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TITLE IV—MILITARY

13

PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revisions in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

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

Sec. 414. Fiscal year 2018 limitation on number of non-dual status technicians.

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

Sec. 416. Number of members of the National Guard on full-time duty in support of the reserves within the National Guard Bureau.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

14

Subtitle A—Active Forces

15

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

16

The Armed Forces are authorized strengths for active

17

duty personnel as of September 30, 2018, as follows:

1 (1) The Army, 483,500.

2 (2) The Navy, 327,900.

3 (3) The Marine Corps, 186,000.

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

5 **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END**
6 **STRENGTH MINIMUM LEVELS.**

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

10 “(1) For the Army, 483,500.

11 “(2) For the Navy, 327,900.

12 “(3) For the Marine Corps, 186,000.

13 “(4) For the Air Force, 325,100.”.

14 **Subtitle B—Reserve Forces**

15 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

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

19 (1) The Army National Guard of the United
20 States, 343,500.

21 (2) The Army Reserve, 199,500.

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

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

24 (5) The Air National Guard of the United
25 States, 106,600.

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

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

3 (b) END STRENGTH REDUCTIONS.—The end
4 strengths prescribed by subsection (a) for the Selected Re-
5 serve of any reserve component shall be proportionately
6 reduced by—

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

11 (2) the total number of individual members not
12 in units organized to serve as units of the Selected
13 Reserve of such component who are on active duty
14 (other than for training or for unsatisfactory partici-
15 pation in training) without their consent at the end
16 of the fiscal year.

17 (c) END STRENGTH INCREASES.—Whenever units or
18 individual members of the Selected Reserve of any reserve
19 component are released from active duty during any fiscal
20 year, the end strength prescribed for such fiscal year for
21 the Selected Reserve of such reserve component shall be
22 increased proportionately by the total authorized strengths
23 of such units and by the total number of such individual
24 members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

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

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

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

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

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

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

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

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual
21 status) as of the last day of fiscal year 2018 for the re-
22 serve components of the Army and the Air Force (notwith-
23 standing section 129 of title 10, United States Code) shall
24 be the following:

25 (1) For the Army National Guard of the United
26 States, 22,294.

1 (2) For the Army Reserve, 6,492.

2 (3) For the Air National Guard of the United
3 States, 19,135.

4 (4) For the Air Force Reserve, 8,880.

5 **SEC. 414. FISCAL YEAR 2018 LIMITATION ON NUMBER OF**
6 **NON-DUAL STATUS TECHNICIANS.**

7 (a) LIMITATIONS.—

8 (1) NATIONAL GUARD.—The number of non-
9 dual status technicians employed by the National
10 Guard as of September 30, 2018, may not exceed
11 the following:

12 (A) For the Army National Guard of the
13 United States, 0.

14 (B) For the Air National Guard of the
15 United States, 0.

16 (2) ARMY RESERVE.—The number of non-dual
17 status technicians employed by the Army Reserve as
18 of September 30, 2018, may not exceed 0.

19 (3) AIR FORCE RESERVE.—The number of non-
20 dual status technicians employed by the Air Force
21 Reserve as of September 30, 2018, may not exceed
22 0.

23 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
24 this section, the term “non-dual status technician” has the

1 meaning given that term in section 10217(a) of title 10,
2 United States Code.

3 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
4 **THORIZED TO BE ON ACTIVE DUTY FOR**
5 **OPERATIONAL SUPPORT.**

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

11 (1) The Army National Guard of the United
12 States, 17,000.

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

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

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

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

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

19 **SEC. 416. NUMBER OF MEMBERS OF THE NATIONAL GUARD**
20 **ON FULL-TIME DUTY IN SUPPORT OF THE RE-**
21 **SERVES WITHIN THE NATIONAL GUARD BU-**
22 **REAU.**

23 (a) ARMY NATIONAL GUARD OF THE UNITED
24 STATES.—As of the end of fiscal year 2019, and as of
25 the end of each fiscal year thereafter, the number of mem-

1 bers of the Army National Guard of the United States
2 serving with the National Guard Bureau on full-time duty
3 for the purpose of organizing, administering, recruiting,
4 instructing, or training the reserve components may not
5 exceed the number equal to six percent of the total number
6 of members of the Army National Guard of the United
7 States authorized for service on full-time duty for that
8 purpose in that fiscal year.

9 (b) AIR NATIONAL GUARD OF THE UNITED
10 STATES.—As of the end of fiscal year 2019, and as of
11 the end of each fiscal year thereafter, the number of mem-
12 bers of the Air National Guard of the United States serv-
13 ing with the National Guard Bureau on full-time duty for
14 the purpose of organizing, administering, recruiting, in-
15 structing, or training the reserve components may not ex-
16 ceed the number equal to six percent of the total number
17 of members of the Air National Guard of the United
18 States authorized for service on full-time duty for that
19 purpose in that fiscal year.

20 **Subtitle C—Authorization of** 21 **Appropriations**

22 **SEC. 421. MILITARY PERSONNEL.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
24 are hereby authorized to be appropriated for fiscal year
25 2018 for the use of the Armed Forces and other activities

1 and agencies of the Department of Defense for expenses,
2 not otherwise provided for, for military personnel, as spec-
3 ified in the funding table in section 4401.

4 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
5 thorization of appropriations in subsection (a) supersedes
6 any other authorization of appropriations (definite or in-
7 definite) for such purpose for fiscal year 2018.

8 **TITLE V—MILITARY PERSONNEL** 9 **POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Modification of deadline for submittal by officers of written communications to promotion selection boards on matters of importance to their selection.
- Sec. 502. Clarification to exception for removal of officers from list of officers recommended for promotion after 18 months without appointment.
- Sec. 503. Modification of requirement for specification of number of officers who may be recommended for early retirement by a Selective Early Retirement Board.
- Sec. 504. Extension of service-in-grade waiver authority for voluntary retirement of certain general and flag officers for purposes of enhanced flexibility in officer personnel management.
- Sec. 505. Inclusion of Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Technology, and Logistics among officers subject to repeal of statutory specification of general officer grade.
- Sec. 506. Clarification of effect of repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.
- Sec. 507. Standardization of authorities in connection with repeal of statutory specification of general officer grade for the Dean of the Academic Board of the United States Military Academy and the Dean of the Faculty of the United States Air Force Academy.
- Sec. 508. Flexibility in promotion of officers to positions of Staff Judge Advocate to the Commandant of the Marine Corps and Deputy Judge Advocate General of the Navy or Air Force.
- Sec. 509. Grandfathering of retired grade of Assistant Judge Advocates General of the Navy as of repeal of statutory specification of general and flag officers grades in the Armed Forces.

Subtitle B—Reserve Component Management

- Sec. 511. Equal treatment of orders to serve on active duty under sections 12304a and 12304b of title 10, United States Code.

- Sec. 512. Service credit for cyberspace experience or advanced education upon original appointment as a commissioned officer.
- Sec. 513. Consolidation of authorities to order members of the reserve components of the Armed Forces to perform duty.
- Sec. 514. Pilot program on use of retired senior enlisted members of the Army National Guard as Army National Guard recruiters.

Subtitle C—General Service Authorities

PART I—MATTERS RELATING TO DISCHARGE AND CORRECTION OF
MILITARY RECORDS

- Sec. 520. Consideration of additional medical evidence by Boards for the Correction of Military Records and liberal consideration of evidence relating to post-traumatic stress disorder or traumatic brain injury.
- Sec. 521. Public availability of information related to disposition of claims regarding discharge or release of members of the Armed Forces when the claims involve sexual assault.
- Sec. 522. Confidential review of characterization of terms of discharge of members who are victims of sex-related offenses.
- Sec. 523. Training requirements for members of boards for the correction of military records and personnel who investigate claims of retaliation.
- Sec. 524. Pilot program on use of video teleconferencing technology by boards for the correction of military records and discharge review boards.

PART II—OTHER GENERAL SERVICE AUTHORITIES

- Sec. 526. Modification of basis for extension of period for enlistment in the Armed Forces under the Delayed Entry Program.
- Sec. 527. Reauthorization of authority to order retired members to active duty in high-demand, low-density assignments.
- Sec. 528. Notification of members of the Armed Forces undergoing certain administrative separations of potential eligibility for veterans benefits.
- Sec. 529. Extension of authority of the Secretary of Veterans Affairs to provide for the conduct of medical disability examinations by contract physicians.
- Sec. 530. Provision of information on naturalization through military service.

Subtitle D—Military Justice and Other Legal Issues

- Sec. 531. Clarifying amendments related to the Uniform Code of Military Justice reform by the Military Justice Act of 2016.
- Sec. 532. Enhancement of effective prosecution and defense in courts-martial and related matters.
- Sec. 533. Punitive article under the Uniform Code of Military Justice on wrongful broadcast or distribution of intimate visual images or visual images of sexually explicit conduct.
- Sec. 534. Garnishment to satisfy judgment rendered for physically, sexually, or emotionally abusing a child.
- Sec. 535. Sexual assault prevention and response training for all individuals enlisted in the Armed Forces under a delayed entry program.
- Sec. 536. Special Victims' Counsel training regarding the unique challenges often faced by male victims of sexual assault.

- Sec. 537. Inclusion of information in annual SAPRO reports regarding military sexual harassment and incidents involving nonconsensual distribution of private sexual images.
- Sec. 538. Inclusion of information in annual SAPRO reports regarding sexual assaults committed by a member of the Armed Forces against the member's spouse or other family member.

