To what extent are policies and databases that contain information on incidents on unwanted sexual behavior coordinated to ensure that DOD has a complete picture of the continuum of such behavior and to target policies to prevent them and punish perpetrators?

CONUS Education Options Assessment

The Department of Defense (DOD) currently operates schools or contracts with local education agencies to provide K–12 education for over 25,000 students in nine states. The Department estimates that its annual cost to provide that education is over \$23,000 per student. The committee is aware that DOD contracted with the RAND National Defense Research Institute to assess the options for providing K–12 education of military children residing on military installations in areas of the United States on which the Department of Defense Education Activity either operates schools or contracts with local education agencies to operate schools. The committee understands that RAND considered six alternatives for the provision of education to children attending those schools and provided its assessment to the Department in May 2015. The committee directs the Secretary of Defense to provide the RAND report

to the committee no later than September 1, 2016, together with the Department's views of the recommendations contained therein.

Department of Defense consultation with outside experts to improve sexual assault prevention and response programs

A November 2015 Government Accountability Office (GAO) report entitled "Sexual Assault: Actions Needed to Improve DoD's Prevention Strategy and to Help Ensure it is Effectively Implemented," found that "DoD has identified five performance measures to assess the effectiveness of its prevention efforts, but these measures are not fully developed as they are missing many of the 10 key attributes that GAO has found can contribute to assessing program performance effectively. . . ." GAO listed five recommendations, and according to the report, the Department of concurred with all of them.

As the Department implements reforms to address these recommendations and to improve the Department's sexual assault prevention and response strategy, the committee expects the Department to consult closely with outside experts in the field of sexual assault awareness, prevention, and response.

Department of Defense identity numbers

The committee recognizes the identity security issues that arise for members of Congress and their respective staff who deal with the Department of Defense (DoD) on a regular basis. Without DoD identify numbers, members of Congress and staff are required to provide their Social Security numbers for identification purposes on paperwork and to visit the Pentagon. Repeatedly divulging this information heightens the risk of identify theft, exacerbating the risk already faced by members of Congress. Therefore, the committee urges the DoD to provide an alternative option to identify these individuals, including issuing Department of Defense identity numbers to members of Congress or their staff who deal with the DoD on a regular basis, as this will also help standardize identification with the DoD employees.

Disclosure of Military Sexual Trauma During Separation Examinations

The committee understands that current Department of Defense policy requires all members of the military services who are scheduled to be separated from Active Duty after serving for 180 days or more to take a comprehensive Separation History and Physical Examination (SHPE). The purpose of the SHPE is to ensure all medical conditions incurred or aggravated during the servicemembers military service are identified and documented prior to separation or retirement from military service. The Department of Defense and the Department of Veterans Affairs have established a coordinated, standardized examination process that supports the VA disability compensation program and the DoD SHPE program. Under an agreement between DoD and VA, VA providers complete the examination for servicemembers who file a claim for VA benefits prior to discharge.

The committee is concerned that the current procedure followed by VA providers to conduct a SHPE discourages a servicemember who was the victim of military sexual trauma from disclosing the assault. Unlike Department of Defense health care providers, VA providers are not currently permitted to take a restricted report of a sexual assault. Separating servicemembers who have a VA-provided SHPE are instructed that any discussion about a sexual assault will be included in their Service Treatment Records and could change a restricted report to an unrestricted report.

The Committee is concerned that the inability of a servicemember to disclose military sexual trauma at the time of the SHPE undermines the purpose of the SHPE to produce a comprehensive record of all of the servicemember's medical conditions incurred or aggravated during military service and could compromise the ability of the servicemember to receive the full scope of VA benefits to which the servicemember is entitled. Furthermore, the Committee understands the personal strength and courage it requires for a victim of military sexual trauma to file a restricted or unrestricted report of a sexual assault, and the committee believes that no servicemember should be discouraged from reporting a sexual assault. The Committee believes that when barriers to reporting are identified every effort should be made to eliminate them.