Subtitle E—Member Education, Training, Resilience, and Transition

- Sec. 541. Element in preseparation counseling for members of the Armed Forces on assistance and support services for caregivers of certain veterans through the Department of Veterans Affairs.
- Sec. 542. Improved employment assistance for members of the Army, Navy, Air Force, and Marine Corps and veterans.
- Sec. 543. Limitation on release of military service academy graduates to participate in professional athletics.
- Sec. 544. Two-year extension of suicide prevention and resilience program for the National Guard and Reserves.
- Sec. 545. Annual certifications related to Ready, Relevant Learning initiative of the Navy.
- Sec. 546. Authority to expand eligibility for the United States Military Apprenticeship Program.
- Sec. 547. Limitation on availability of funds for attendance of Air Force enlisted personnel at Air Force officer professional military education in-residence courses.
- Sec. 548. Lieutenant Henry Ossian Flipper Leadership Scholarships.
- Sec. 549. Pilot programs on appointment in the excepted service in the Department of Defense of physically disqualified former cadets and midshipmen.

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

PART I—DEFENSE DEPENDENTS' EDUCATION MATTERS

- Sec. 551. Assistance to schools with military dependent students.
- Sec. 552. Transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.
- Sec. 553. Report on educational opportunities in science, technology, engineering, and mathematics for children who are dependents of members of the Armed Forces.

PART II—MILITARY FAMILY READINESS MATTERS

- Sec. 555. Codification of authority to conduct family support programs for immediate family members of members of the Armed Forces assigned to special operations forces.
- Sec. 556. Reimbursement for State licensure and certification costs of a spouse of a member of the Armed Forces arising from relocation to another State.
- Sec. 557. Temporary extension of extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction.
- Sec. 558. Enhancing military childcare programs and activities of the Department of Defense.

- Sec. 559. Direct hire authority for Department of Defense for childcare services providers for Department child development centers.
- Sec. 560. Pilot program on public-private partnerships for telework facilities for military spouses on military installations outside the United States.

Subtitle G—Decorations and Awards

- Sec. 561. Authorization for award of the Medal of Honor to Garlin M. Conner for acts of valor during World War II.
- Sec. 562. Authorization for award of Distinguished-Service Cross to Specialist Frank M. Crary for acts of valor in Vietnam.

Subtitle H—Miscellaneous Reporting Requirements

- Sec. 571. Analysis and report on accompanied and unaccompanied tours of duty in remote locations with high family support costs.
- Sec. 572. Review and reports on policies for regular and reserve officer career management.
- Sec. 573. Review and report on effects of personnel requirements and limitations on the availability of members of the National Guard for the performance of funeral honors duty for veterans.
- Sec. 574. Review and report on authorities for the employment, use, and status of National Guard and Reserve technicians.
- Sec. 575. Assessment and report on expanding and contracting for childcare services of the Department of Defense.
- Sec. 576. Review and report on compensation provided childcare services providers of the Department of Defense.
- Sec. 577. Comptroller General of the United States assessment and report on the Office of Complex Investigations within the National Guard Bureau.
- Sec. 578. Modification of submittal date of Comptroller General of the United States report on integrity of the Department of Defense whistleblower program.

Subtitle I—Other Matters

- Sec. 581. Expansion of United States Air Force Institute of Technology enrollment authority to include civilian employees of the homeland security industry.
- Sec. 582. Conditional designation of Explosive Ordnance Disposal Corps as a basic branch of the Army.
- Sec. 583. Designation of office within Office of the Secretary of Defense to oversee use of food assistance programs by members of the Armed Forces on active duty.

1 **Subtitle A—Officer Personnel**
2 **Policy**

3 **SEC. 501. MODIFICATION OF DEADLINE FOR SUBMITTAL BY**
4 **OFFICERS OF WRITTEN COMMUNICATIONS**
5 **TO PROMOTION SELECTION BOARDS ON MAT-**
6 **TERS OF IMPORTANCE TO THEIR SELECTION.**

7 (a) OFFICERS ON ACTIVE-DUTY LIST.—Section
8 614(b) of title 10, United States Code, is amended by
9 striking “the day” and inserting “10 calendar days”.

10 (b) OFFICERS IN RESERVE ACTIVE-STATUS.—Sec-
11 tion 14106 of title 10, United States Code, is amended
12 in the second sentence by striking “the day” and inserting
13 “10 calendar days”.

14 (c) APPLICATION OF AMENDMENTS.—The amend-
15 ments made by this section shall apply with respect to pro-
16 motion selection boards convened on or after the date of
17 the enactment of this Act.

18 **SEC. 502. CLARIFICATION TO EXCEPTION FOR REMOVAL OF**
19 **OFFICERS FROM LIST OF OFFICERS REC-**
20 **OMMENDED FOR PROMOTION AFTER 18**
21 **MONTHS WITHOUT APPOINTMENT.**

22 Section 629(c)(3) of title 10, United States Code, is
23 amended by striking “the Senate is not able to obtain the
24 information necessary” and inserting “the military depart-

1 ment concerned is not able to obtain and provide to the
2 Senate the information the Senate requires”.

3 **SEC. 503. MODIFICATION OF REQUIREMENT FOR SPECI-**
4 **FICATION OF NUMBER OF OFFICERS WHO**
5 **MAY BE RECOMMENDED FOR EARLY RETIRE-**
6 **MENT BY A SELECTIVE EARLY RETIREMENT**
7 **BOARD.**

8 Section 638a of title 10, United States Code, is
9 amended—

10 (1) in subsection (c), by striking paragraph (1)
11 and inserting the following new paragraph:

12 “(1) In the case of an action under subsection (b)(2),
13 the total number of officers described in that subsection
14 that a selection board convened under section 611(b) of
15 this title pursuant to the authority of that subsection may
16 recommend for early retirement may not be more than 30
17 percent of the number of officers considered in each grade
18 in each competitive category.”; and

19 (2) in subsection (d), by striking paragraph (2)
20 and inserting the following new paragraph:

21 “(2) The total number of officers to be recommended
22 for discharge by a selection board convened pursuant to
23 subsection (b)(3) may not be more than 30 percent of the
24 number of officers considered.”.

1 **SEC. 504. EXTENSION OF SERVICE-IN-GRADE WAIVER AU-**
2 **THORITY FOR VOLUNTARY RETIREMENT OF**
3 **CERTAIN GENERAL AND FLAG OFFICERS FOR**
4 **PURPOSES OF ENHANCED FLEXIBILITY IN**
5 **OFFICER PERSONNEL MANAGEMENT.**

6 Section 1370(a)(2)(G) of title 10, United States
7 Code, is amended by striking “2017” and inserting
8 “2025”.

9 **SEC. 505. INCLUSION OF PRINCIPAL MILITARY DEPUTY TO**
10 **THE ASSISTANT SECRETARY OF THE ARMY**
11 **FOR ACQUISITION, TECHNOLOGY, AND LOGIS-**
12 **TICS AMONG OFFICERS SUBJECT TO REPEAL**
13 **OF STATUTORY SPECIFICATION OF GENERAL**
14 **OFFICER GRADE.**

15 Section 3016(b)(5)(B) of title 10, United States
16 Code, is amended by striking “a lieutenant general” and
17 inserting “an officer”.

18 **SEC. 506. CLARIFICATION OF EFFECT OF REPEAL OF STAT-**
19 **UTORY SPECIFICATION OF GENERAL OR**
20 **FLAG OFFICER GRADE FOR VARIOUS POSI-**
21 **TIONS IN THE ARMED FORCES.**

22 (a) **RETENTION OF GRADE OF INCUMBENTS IN POSI-**
23 **TIONS ON EFFECTIVE DATE.—**

24 (1) **IN GENERAL.—**Section 502 of the National
25 Defense Authorization Act for Fiscal Year 2017

1 (Public Law 114–328; 130 Stat. 2102) is amended
2 by adding at the end the following new subsection:

3 “(tt) RETENTION OF GRADE OF INCUMBENTS IN PO-
4 SITIONS ON EFFECTIVE DATE.—The grade of service of
5 an officer serving as of the date of the enactment of this
6 Act in a position whose statutory grade is affected by an
7 amendment made by this section may not be reduced after
8 that date by reason of such amendment as long as the
9 officer remains in continuous service in such position after
10 that date.”.

11 (2) RETROACTIVE EFFECTIVE DATE.—The
12 amendment made by paragraph (1) shall take effect
13 as of December 23, 2016, and be treated as if in-
14 cluded in the enactment of the National Defense Au-
15 thorization Act for Fiscal Year 2017 (Public Law
16 114–328).

17 (b) CLARIFYING AMENDMENT TO CHIEF OF VETERI-
18 NARY CORPS OF THE ARMY REPEAL.—Section 3084 of
19 title 10, United States Code, is amended by striking the
20 last sentence.

1 **SEC. 507. STANDARDIZATION OF AUTHORITIES IN CONNEC-**
2 **TION WITH REPEAL OF STATUTORY SPECI-**
3 **FICATION OF GENERAL OFFICER GRADE FOR**
4 **THE DEAN OF THE ACADEMIC BOARD OF THE**
5 **UNITED STATES MILITARY ACADEMY AND**
6 **THE DEAN OF THE FACULTY OF THE UNITED**
7 **STATES AIR FORCE ACADEMY.**

8 (a) DEAN OF ACADEMIC BOARD OF MILITARY ACAD-
9 EMY.—Section 4335(c) of title 10, United States Code,
10 is amended—

11 (1) by striking the first and third sentences;
12 and

13 (2) in the remaining sentence, by striking “so
14 appointed” and inserting “appointed as Dean of the
15 Academic Board”.

16 (b) DEAN OF FACULTY OF AIR FORCE ACADEMY.—
17 Section 9335(b) of title 10, United States Code, is amend-
18 ed by striking “so appointed” and inserting “appointed
19 as Dean of the Faculty”.

1 **SEC. 508. FLEXIBILITY IN PROMOTION OF OFFICERS TO PO-**
2 **SITIONS OF STAFF JUDGE ADVOCATE TO THE**
3 **COMMANDANT OF THE MARINE CORPS AND**
4 **DEPUTY JUDGE ADVOCATE GENERAL OF THE**
5 **NAVY OR AIR FORCE.**

6 (a) STAFF JUDGE ADVOCATE TO COMMANDANT OF
7 THE MARINE CORPS.—Section 5046(b) of title 10, United
8 States Code, is amended—

9 (1) by inserting “(1)” after “(b)”; and

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

12 “(2) If the Secretary of the Navy elects to convene
13 a selection board under section 611(a) of this title to con-
14 sider eligible officers for selection to appointment as Staff
15 Judge Advocate, the Secretary may, in connection with
16 such consideration for selection—

17 “(A) treat any section in chapter 36 of this title
18 referring to promotion to the next higher grade as
19 if such section referred to promotion to a higher
20 grade; and

21 “(B) waive section 619(a)(2) of this title if the
22 Secretary determines that the needs of the Marine
23 Corps require the waiver.”.

24 (b) DEPUTY JUDGE ADVOCATE GENERAL OF THE
25 NAVY.—Section 5149(a) of title 10, United States Code,

1 is amended by adding at the end the following new para-
2 graph:

3 “(3) If the Secretary of the Navy elects to convene
4 a selection board under section 611(a) of this title to con-
5 sider eligible officers for selection to appointment as Dep-
6 uty Judge Advocate General, the Secretary may, in con-
7 nection with such consideration for selection—

8 “(A) treat any section in chapter 36 of this title
9 referring to promotion to the next higher grade as
10 if such section referred to promotion to a higher
11 grade; and

12 “(B) waive section 619(a)(2) of this title if the
13 Secretary determines that the needs of the Navy re-
14 quire the waiver.”.

15 (c) DEPUTY JUDGE ADVOCATE OF THE AIR
16 FORCE.—Section 8037(e) of title 10, United States Code,
17 is amended—

18 (1) by inserting “(1)” after “(e)”; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(2) If the Secretary of the Air Force elects to con-
22 vene a selection board under section 611(a) of this title
23 to consider eligible officers for selection to appointment
24 as Deputy Judge Advocate General, the Secretary may,
25 in connection with such consideration for selection—

1 “(A) treat any section in chapter 36 of this title
2 referring to promotion to the next higher grade as
3 if such section referred to promotion to a higher
4 grade; and

5 “(B) waive section 619(a)(2) of this title if the
6 Secretary determines that the needs of the Air Force
7 require the waiver.”.

8 **SEC. 509. GRANDFATHERING OF RETIRED GRADE OF AS-**
9 **SISTANT JUDGE ADVOCATES GENERAL OF**
10 **THE NAVY AS OF REPEAL OF STATUTORY**
11 **SPECIFICATION OF GENERAL AND FLAG OF-**
12 **FICERS GRADES IN THE ARMED FORCES.**

13 (a) IN GENERAL.—Notwithstanding the amendments
14 made by section 502(gg)(2) of the National Defense Au-
15 thorization Act for Fiscal Year 2017 (Public Law 114–
16 328; 130 Stat. 2105), an officer selected to hold a position
17 specified in subsection (b) as of December 23, 2016, may
18 be retired after that date in the grade of rear admiral
19 (lower half) or brigadier general, as applicable, with the
20 retired pay of such grade (unless entitled to higher pay
21 under another provision of law).

22 (b) SPECIFIED POSITIONS.—Subsection (a) applies
23 with respect to the Assistant Judge Advocates General of
24 the Navy provided for by subsections (b) and (c) of section
25 5149 of title 10, United States Code.

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 511. EQUAL TREATMENT OF ORDERS TO SERVE ON AC-**
4 **TIVE DUTY UNDER SECTIONS 12304A AND**
5 **12304B OF TITLE 10, UNITED STATES CODE.**

6 (a) ELIGIBILITY OF RESERVE COMPONENT MEM-
7 BERS FOR PRE-MOBILIZATION HEALTH CARE.—Section
8 1074(d)(2) of title 10, United States Code, is amended
9 by striking “in support of a contingency operation under”
10 and inserting “under section 12304b of this title or”.

11 (b) ELIGIBILITY OF RESERVE COMPONENT MEM-
12 BERS FOR TRANSITIONAL HEALTH CARE.—Section
13 1145(a)(2)(B) of title 10, United States Code, is amended
14 by striking “in support of a contingency operation” and
15 inserting “under section 12304b of this title or a provision
16 of law referred to in section 101(a)(13)(B) of this title”.

17 **SEC. 512. SERVICE CREDIT FOR CYBERSPACE EXPERIENCE**
18 **OR ADVANCED EDUCATION UPON ORIGINAL**
19 **APPOINTMENT AS A COMMISSIONED OFFI-**
20 **CER.**

21 (a) ORIGINAL APPOINTMENT AS A RESERVE OFFI-
22 CER.—Section 12207 of title 10, United States Code, is
23 amended—

24 (1) in subsection (a)(2), by inserting “or (e)”
25 after “subsection (b)”;

1 (2) by redesignating subsections (e) and (f) as
2 subsections (f) and (g), respectively;

3 (3) by inserting after subsection (d) the fol-
4 lowing new subsection (e):

5 “(e)(1) Under regulations prescribed by the Secretary
6 of Defense, if the Secretary of a military department de-
7 termines that the number of commissioned officers with
8 cyberspace-related experience or advanced education in re-
9 serve active-status in an armed force under the jurisdic-
10 tion of such Secretary is critically below the number need-
11 ed, such Secretary may credit any person receiving an
12 original appointment as a reserve commissioned officer
13 with a period of constructive service for the following:

14 “(A) Special experience or training in a par-
15 ticular cyberspace-related field if such experience or
16 training is directly related to the operational needs
17 of the armed force concerned.

18 “(B) Any period of advanced education in a
19 cyberspace-related field beyond the baccalaureate de-
20 gree level if such advanced education is directly re-
21 lated to the operational needs of the armed force
22 concerned.

23 “(2) Constructive service credited an officer under
24 this subsection shall not exceed one year for each year of
25 special experience, training, or advanced education, and

1 not more than three years total constructive service may
2 be credited.

3 “(3) Constructive service credited an officer under
4 this subsection is in addition to any service credited that
5 officer under subsection (a) and shall be credited at the
6 time of the original appointment of the officer.

7 “(4) The authority to award constructive service
8 credit under this subsection expires on December 31,
9 2023.”; and

10 (4) in subsection (f), as redesignated by para-
11 graph (2), by striking “or (d)” and inserting “, (d),
12 or (e)”.

13 (b) EXTENSION OF AUTHORITY IN CONNECTION
14 WITH ORIGINAL APPOINTMENT OF REGULAR OFFI-
15 CERS.—Section 533(g)(4) of title 10, United States Code,
16 is amended by striking “December 31, 2018” and insert-
17 ing “December 31, 2023”.

18 **SEC. 513. CONSOLIDATION OF AUTHORITIES TO ORDER**
19 **MEMBERS OF THE RESERVE COMPONENTS**
20 **OF THE ARMED FORCES TO PERFORM DUTY.**

21 Section 515 of the National Defense Authorization
22 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
23 810) is amended—

24 (1) in the second sentence of subsection (b), by
25 striking “such legislation as would be necessary to

1 amend titles 10, 14, 32, and 37 of the United States
2 Code and other provisions of law in order to imple-
3 ment the Secretary’s approach by October 1, 2018”
4 and inserting “legislation implementing the alternate
5 approach by April 30, 2019”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(c) ATTRIBUTES OF ALTERNATE APPROACH.—The
9 Secretary of Defense shall ensure the alternate approach
10 described in subsection (b)—

11 “(1) reduces the number of statutory authori-
12 ties by which members of the reserve components of
13 the Armed Forces may be ordered to perform duty
14 to not more than 8 statutory authorities grouped
15 into 4 duty categories to which specific pay and ben-
16 efits may be aligned, which categories shall in-
17 clude—

18 “(A) one duty category that shall generally
19 reflect active service performed in support of
20 contingency type operations or other military
21 actions in support of the commander of a com-
22 batant command;

23 “(B) a second duty category that shall—

24 “(i) generally reflect active service not
25 described in subparagraph (A); and

1 “(ii) consist of training, administra-
2 tion, operational support, and full-time
3 support of the reserve components;

4 “(C) a third duty category that shall—

5 “(i) generally reflect duty performed
6 under direct military supervision while not
7 in active service; and

8 “(ii) include duty characterized by
9 partial-day service; and

10 “(D) a fourth duty category that shall—

11 “(i) generally reflect remote duty com-
12 pleted while not under direct military su-
13 pervision; and

14 “(ii) include completion of correspond-
15 ence courses and telework;

16 “(2) distinguishes among duty performed under
17 titles 10, 14, and 32, United States Code, and en-
18 sures that the reasons the members of the reserve
19 components are utilized under the statutory authori-
20 ties which exist prior to the alternate approach are
21 preserved and can be tracked as separate and dis-
22 tinct purposes;

23 “(3) minimizes, to the maximum extent prac-
24 ticable, disruptions in pay and benefits for members,
25 and adheres to the principle that a member should

1 receive pay and benefits commensurate with the na-
2 ture and performance of the member's duties;

3 “(4) ensures the Secretary has the flexibility to
4 meet emerging requirements and to effectively man-
5 age the force; and

6 “(5) aligns Department of Defense program-
7 ming and budgeting to the types of duty members
8 perform.”.