The Committee directs the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to establish a policy that enables all Department of Defense and Department of Veterans Affairs health care providers who administer separation exams to take a restricted report of a sexual assault. The policy should also ensure that information regarding military sexual trauma that is received in connection with a restricted report of sexual assault can be appropriately considered for the purpose of disability benefits administered by the Department of Veterans Affairs.

DoD report on implementation of GAO recommendations on hazing

The GAO recently conducted a study to address the extent to which DOD and the Coast Guard, which falls under the Department of Homeland Security (DHS), have developed and implemented policies to address incidents of hazing, and have visibility over hazing incidents. The GAO made twelve recommendations in their report, among them that DOD and the Coast Guard regularly monitor policy implementation, issue guidance on the collection and tracking of hazing incident data, and evaluate the prevalence of hazing. DOD concurred with all twelve GAO recommendations and stated an intention to address them. The committee directs the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the progress of their implementation of the GAO recommendations by the close of the fiscal year 2016.

Employment of members of the National Guard, Reserves, and veterans of the Armed Forces

The committee remains concerned about members of the National Guard, Reserves, and veterans of the Armed Forces finding civilian employment. The committee recognizes that the Secretary

of Defense, in coordination with the Department of Labor and the Department of Veterans Affairs, will submit this year to the Committees on Armed Services of the Senate and House of Representatives a report required by section 583 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), on the feasibility of improving the efforts of the Department of Defense to provide job placement assistance and related employment services to members of the reserve components. The committee is committed to reviewing that report and taking any recommended actions to improve the processes by which members of the National Guard, Reserves, and veterans of the Armed Forces may find and obtain civilian employment.

Enhancing the capabilities of Army military intelligence personnel

The committee is concerned that as the Army continues its efforts to regionally align its forces, the U.S. Army Human Resources Command does not have a way to quickly administratively identify its military intelligence personnel who have experience and expertise relevant to specific geographical regions of the world.

Furthermore, as the Department of Defense continues its efforts to provide unique broadening assignments and opportunities to servicemembers, the committee urges the Department to place special focus in providing opportunities to military intelligence servicemembers as a way to enhance the capabilities of the military intelligence corps and provide the Army with the ability to quickly identify personnel who have had regionally focused or overseas assignments, language proficiency, and relevant advanced degrees.

In order to enhance our military intelligence capabilities, the committee urges the Army to create a regional focus identifier for military intelligence personnel to provide the Army with a greater ability to assign or surge servicemembers to support missions in specific geographical regions of the world where certain military intelligence servicemembers are best suited through their military, academic, and other relevant experience.

Enlisted representation

The committee directs the Secretary of Defense to appoint senior noncommissioned officers (in the pay grades of E7, E8, or E9) as members on Department of Defense boards, panels, or bodies of a similar nature, where the topic involves the consideration of compensation and benefits (including pay and allowances, health care, retirement, and other benefits) of enlisted members of the Armed Forces.

F-35A maintainer shortage report

The committee is aware of the aircraft maintainer shortage that is impacting the stand up of F-35A squadrons and impacting the combat readiness and sustainment of all other Air Force squadrons. As a result of this shortage, the USAF is hiring contract maintainers through 2019 in non-deploying squadrons in order to ensure the Air Force is able to stand up new F-35A squadrons, as well as meet basic operations and maintained schedule for training

and combat missions across the entire inventory. While the committee is supportive of increasing the number of USAF aircraft maintainers in order to fill the shortage of active-duty maintainers across the force, the committee remains concerned about a long-term plan to address these shortages. The contract maintainers will only meet the Air Force requirements through 2019. Beyond 2019, the Air Force still has a total force aircraft maintainer shortfall, and will need to access at least 4,000 active duty maintainers to replace the contract maintainers, maintain the training pipelines, reduce the deploy-to-dwell ratio, and maintain the Congressionally mandated 1,950 fighter aircraft floor.