9 **SEC. 514. PILOT PROGRAM ON USE OF RETIRED SENIOR**
10 **ENLISTED MEMBERS OF THE ARMY NA-**
11 **TIONAL GUARD AS ARMY NATIONAL GUARD**
12 **RECRUITERS.**

13 (a) **PILOT PROGRAM AUTHORIZED.**—The Secretary
14 of the Army may carry out a pilot program for the Army
15 National Guard under which retired senior enlisted mem-
16 bers of the Army National Guard would serve as contract
17 recruiters for the Army National Guard.

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

21 (1) The feasibility and effectiveness of hiring
22 retired senior enlisted members of the Army Na-
23 tional Guard who have retired within the previous
24 two years to serve as recruiters.

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

4 (3) The best method of providing a competitive
5 compensation package for such retired senior en-
6 listed members.

7 (4) The merits of requiring such retired senior
8 enlisted members to wear a military uniform while
9 performing recruiting duties under the pilot pro-
10 gram.

11 (c) CONSULTATION.—In developing a pilot program
12 under this section, the Secretary of the Army shall consult
13 with the operators of a previous pilot program carried out
14 by the Army involving the use of contract recruiters.

15 (d) COMMENCEMENT AND DURATION.—The Sec-
16 retary of the Army may commence a pilot program under
17 this section on or after January 1, 2018, and all activities
18 under such a pilot program shall terminate no later than
19 December 31, 2020.

20 (e) FUNDING SOURCE.—If a pilot program is con-
21 ducted under this section, the Secretary of the Army shall
22 use funds otherwise available for the National Guard Bu-
23 reau to carry out the program.

24 (f) REPORTING REQUIREMENT.—If a pilot program
25 is conducted under this section, the Secretary of the Army

1 shall submit to the Committees on Armed Services of the
2 House of Representatives and the Senate a report con-
3 taining an evaluation of the success of the pilot program,
4 including the determinations described in subsection (b).
5 The report shall be submitted not later than January 1,
6 2019.

7 **Subtitle C—General Service** 8 **Authorities**

9 **PART I—MATTERS RELATING TO DISCHARGE** 10 **AND CORRECTION OF MILITARY RECORDS**

11 **SEC. 520. CONSIDERATION OF ADDITIONAL MEDICAL EVI-** 12 **DENCE BY BOARDS FOR THE CORRECTION** 13 **OF MILITARY RECORDS AND LIBERAL CON-** 14 **SIDERATION OF EVIDENCE RELATING TO** 15 **POST-TRAUMATIC STRESS DISORDER OR** 16 **TRAUMATIC BRAIN INJURY.**

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

19 (1) by redesignating subsections (h) and (i) as
20 subsections (i) and (j), respectively; and

21 (2) by inserting after subsection (g) the fol-
22 lowing new subsection (h):

23 “(h)(1) This subsection applies to a former member
24 of the armed forces whose claim under this section for re-
25 view of a discharge or dismissal is based in whole or in

1 part on matters relating to post-traumatic stress disorder
2 or traumatic brain injury as supporting rationale, or as
3 justification for priority consideration, and whose post-
4 traumatic stress disorder or traumatic brain injury is re-
5 lated to combat or military sexual trauma, as determined
6 by the Secretary concerned.

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

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

12 “(B) review the claim with liberal consideration
13 to the claimant that post-traumatic stress disorder
14 or traumatic brain injury potentially contributed to
15 the circumstances resulting in the discharge or dis-
16 missal or to the original characterization of the
17 claimant’s discharge or dismissal.”.

18 (b) CONFORMING AMENDMENT.—Section
19 1553(d)(3)(A)(ii) of title 10, United States Code, is
20 amended by striking “discharge of a lesser characteriza-
21 tion” and inserting “discharge or dismissal or to the origi-
22 nal characterization of the member’s discharge or dis-
23 missal”.

1 **SEC. 521. 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.**—Subsection (i) of section 1552 of title 10,
8 United States Code, as redesignated by section 520(a)(1),
9 is amended by adding at the end the following new para-
10 graph:

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

18 (b) **DISCHARGE REVIEW BOARDS.**—Section 1553(f)
19 of title 10, United States Code, is amended by adding at
20 the end the following new paragraph:

21 “(4) The number and disposition of claims de-
22 cided during the calendar quarter preceding the cal-
23 endar quarter in which such information is made
24 available in which sexual assault is alleged to have
25 contributed, whether in whole or in part, to the

1 original characterization of the discharge or release
2 of the former member.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) BOARDS FOR THE CORRECTION OF MILI-
5 TARY RECORDS.—Subsection (i) of section 1552 of
6 title 10, United States Code, as redesignated by sec-
7 tion 520(a)(1) and amended by subsection (a), is
8 further amended—

9 (A) in paragraph (1), by striking “claim-
10 ant” both places it appears and inserting
11 “former member”;

12 (B) in paragraph (2), by striking “claim-
13 ant” and inserting “former member”; and

14 (C) in paragraph (3), by striking “claim-
15 ants” and inserting “former members”.

16 (2) DISCHARGE REVIEW BOARDS.—Section
17 1553(f)(2) of title 10, United States Code, is
18 amended by striking “claimant” and inserting
19 “former member”.

20 **SEC. 522. CONFIDENTIAL REVIEW OF CHARACTERIZATION**
21 **OF TERMS OF DISCHARGE OF MEMBERS WHO**
22 **ARE VICTIMS OF SEX-RELATED OFFENSES.**

23 (a) CODIFICATION OF CURRENT CONFIDENTIAL
24 PROCESS.—

1 (1) CODIFICATION.—Chapter 79 of title 10,
2 United States Code, is amended by inserting after
3 section 1554a a new section 1554b consisting of—

4 (A) a heading as follows:

5 **“§ 1554b. Confidential review of characterization of**
6 **terms of discharge of members of the**
7 **armed forces who are victims of sex-re-**
8 **lated offenses”;** and

9 (B) a text consisting of the text of section
10 547 of the National Defense Authorization Act
11 for Fiscal Year 2015 (Public Law 113–291; 10
12 U.S.C. 1553 note).

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 79 of such title is
15 amended by inserting after the item relating to sec-
16 tion 1554a the following new item:

 “1554b. Confidential review of characterization of terms of discharge of mem-
 bers of the armed forces who are victims of sex-related of-
 fenses.”.

17 (3) CONFORMING REPEAL.—Section 547 of the
18 National Defense Authorization Act for Fiscal Year
19 2015 (Public Law 113–291; 10 U.S.C. 1553 note)
20 is repealed.

21 (b) CLARIFICATION OF APPLICABILITY TO INDIVID-
22 UALS WHO ALLEGE SEX-RELATED OFFENSES DURING
23 MILITARY SERVICE.—Subsection (a) of section 1554b of
24 title 10, United States Code, as added by subsection (a)

1 of this section, is amended by striking “sex-related of-
2 fense” and inserting the following: “sex-related offense, or
3 alleges that the individual was the victim of a sex-related
4 offense,”.

5 (c) CONFORMING AMENDMENTS.—Section 1554b of
6 title 10, United States Code, as added by subsection (a),
7 is further amended—

8 (1) by striking “Armed Forces” each place it
9 appears in subsections (a) and (b) and inserting
10 “armed forces”;

11 (2) in subsection (a)—

12 (A) by striking “boards for the correction
13 of military records of the military department
14 concerned” and inserting “boards of the mili-
15 tary department concerned established in ac-
16 cordance with this chapter”; and

17 (B) by striking “such an offense” and in-
18 serting “a sex-related offense”;

19 (3) in subsection (b), striking “boards for the
20 correction of military records” in the matter pre-
21 ceding paragraph (1) and inserting “boards of the
22 military department concerned established in accord-
23 ance with this chapter”; and

24 (4) in subsection (d)—

1 (B) in paragraph (1), by striking “title 10,
2 United States Code” and inserting “this title”;
3 and

4 (C) in paragraphs (2) and (3), by striking
5 “such title” and inserting “this title”.

1 **SEC. 523. TRAINING REQUIREMENTS FOR MEMBERS OF**
2 **BOARDS FOR THE CORRECTION OF MILITARY**
3 **RECORDS AND PERSONNEL WHO INVES-**
4 **TIGATE CLAIMS OF RETALIATION.**

5 (a) MEMBERS OF BOARDS FOR THE CORRECTION OF
6 MILITARY RECORDS.—Section 534(c)(1) of the National
7 Defense Authorization Act for Fiscal Year 2017 (Public
8 Law 114–328; 10 U.S.C. 1552 note) is amended by add-
9 ing at the end the following new sentence: “This cur-
10 riculum shall also address the proper handling of claims
11 in which a sex-related offense is alleged to have contrib-
12 uted to the original characterization of the discharge or
13 release of the claimant, including guidelines for the consid-
14 eration of evidence substantiating such allegations in ac-
15 cordance with the requirements of section 1554b(b) of title
16 10, United States Code, as added by section 522 of the
17 National Defense Authorization Act for Fiscal Year
18 2018.”.

19 (b) DEPARTMENT OF DEFENSE PERSONNEL WHO
20 INVESTIGATE CLAIMS OF RETALIATION.—Section 546(a)
21 of the National Defense Authorization Act for Fiscal Year
22 2017 (Public Law 114–328) is amended by striking “sec-
23 tion.” and inserting “section, including guidelines for the
24 consideration of evidence substantiating such allegations
25 in accordance with the requirements of section 1554b(b)
26 of title 10, United States Code, as added by section 522

1 of the National Defense Authorization Act for Fiscal Year
2 2018.”.