To address this shortfall, the committee recommends that the Air Force should thoroughly assess and consider the number of additional active duty, guard, and reserve maintainers that they need in order to meet full-spectrum readiness across the entire force.

Therefore, the committee directs the Secretary of the Air Force to develop a plan to increase or reallocate authorized end strength, to include in the reserve components and to give consideration to the most effective and efficient use of the total force, to ensure that installations receiving new F-35As across the Air Force post-2019 have the necessary maintainers to ensure their operation. The committee directs the Secretary to provide a written plan to the congressional defense committees no later than 90 days following the enactment of this Act.

Impact of basic allowance for housing changes on the Military Housing Privatization Initiative

The committee notes that recent changes in the basic allowance for housing (BAH), as requested by the Department of Defense, were implemented without an appropriate level of consideration on the impact such changes would have on military housing privatization initiative (MHPI) projects. The committee notes that elsewhere in this Act, reforms to the basic allowance for housing that take into account actual costs should be applied equally to MHPI projects. The Department of Defense has continued to view the BAH as compensation, and has thus treated it like a piggy bank to return to for savings by slicing percentages across the board. However, this committee wishes to preserve the tax-free allowance for housing, taking into account dependency status and those living in MHPI projects and the actual costs of the value of that housing. The BAH is intended to provide housing as an in-kind benefit to service members, a benefit which should not involve increased costs to those members living in the Department of Defense contracted MHPI projects.

The committee directs the Comptroller General of the United States, by August 1, 2017, to conduct an audit of each MHPI project in the United States to assess the solvency of each project and the impact recent changes to BAH may have on the long-term sustainability of such projects.

Military to mariner transition

Some industry experts project that the commercial maritime industry will face a shortfall of workers over the coming decade. The Navy and the Maritime Administration rely on the availability of

merchant mariners to crew the Ready Reserve Force ships in wartime. The Committee therefore urges the Department of Defense (DOD) to work with relevant stakeholders, including the Maritime Administration and the Coast Guard, to assess whether a shortage is likely, and to develop plans to address a potential merchant mariner shortage if such a shortage is predicted.

The Committee recognizes the ability of transitioning servicemembers with maritime experience to help fill this void, and that DOD could take steps to assist transitioning servicemembers in receiving credentials for maritime service in the private sector. The Committee recommends that DOD do the following: (1) maximize the transferability of active duty military servicemembers' career skills to similar civilian merchant marine industry positions by aligning, where possible, required knowledge, skills, and abilities for military positions with knowledge, skills, and abilities for certification for maritime careers; and (2) develop a military skills translator that could relate military qualifications to equivalent commercial certifications, identify gaps in current resources available to help servicemembers transition to the merchant marine industry, as well as provide courses and training to address qualification discrepancies.

Pilot deficiencies

It is the sense of the Senate that the services may not be taking adequate action to remedy the shortfall of fighter pilots in the near and long term. The Air Force is currently short more than 500 fighter pilots, and expects this to surpass 800 by 2022. Some other Air Force pilot communities, particularly the remotely piloted aircraft community, also have shortages, while there are more pilots than needed to meet requirements in other communities. The Navy, while meeting current requirements, also anticipates a fighter pilot shortfall in the early 2020s.

The Committee directs the Comptroller General of the United States to conduct a report on available force management tools, as well as how these tools are used by military services with pilots, to manage their pilot accessions and force management priorities to right size their different communities. The Committee encourages the Comptroller General of the United States to provide a detailed account of all approaches currently taken by services and recommend regulatory or process changes to service force management practices, as warranted, as well as appropriate statutory changes.