3 **SEC. 524. PILOT PROGRAM ON USE OF VIDEO TELECONFER-**
4 **ENCING TECHNOLOGY BY BOARDS FOR THE**
5 **CORRECTION OF MILITARY RECORDS AND**
6 **DISCHARGE REVIEW BOARDS.**

7 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
8 of Defense may carry out a pilot program under which
9 boards for the correction of military records established
10 under section 1552 of title 10, United States Code, and
11 discharge review boards established under section 1553 of
12 such title are authorized to utilize, in the performance of
13 their duties, video teleconferencing technology, to the ex-
14 tent such technology is reasonably available and tech-
15 nically feasible.

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

24 (c) IMPLEMENTATION.—As part of the pilot program,
25 the Secretary of Defense shall make funds available to de-

1 velop the capabilities of boards for the correction of mili-
2 tary records and discharge review boards to effectively use
3 video teleconferencing technology.

4 (d) **NO EXPANSION OF ELIGIBILITY.**—Nothing in the
5 pilot program is intended to alter the eligibility criteria
6 of persons who may raise a claim before a board for the
7 correction of military records, request a review by a dis-
8 charge review board, or present evidence to such a board.
9 (e) **TERMINATION.**—The authority of the Secretary
10 of Defense to carry out the pilot program shall terminate
11 on December 31, 2020.

12 **PART II—OTHER GENERAL SERVICE**

13 **AUTHORITIES**

14 **SEC. 526. MODIFICATION OF BASIS FOR EXTENSION OF PE-** 15 **RIOD FOR ENLISTMENT IN THE ARMED** 16 **FORCES UNDER THE DELAYED ENTRY PRO-** 17 **GRAM.**

18 Section 513(b) of title 10, United States Code, is
19 amended—

20 (1) by redesignating paragraph (2) as para-
21 graph (4) and, in such paragraph, by striking “para-
22 graph (1)” and inserting “this subsection”;

23 (2) by designating the second sentence of para-
24 graph (1) as paragraph (2) and indenting the left
25 margin of such paragraph (2) two ems to the right;

1 (3) in paragraph (2), as so designated, by in-
2 serting “described in paragraph (1)” after “the 365-
3 day period”; and

4 (4) by inserting after paragraph (2), as so des-
5 ignated, the following new paragraph (3):

6 “(3)(A) The Secretary concerned may extend by up
7 to an additional 365 days the period of extension under
8 paragraph (2) for a person who enlisted before October
9 1, 2017, under section 504(b)(2) of this title if the Sec-
10 retary determines that the period of extension under this
11 paragraph is required for the performance of adequate
12 background and security reviews of that person.

13 “(B) A person whose period of extension under para-
14 graph (2) is extended under this paragraph shall undergo
15 all security and suitability screening requirements and re-
16 ceive a favorable military security suitability determina-
17 tion before entering into service in a regular or reserve
18 component. Screening priority shall be given to those per-
19 sons who were enlisted for a military occupational spe-
20 cialty that requires specialized language or medical skills
21 that are vital to the national interest.

22 “(C) The authority to make an extension under this
23 paragraph shall expire one year after the date of the en-
24 actment of the National Defense Authorization Act for
25 Fiscal Year 2018. The expiration of such authority shall

1 not effect the validity of any extension made in accordance
2 with this paragraph on or before that date.”.

3 **SEC. 527. REAUTHORIZATION OF AUTHORITY TO ORDER**
4 **RETIRED MEMBERS TO ACTIVE DUTY IN**
5 **HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.**

6 Section 688a(f) of title 10, United States Code, is
7 amended by striking “after December 31, 2011.” and in-
8 serting “outside a period as follows:

9 “(1) The period beginning on December 2,
10 2002, and ending on December 31, 2011.

11 “(2) The period beginning on the date of the
12 enactment of the National Defense Authorization
13 Act for Fiscal Year 2018 and ending on December
14 31, 2022.”.

15 **SEC. 528. NOTIFICATION OF MEMBERS OF THE ARMED**
16 **FORCES UNDERGOING CERTAIN ADMINIS-**
17 **TRATIVE SEPARATIONS OF POTENTIAL ELIGI-**
18 **BILITY FOR VETERANS BENEFITS.**

19 (a) NOTIFICATION REQUIRED.—A member of the
20 Armed Forces who receives an administrative separation
21 or mandatory discharge under conditions other than hon-
22 orable shall be provided written notification that the mem-
23 ber may petition the Veterans Benefits Administration of
24 the Department of Veterans Affairs to receive, despite the
25 characterization of the member’s service, certain benefits

1 under the laws administered by the Secretary of Veterans
2 Affairs.

3 (b) DEADLINE FOR NOTIFICATION.—Notification
4 under subsection (a) shall be provided to a member de-
5 scribed in such subsection in conjunction with the mem-
6 ber’s notification of the administrative separation or man-
7 datory discharge or as soon thereafter as practicable.

8 **SEC. 529. EXTENSION OF AUTHORITY OF THE SECRETARY**
9 **OF VETERANS AFFAIRS TO PROVIDE FOR THE**
10 **CONDUCT OF MEDICAL DISABILITY EXAMINA-**
11 **TIONS BY CONTRACT PHYSICIANS.**

12 Section 704(c) of the Veterans Benefits Act of 2003
13 (Public Law 108–183; 38 U.S.C. 5101 note) is amended
14 by striking “December 31, 2017” and inserting “Decem-
15 ber 31, 2018”.

16 **SEC. 530. PROVISION OF INFORMATION ON NATURALIZA-**
17 **TION THROUGH MILITARY SERVICE.**

18 The Secretary of Defense shall ensure that members
19 of the Army, Navy, Air Force, and Marine Corps who are
20 aliens lawfully admitted to the United States for perma-
21 nent residence are informed of the availability of natu-
22 ralization through service in the Armed Forces under sec-
23 tion 328 of the Immigration and Nationality Act (8 U.S.C.
24 1439) and the process by which to pursue naturalization.
25 The Secretary shall ensure that resources are available to

1 assist qualified members of the Armed Forces to navigate
2 the application and naturalization process.

3 **Subtitle D—Military Justice and**
4 **Other Legal Issues**

5 **SEC. 531. CLARIFYING AMENDMENTS RELATED TO THE**
6 **UNIFORM CODE OF MILITARY JUSTICE RE-**
7 **FORM BY THE MILITARY JUSTICE ACT OF**
8 **2016.**

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

13 (1) by inserting “(A)” after “(3)”;

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

19 (3) by adding at the end the following new sub-
20 paragraphs:

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

1 “(C) Review of any decision of the Court of Criminal
2 Appeals on a petition for a writ of mandamus described
3 in this subsection shall have priority in the Court of Ap-
4 peals for the Armed Forces, as determined under the rules
5 of the Court of Appeals for the Armed Forces.”.

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

13 (1) in the matter preceding subparagraph (A),
14 by inserting “, or otherwise act on,” after “to re-
15 view”; and

16 (2) by adding at the end the following new sub-
17 paragraph:

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

20 (c) DEFENSE COUNSEL ASSISTANCE IN POST-TRIAL
21 MATTERS FOR ACCUSED CONVICTED BY COURT-MAR-
22 TIAL.—Section 838(c)(2) of title 10, United States Code
23 (article 38(c)(2) of the Uniform Code of Military Justice),
24 is amended by striking “section 860 of this title (article

1 60)” and inserting “section 860, 860a, or 860b of this
2 title (article 60, 60a, or 60b)”.

3 (d) LIMITATION ON ACCEPTANCE OF PLEA AGREE-
4 MENTS.—Section 853a of title 10, United States Code (ar-
5 ticle 53a of the Uniform Code of Military Justice), as
6 added by section 5237 of the Military Justice Act of 2016
7 (division E of Public Law 114–328; 130 Stat. 2917), is
8 amended—

9 (1) in subsection (b)—

10 (A) in paragraph (2), by striking “or”
11 after the semicolon;

12 (B) in paragraph (3), by striking the pe-
13 riod and inserting a semicolon; and

14 (C) by adding at the end the following new
15 paragraphs:

16 “(4) is prohibited by law; or

17 “(5) is contrary to, or is inconsistent with, a
18 regulation prescribed by the President with respect
19 to terms, conditions, or other aspects of plea agree-
20 ments.”; and

21 (2) in subsection (d), by striking “shall bind the
22 parties and the military judge” and inserting “shall
23 bind the parties and the court-martial”.

24 (e) APPLICABILITY OF STANDARDS AND PROCE-
25 DURES TO SENTENCE APPEAL BY THE UNITED

1 STATES.—Subsection (d)(1) of section 856 of title 10,
2 United States Code (article 56 of the Uniform Code of
3 Military Justice), as added by section 5301 of the Military
4 Justice Act of 2016 (division E of Public Law 114–328;
5 130 Stat. 2919), is amended—

6 (1) in the matter preceding subparagraph (A),
7 by inserting after “concerned,” the following: “and
8 consistent with standards and procedures set forth
9 in regulations prescribed by the President,”; and

10 (2) in subparagraph (B), by inserting before
11 the period at the end the following: “, as determined
12 in accordance with standards and procedures pre-
13 scribed by the President”.

14 (f) SENTENCE OF REDUCTION IN ENLISTED
15 GRADE.—

16 (1) IN GENERAL.—Subsection (a) of section
17 858a of title 10, United States Code (article 58a of
18 the Uniform Code of Military Justice), as amended
19 by section 5303(1) of the Military Justice Act of
20 2016 (division E of Public Law 114–328; 130 Stat.
21 2923), is further amended in the matter after para-
22 graph (3) by striking “, effective on the date” and
23 inserting the following: “, if such a reduction is au-
24 thorized by regulation prescribed by the President.

1 The reduction in pay grade shall take effect on the
2 date”.

3 (2) SECTION HEADING.—The heading of section
4 858a of title 10, United States Code (article 58a of
5 the Uniform Code of Military Justice), is amended
6 to read as follows:

7 **“§ 858a. Art. 58a. Sentences: reduction in enlisted
8 grade”.**

9 (3) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of subchapter VIII of chapter
11 47 of title 10, United States Code (the Uniform
12 Code of Military Justice), is amended by striking the
13 item relating to section 858a (article 58a) and in-
14 serting the following new item:

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

15 (g) CONVENING AUTHORITY AUTHORITIES.—Section
16 858b(b) of title 10, United States Code (article 58b(b) of
17 the Uniform Code of Military Justice), is amended in the
18 first sentence by striking “section 860 of this title (article
19 60)” and inserting “section 860a or 860b of this title (ar-
20 ticle 60a or 60b)”.

21 (h) APPEAL BY THE UNITED STATES.—Section
22 862(b) of title 10, United States Code (article 62(b) of
23 the Uniform Code of Military Justice), is amended by
24 striking “, notwithstanding section 866(c) of this title (ar-
25 ticle 66(c))”.

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

9 (j) COURTS OF CRIMINAL APPEALS.—Section 866 of
10 title 10, United States Code (article 66 of the Uniform
11 Code of Military Justice), as amended by section 5330 of
12 the Military Justice Act of 2016 (division E of Public Law
13 114–328; 130 Stat. 2932), is further amended—

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

17 (2) in subsection (f)(3)—

18 (A) by inserting “of Criminal Appeals”
19 after “Court” the first time it appears; and

20 (B) by adding at the end the following new
21 sentence: “If the Court of Appeals for the
22 Armed Forces determines that additional pro-
23 ceedings are warranted, the Court of Criminal
24 Appeals shall order a hearing or other pro-

1 ceeding in accordance with the direction of the
2 Court of Appeals for the Armed Forces.”.

3 (k) **MILITARY JUSTICE REVIEW PANEL.**—Subsection
4 (f) of section 946 of title 10, United States Code (article
5 146 of the Uniform Code of Military Justice), as added
6 by section 5521 of the Military Justice Act of 2016 (divi-
7 sion E of Public Law 114–328; 130 Stat. 2962), is
8 amended—

9 (1) in paragraph (1), by striking “fiscal year
10 2020” in the first sentence and inserting “fiscal
11 year 2021”;

12 (2) in paragraph (2), by striking the sentence
13 beginning “Not later than” and inserting the fol-
14 lowing new sentence: “The analysis under this para-
15 graph shall be included in the assessment required
16 by paragraph (1).”; and

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

19 “(5) **REPORTS.**—With respect to each review
20 and assessment under this subsection, the Panel
21 shall submit a report to the Committees on Armed
22 Services of the Senate and the House of Representa-
23 tives. Each report—

24 “(A) shall set forth the results of the re-
25 view and assessment concerned, including the

1 findings and recommendations of the Panel;
2 and

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

6 (l) TRANSITIONAL COMPENSATION FOR DEPEND-
7 ENTS OF MEMBERS SEPARATED FOR DEPENDENT
8 ABUSE.—Section 1059(e) of title 10, United States Code,
9 is amended—

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

15 (2) in paragraph (3)(A), by striking “by a
16 court-martial” the second place it appears and all
17 that follows through “include any such punishment,”
18 and inserting “for a dependent-abuse offense and
19 the conviction is disapproved or is otherwise not part
20 of the judgment under section 860c of this title (ar-
21 ticle 60c of the Uniform Code of Military Justice) or
22 the punishment is disapproved or is otherwise not
23 part of the judgment under such section (article),”.

24 (m) BENEFITS FOR DEPENDENTS WHO ARE VIC-
25 TIMS OF ABUSE BY MEMBERS LOSING RIGHT TO RE-

1 TIRED PAY.—Section 1408(h)(10)(A) of title 10, United
2 States Code, is amended by striking “the approval” and
3 all that follows through the end of the subparagraph and
4 inserting “entry of judgment under section 860c of this
5 title (article 60c of the Uniform Code of Military Jus-
6 tice).”.

7 (n) TREATMENT OF CERTAIN OFFENSES PENDING
8 EXECUTION OF MILITARY JUSTICE ACT OF 2016 AMEND-
9 MENTS.—

10 (1) APPLICABILITY TO CERTAIN CASES.—Sec-
11 tion 5542(c)(1) of the Military Justice Act of 2016
12 (division E of Public Law 114–328; 130 Stat. 2967)
13 is amended by inserting after “shall apply to a case
14 in which” the following: “a specification alleges the
15 commission, before the effective date of such amend-
16 ments, of one or more offenses or to a case in
17 which”.

18 (2) CHILD ABUSE OFFENSES.—With respect to
19 offenses committed before the date designated by the
20 President under section 5542(a) of the Military Jus-
21 tice Act of 2016 (division E of Public Law 114–328;
22 130 Stat. 2967), subsection (b)(2)(B) of section 843
23 of title 10, United States Code (article 43 of the
24 Uniform Code of Military Justice), shall be applied
25 as in effect on December 22, 2016.

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

17 (o) SENTENCING IN CERTAIN TRANSITIONAL
18 CASES.—

19 (1) IN GENERAL.—In any transition-period
20 court-martial, the relevant sentencing sections of
21 chapter 47 of title 10, United States Code (the Uni-
22 form Code of Military Justice), shall be applied as
23 follows:

24 (A) Except as provided in subparagraph

25 (B), the relevant sentencing sections shall be

1 applied as if the amendments to such sections
2 made by the Military Justice Act of 2016 (divi-
3 sion E of Public Law 114–328) and this section
4 had not been enacted.

5 (B) If the accused so requests, the relevant
6 sentencing sections shall be applied as amended
7 by the Military Justice Act of 2016 (division E
8 of Public Law 114–328) and this section.

9 (2) DEFINITIONS.—In this subsection:

10 (A) TRANSITION-PERIOD COURT-MAR-
11 TIAL.—The term “transition-period court-mar-
12 tial” means a court-martial under chapter 47 of
13 title 10, United States Code (the Uniform Code
14 of Military Justice), that consists of both of the
15 following:

16 (i) A prosecution of one or more of-
17 fenses committed before the date des-
18 ignated by the President under section
19 5542(a) of the Military Justice Act of
20 2016 (division E of Public Law 114–328;
21 130 Stat. 2967).

22 (ii) A prosecution of one or more of-
23 fenses committed on or after that date.

24 (B) RELEVANT SENTENCING SECTIONS.—
25 The term “relevant sentencing sections” means

1 section 856 of title 10, United States Code (ar-
2 ticle 56 of the Uniform Code of Military Jus-
3 tice), and any other sections (articles) of chap-
4 ter 47 of title 10, United States Code (the Uni-
5 form Code of Military Justice), that, by regula-
6 tion prescribed by the President, are designated
7 as relevant to sentencing for the purposes of
8 paragraph (1).

9 (p) **EFFECTIVE DATE.**—The amendments made by
10 this section shall take effect immediately after the amend-
11 ments made by the Military Justice Act of 2016 (division
12 E of Public Law 114–328) take effect as provided for in
13 section 5542 of that Act (130 Stat. 2967).

14 **SEC. 532. ENHANCEMENT OF EFFECTIVE PROSECUTION**
15 **AND DEFENSE IN COURTS-MARTIAL AND RE-**
16 **LATED MATTERS.**

17 (a) **ADDITIONAL ELEMENT IN PROGRAM FOR EFFEC-**
18 **TIVE PROSECUTION AND DEFENSE.**—Section 542(a)(1) of
19 the National Defense Authorization Act for Fiscal Year
20 2017 (Public Law 114–328; 10 U.S.C. 827 note) is
21 amended by inserting before the semicolon the following:
22 “or there is adequate supervision and oversight of trial
23 counsel and defense counsel so detailed to ensure effective
24 prosecution and defense in the court-martial”.

1 (b) USE OF CIVILIAN EMPLOYEES TO ADVISE LESS
2 EXPERIENCED JUDGE ADVOCATES IN PROSECUTION AND
3 DEFENSE.—Section 542 of the National Defense Author-
4 ization Act for Fiscal Year 2017 (Public Law 114–328;
5 10 U.S.C. 827 note) is further amended—

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

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

10 “(c) USE OF CIVILIAN EMPLOYEES TO ADVISE LESS
11 EXPERIENCED JUDGE ADVOCATES IN PROSECUTION AND
12 DEFENSE.—The Secretary concerned may use highly
13 qualified experts and other civilian employees who are
14 under the jurisdiction of the Secretary concerned, are
15 available, and are experienced in the prosecution or de-
16 fense of complex criminal cases to provide assistance to,
17 and consult with, less experienced judge advocates
18 throughout the court-martial process.”.

19 (c) PILOT PROGRAMS ON PROFESSIONAL DEVELOP-
20 MENTAL PROCESS FOR JUDGE ADVOCATES.—Subsection
21 (d) of section 542 of the National Defense Authorization
22 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
23 827 note), as redesignated by subsection (b)(1) of this sec-
24 tion, is amended—

1 (1) in paragraph (1), by striking “establishing”
2 and all that follows and inserting “a military justice
3 career track for judge advocates under the jurisdic-
4 tion of the Secretary.”;

5 (2) by redesignating paragraph (4) as para-
6 graph (5); and

7 (3) by inserting after paragraph (3) the fol-
8 lowing new paragraph (4):

9 “(4) ELEMENTS.—Each pilot program shall in-
10 clude the following:

11 “(A) A military justice career track for
12 judge advocates that leads to judge advocates
13 with military justice expertise in the grade of
14 colonel, or in the grade of captain in the case
15 of judge advocates of the Navy.