Process required for adjudication of suspension or termination of institutions with a voluntary education partnership memoranda of understanding with Department of Defense

The committee is concerned that Department of Defense Instruction (DODI) 1322.25 does not provide adequate administrative procedures for the fair and expeditious adjudication of complaints about educational institutions that have entered into a memorandum of understanding (MOU) with DOD for a Voluntary Education Partnership. As a result, there is no clear guidance on the rights and responsibilities of the DOD or of the educational institu-

tion prior to and following a DOD decision to suspend or terminate a MOU. The committee directs the Secretary of Defense, not later than December 30, 2016, to modify the DODI 1322.25 to delineate administrative procedures that would ensure that such complaints are resolved fairly and expeditiously and establish guidance on the rights and responsibilities of the DOD and the subject educational institutions after such a complaint has been made.

Religious accommodation in the military

The committee commends the Army on recent decisions to grant religious accommodation to soldiers of the Sikh faith that will allow these soldiers to faithfully serve the Army while adhering to the tenets of their faith. The committee strongly encourages all the military services to provide accommodations such as those provided to these soldiers to the maximum extent possible. The committee believes any restriction based on the health and safety of the force must be narrowly drawn and objectively imposed on a factual case-by-case basis. Further, the committee does not consider that so-called uniformity of appearance, in isolation from other factors, remains a compelling government interest in the context of a force as varied and diverse as ours. Indeed, over the past 15 years our military has operated in areas of the world where the predominant religions require articles of faith be worn, or hair be worn unshorn. The committee concludes that the greater and more compelling interest is to allow our servicemembers to demonstrate in full view the diversity of the United States military.

The committee strongly encourages the Department and the military services to formally adopt policies that allow for the consideration of requests for religious accommodation prior to enlistment or commissioning and allow such accommodations, once granted, to remain in effect for the servicemember throughout a career. This will ease administrative burden of processing these requests and will empower commanders to consistently apply clear and operationally relevant standards. Most importantly, it will provide peace of mind and certainty for service members who have served and continue to serve their nation faithfully.

Report on litigation billets

Based on the need to retain senior judge advocates with litigation experience, the Secretaries of the military departments should study the feasibility of designating military justice litigators as eligible for continuation under subsection (a) of section 503 of this Act. The Secretaries shall also submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the manner in which the judge advocates general corps under the jurisdiction of such Secretary (and, in the case of the Marine Corps, the judge advocate command element) would best be organized and staffed to provide billets for judge advocates in grades 0-5 and 0-6 who have experience as courtroom litigators in order to provide such corps with an adequate pool of experienced litigators to serve as trial counsel and defense counsel in general courts-martial for the prosecution of violent offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice). If additional billets are required to provide a corps with such a pool

of litigators, the report on such corps shall specify the number of additional billets so required.

Sexual assault prevention strategy

A November 2015 report by the Government Accountability Office evaluating the Department of Defense's (DoD) sexual assault prevention strategy cites several shortfalls. The report recommends that the Department implement a comprehensive evidence-based approach to determine the success of prevention-focused activities. The committee directs the Secretary of Defense to provide a report on how it will address the issue of sexual assault prevention, and encourages DoD to seek expertise from outside experts to validate the approach the Department is taking.

Space available seating for veterans with service-connected disabilities

The committee continues to support the Department of Defense's (DoD) program to provide transportation on aircraft on a space-available basis for eligible individuals. The committee recognizes that the department has the authority to include veterans with service-connected disabilities in the space available program. If there is excess capacity on some space available flights, the committee encourages the department to assess the feasibility and advisability of providing access to the space available program for veterans with 100% service-connected, permanent disability.

Transition Assistance Program and reserve component members

The committee is concerned that the Transition Assistance Program (TAP) sometimes fails to meet the unique needs of National Guard and Reserve members returning from an active-duty deployment, especially the needs of those who have deployed, and transitioned, multiple times, which oftentimes results in an unnecessary duplication of TAP required attendance. The committee directs the Secretary of Defense to collect data about National Guard and Reserve members' transition experiences and to make recommendations to the committee on how to better serve the transition needs of this population, or alternatively to suggest a transition program specifically designed for the National Guard and Reserve.