16 “(B) The use of skill identifiers to identify
17 judge advocates for participation in the pilot
18 program from among judge advocates having
19 appropriate skill and experience in military jus-
20 tice matters.

21 “(C) Guidance for promotion boards con-
22 sidering the selection for promotion of officers
23 participating in the pilot program in order to
24 ensure that judge advocates who are partici-
25 pating in the pilot program have the same op-

1 portunity for promotion as all other judge advo-
2 cate officers being considered for promotion by
3 such boards.

4 “(D) Such other matters as the Secretary
5 concerned considers appropriate.”.

6 **SEC. 533. PUNITIVE ARTICLE UNDER THE UNIFORM CODE**
7 **OF MILITARY JUSTICE ON WRONGFUL**
8 **BROADCAST OR DISTRIBUTION OF INTIMATE**
9 **VISUAL IMAGES OR VISUAL IMAGES OF SEXU-**
10 **ALLY EXPLICIT CONDUCT.**

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

15 **“§ 917a. Art. 117a. Wrongful broadcast or distribution**
16 **of intimate visual images**

17 “(a) PROHIBITION.—Any person subject to this chap-
18 ter—

19 “(1) who knowingly and wrongfully broadcasts
20 or distributes an intimate visual image of another
21 person or a visual image of sexually explicit conduct
22 involving a person who—

23 “(A) is at least 18 years of age at the time
24 the intimate visual image or visual image of
25 sexually explicit conduct was created;

1 “(B) is identifiable from the intimate vis-
2 ual image or visual image of sexually explicit
3 conduct itself, or from information displayed in
4 connection with the intimate visual image or
5 visual image of sexually explicit conduct; and

6 “(C) does not explicitly consent to the
7 broadcast or distribution of the intimate visual
8 image or visual image of sexually explicit con-
9 duct;

10 “(2) who knows or reasonably should have
11 known that the intimate visual image or visual
12 image of sexually explicit conduct was made under
13 circumstances in which the person depicted in the
14 intimate visual image or visual image of sexually ex-
15 plicit conduct retained a reasonable expectation of
16 privacy regarding any broadcast or distribution of
17 the intimate visual image or visual image of sexually
18 explicit conduct;

19 “(3) who knows or reasonably should have
20 known that the broadcast or distribution of the inti-
21 mate visual image or visual image of sexually explicit
22 conduct is likely—

23 “(A) to cause harm, harassment, intimidati-
24 on, emotional distress, or financial loss for the

1 person depicted in the intimate visual image or
2 visual image of sexually explicit conduct; or

3 “(B) to harm substantially the depicted
4 person with respect to that person’s health,
5 safety, business, calling, career, financial condi-
6 tion, reputation, or personal relationships; and

7 “(4) whose conduct, under the circumstances,
8 had a reasonably direct and palpable connection to
9 a military mission or military environment,
10 is guilty of wrongful distribution of intimate visual images
11 or visual images of sexually explicit conduct and shall be
12 punished as a court-martial may direct.

13 “(b) DEFINITIONS.—In this section:

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

17 “(2) DISTRIBUTE.—The term ‘distribute’
18 means to deliver to the actual or constructive posses-
19 sion of another person, including transmission by
20 mail or electronic means.

21 “(3) INTIMATE VISUAL IMAGE.—The term ‘inti-
22 mate visual image’ means a visual image that de-
23 picts a private area of a person.

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

4 “(5) REASONABLE EXPECTATION OF PRI-
5 VACY.—The term ‘reasonable expectation of privacy’
6 means circumstances in which a reasonable person
7 would believe that a private area of the person, or
8 sexually explicit conduct involving the person, would
9 not be visible to the public.

10 “(6) SEXUALLY EXPLICIT CONDUCT.—The term
11 ‘sexually explicit conduct’ means actual or simulated
12 genital-genital contact, oral-genital contact, anal-
13 genital contact, or oral-anal contact, whether be-
14 tween persons of the same or opposite sex, bestiality,
15 masturbation, or sadistic or masochistic abuse.

16 “(7) VISUAL IMAGE.—The term ‘visual image’
17 means the following:

18 “(A) Any developed or undeveloped photo-
19 graph, picture, film, or video.

20 “(B) Any digital or computer image, pic-
21 ture, film, or video made by any means, includ-
22 ing those transmitted by any means, including
23 streaming media, even if not stored in a perma-
24 nent format.

1 “(C) Any digital or electronic data capable
2 of conversion into a visual image.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of subchapter X of chapter 47 of title
5 10, United States Code (the Uniform Code of Military
6 Justice), is amended by inserting after the item relating
7 to section 917 (article 117) the following new item:

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

8 **SEC. 534. GARNISHMENT TO SATISFY JUDGMENT REN-**
9 **DERED FOR PHYSICALLY, SEXUALLY, OR**
10 **EMOTIONALLY ABUSING A CHILD.**

11 (a) GARNISHMENT AUTHORITY.—Section 1408 of
12 title 10, United States Code, is amended by adding at the
13 end the following new subsection:

14 “(1) GARNISHMENT TO SATISFY A JUDGMENT REN-
15 DERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY
16 ABUSING A CHILD.—(1) Subject to paragraph (2), any
17 payment of retired pay that would otherwise be made to
18 a member shall be paid (in whole or in part) by the Sec-
19 retary concerned to another person if and to the extent
20 expressly provided for in the terms of a child abuse gar-
21 nishment order.

22 “(2) A court order providing for the payment of child
23 support or alimony or, with respect to a division of prop-
24 erty, specifically providing for the payment of an amount
25 of the disposable retired pay from a member to the spouse

1 or a former spouse of the member, shall be given priority
2 over a child abuse garnishment order. The total amount
3 of the disposable retired pay of a member payable under
4 a child abuse garnishment order shall not exceed 25 per-
5 cent of the member's disposable retired pay.

6 “(3) In this subsection, the term ‘court order’ in-
7 cludes a child abuse garnishment order.

8 “(4) In this subsection, the term ‘child abuse garnish-
9 ment order’ means a final decree issued by a court that—

10 “(A) is issued in accordance with the laws of
11 the jurisdiction of that court; and

12 “(B) provides in the nature of garnishment for
13 the enforcement of a judgment rendered against the
14 member for physically, sexually, or emotionally abus-
15 ing a child.

16 “(5) For purposes of this subsection, a judgment ren-
17 dered for physically, sexually, or emotionally abusing a
18 child is any legal claim perfected through a final enforce-
19 able judgment, which claim is based in whole or in part
20 upon the physical, sexual, or emotional abuse of an indi-
21 vidual under 18 years of age, whether or not that abuse
22 is accompanied by other actionable wrongdoing, such as
23 sexual exploitation or gross negligence.

24 “(6) If the Secretary concerned is served with more
25 than one court order with respect to the retired pay of

1 a member, the disposable retired pay of the member shall
2 be available to satisfy such court orders on a first-come,
3 first-served basis, subject to the order of precedence speci-
4 fied in paragraph (2), with any such process being satis-
5 fied out of such monies as remain after the satisfaction
6 of all such processes which have been previously served.

7 “(7) The Secretary concerned shall not be required
8 to vary normal pay and disbursement cycles for retired
9 pay in order to comply with a child abuse garnishment
10 order.”.

11 (b) APPLICATION OF AMENDMENT.—Subsection (l)
12 of section 1408 of title 10, United States Code, as added
13 by subsection (a), shall apply with respect to a court order
14 received by the Secretary concerned on or after the date
15 of the enactment of this Act, regardless of the date of the
16 court order.

17 **SEC. 535. SEXUAL ASSAULT PREVENTION AND RESPONSE**
18 **TRAINING FOR ALL INDIVIDUALS ENLISTED**
19 **IN THE ARMED FORCES UNDER A DELAYED**
20 **ENTRY PROGRAM.**

21 (a) TRAINING REQUIRED.—Commencing not later
22 than 180 days after the date of the enactment of this Act,
23 each Secretary concerned shall, insofar as practicable, pro-
24 vide training on sexual assault prevention and response
25 to each individual under the jurisdiction of such Secretary

1 who is enlisted in the Armed Forces under a delayed entry
2 program such that each such individual completes such
3 training before the date of commencement of basic train-
4 ing or initial active duty for training in the Armed Forces.

5 (b) TRAINING ELEMENTS.—The training provided
6 pursuant to subsection (a)—

7 (1) shall, to the extent practicable, be uniform
8 across the Armed Forces;

9 (2) should be provided through in-person in-
10 struction, whenever possible;

11 (3) should include instruction on the proper use
12 of social media; and

13 (4) shall meet such other requirements as the
14 Secretary of Defense may establish.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “delayed entry program” means
17 the following:

18 (A) The Future Soldiers Program of the
19 Army.

20 (B) The Delayed Entry Program of the
21 Navy and the Marine Corps.

22 (C) The program of the Air Force for the
23 delayed entry of enlistees into the Air Force.

1 (D) The program of the Coast Guard for
2 the delayed entry of enlistees into the Coast
3 Guard.

4 (E) Any successor program to a program
5 referred to in subparagraphs (A) through (D).

6 (2) The term “Secretary concerned” has the
7 meaning given that term in section 101(a)(9) of title
8 10, United States Code.

9 **SEC. 536. SPECIAL VICTIMS’ COUNSEL TRAINING REGARD-**
10 **ING THE UNIQUE CHALLENGES OFTEN**
11 **FACED BY MALE VICTIMS OF SEXUAL AS-**
12 **SAULT.**

13 The baseline Special Victims’ Counsel training estab-
14 lished under section 1044e(d)(2) of title 10, United States
15 Code, shall include training for Special Victims’ Counsel
16 to recognize and deal with the unique challenges often
17 faced by male victims of sexual assault.

18 **SEC. 537. INCLUSION OF INFORMATION IN ANNUAL SAPRO**
19 **REPORTS REGARDING MILITARY SEXUAL**
20 **HARASSMENT AND INCIDENTS INVOLVING**
21 **NONCONSENSUAL DISTRIBUTION OF PRI-**
22 **VATE SEXUAL IMAGES.**

23 (a) **ADDITIONAL REPORTING REQUIREMENTS.**—Sec-
24 tion 1631(b) of the Ike Skelton National Defense Author-
25 ization Act for Fiscal Year 2011 (Public Law 111–383;

1 10 U.S.C. 1561 note) is amended by adding at the end
2 the following new paragraphs:

3 “(13) Information and data collected through
4 formal and informal reports of sexual harassment in-
5 volving members of the Armed Forces during the
6 year covered by the report, as follows:

7 “(A) The number of substantiated and un-
8 substantiated reports.

9 “(B) A synopsis of each substantiated re-
10 port.

11 “(C) The action taken in the case of each
12 substantiated report, including the type of dis-
13 ciplinary or administrative sanction imposed, if
14 any, such as—

15 “(i) conviction and sentence by court-
16 martial;

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

21 “(iii) administrative separation or
22 other type of administrative action im-
23 posed.

24 “(14) Information and data collected during the
25 year covered by the report on each reported incident

1 involving the nonconsensual distribution by a person
2 subject to chapter 47 of title 10, United States Code
3 (the Uniform Code of Military Justice), of a private
4 sexual image of another person, including the fol-
5 lowing:

6 “(A) The number of substantiated and un-
7 substantiated reports.

8 “(B) A synopsis of each substantiated re-
9 port.

10 “(C) The action taken in the case of each
11 substantiated report, including the type of dis-
12 ciplinary or administrative sanction imposed, if
13 any, such as—

14 “(i) conviction and sentence by court-
15 martial;

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

20 “(iii) administrative separation or
21 other type of administrative action im-
22 posed.”.

23 (b) APPLICATION OF AMENDMENT.—The amendment
24 made by this section shall take effect on the date of the
25 enactment of this Act and apply beginning with the re-

1 ports required to be submitted by March 1, 2020, under
2 section 1631 of the Ike Skelton National Defense Author-
3 ization Act for Fiscal Year 2011 (Public Law 111–383;
4 10 U.S.C. 1561 note).

5 **SEC. 538. INCLUSION OF INFORMATION IN ANNUAL SAPRO**
6 **REPORTS REGARDING SEXUAL ASSAULTS**
7 **COMMITTED BY A MEMBER OF THE ARMED**
8 **FORCES AGAINST THE MEMBER'S SPOUSE OR**
9 **OTHER FAMILY MEMBER.**

10 Beginning with the reports required to be submitted
11 by March 1, 2019, under section 1631 of the Ike Skelton
12 National Defense Authorization Act for Fiscal Year 2011
13 (Public Law 111–383; 10 U.S.C. 1561 note), information
14 regarding a sexual assault committed by a member of the
15 Armed Forces against the spouse or intimate partner of
16 the member or another dependent of the member shall be
17 included in such reports in addition to the annual Family
18 Advocacy Program report. The information may be in-
19 cluded as an annex to such reports.

1 **Subtitle E—Member Education,**
2 **Training, Resilience, and Tran-**
3 **sition**

4 **SEC. 541. ELEMENT IN PRESEPARATION COUNSELING FOR**
5 **MEMBERS OF THE ARMED FORCES ON AS-**
6 **SISTANCE AND SUPPORT SERVICES FOR**
7 **CAREGIVERS OF CERTAIN VETERANS**
8 **THROUGH THE DEPARTMENT OF VETERANS**
9 **AFFAIRS.**

10 (a) IN GENERAL.—Section 1142(b) of title 10,
11 United States Code, is amended by adding at the end the
12 following new paragraph:

13 “(18) A description, developed in consultation
14 with the Secretary of Veterans Affairs, of the assist-
15 ance and support services for family caregivers of el-
16 igible veterans under the program conducted by the
17 Secretary of Veterans Affairs pursuant to section
18 1720G of title 38, including the veterans covered by
19 the program, the caregivers eligible for assistance
20 and support through the program, and the assist-
21 ance and support available through the program.”.

22 (b) PARTICIPATION OF POTENTIAL CAREGIVERS IN
23 APPROPRIATE PRESEPARATION COUNSELING.—

24 (1) IN GENERAL.—In accordance with proce-
25 dures established by the Secretary of Defense, each

1 Secretary of a military department shall take appro-
2 priate actions to achieve the following:

3 (A) To determine whether each member of
4 the Armed Forces under the jurisdiction of such
5 Secretary who is undergoing preseparation
6 counseling pursuant to section 1142 of title 10,
7 United States Code (as amended by subsection
8 (a)), and who may require caregiver services
9 after separation from the Armed Forces has
10 identified an individual to provide such services
11 after the member's separation.

12 (B) In the case of a member described in
13 subparagraph (A) who has identified an indi-
14 vidual to provide caregiver services after the
15 member's separation, at the election of the
16 member, to permit such individual to partici-
17 pate in appropriate sessions of the member's
18 preseparation counseling in order to inform
19 such individual of—

20 (i) the assistance and support services
21 available to caregivers of members after
22 separation from the Armed Forces; and

23 (ii) the manner in which the member's
24 transition to civilian life after separation

1 may likely affect such individual as a care-
2 giver.

3 (2) CAREGIVERS.—For purposes of this sub-
4 section, individuals who provide caregiver services
5 refers to individuals (including a spouse, partner,
6 parent, sibling, adult child, other relative, or friend)
7 who provide physical or emotional assistance to
8 former members of the Armed Forces during and
9 after their transition from military life to civilian life
10 following separation from the Armed Forces.

11 (3) DEADLINE FOR COMMENCEMENT.—Each
12 Secretary of a military department shall commence
13 the actions required pursuant to this subsection by
14 not later than 180 days after the date of the enact-
15 ment of this Act.

16 **SEC. 542. IMPROVED EMPLOYMENT ASSISTANCE FOR MEM-**
17 **BERS OF THE ARMY, NAVY, AIR FORCE, AND**
18 **MARINE CORPS AND VETERANS.**

19 (a) IMPROVED EMPLOYMENT SKILLS
20 VERIFICATION.—Section 1143(a) of title 10, United
21 States Code, is amended—

22 (1) by inserting “(1)” before “The Secretary of
23 Defense”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(2) In order to improve the accuracy and complete-
2 ness of a certification or verification of job skills and expe-
3 rience required by paragraph (1), the Secretary of Defense
4 shall—

5 “(A) establish a database to record all training
6 performed by members of the Army, Navy, Air
7 Force, and Marine Corps that may have application
8 to employment in the civilian sector; and

9 “(B) make unclassified information regarding
10 such information available to States and other po-
11 tential employers referred to in subsection (c) so
12 that State and other entities may allow military
13 training to satisfy licensing or certification require-
14 ments to engage in a civilian profession.”.

15 (b) IMPROVED ACCURACY OF CERTIFICATES OF
16 TRAINING AND SKILLS.—Section 1143(a) of title 10,
17 United States Code, is further amended by inserting after
18 paragraph (2), as added by subsection (a), the following
19 new paragraph:

20 “(3) The Secretary of Defense shall ensure that a
21 certification or verification of job skills and experience re-
22 quired by paragraph (1) is rendered in such a way that
23 States and other potential employers can confirm the ac-
24 curacy and authenticity of the certification or
25 verification.”.

1 (c) IMPROVED RESPONSIVENESS TO CERTIFICATION
2 REQUESTS.—Section 1143(c) of title 10, United States
3 Code, is amended—

4 (1) by inserting “(1)” before “For the pur-
5 pose”; and

6 (2) by adding at the end the following new
7 paragraph:

8 “(2)(A) A State may—

9 “(i) use a certification or verification of job
10 skills and experience provided to a member of the
11 armed forces under subsection (a); and

12 “(ii) in the case of members of the Army, Navy,
13 Air Force, and Marine Corps, request the Depart-
14 ment of Defense to confirm the accuracy and au-
15 thenticity of the certification or verification.

16 “(B) A response confirming or denying the informa-
17 tion shall be provided within five business days.”.

18 (d) IMPROVED NOTICE TO MEMBERS.—Section
19 1142(b)(4)(A) of title 10, United States Code, is amended
20 by inserting before the semicolon the following: “, includ-
21 ing State-submitted and approved lists of military training
22 and skills that satisfy occupational certifications and li-
23 censes”.

1 **SEC. 543. LIMITATION ON RELEASE OF MILITARY SERVICE**
2 **ACADEMY GRADUATES TO PARTICIPATE IN**
3 **PROFESSIONAL ATHLETICS.**

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

7 “(5) That the cadet—

8 “(A) will not seek release from the cadet’s
9 commissioned service obligation to obtain em-
10 ployment as a professional athlete following
11 graduation until the cadet completes a period of
12 at least two consecutive years of commissioned
13 service; and

14 “(B) understands that the appointment al-
15 ternative described in paragraph (3) will not be
16 used to allow the cadet to obtain such employ-
17 ment until at least the end of that two-year pe-
18 riod.”.

19 (b) UNITED STATES NAVAL ACADEMY.—Section
20 6959(a) of title 10, United States Code, is amended by
21 adding at the end the following new paragraph:

22 “(5) That the midshipman—

23 “(A) will not seek release from the mid-
24 shipman’s commissioned service obligation to
25 obtain employment as a professional athlete fol-
26 lowing graduation until the midshipman com-

1 completes a period of at least two consecutive years
2 of commissioned service; and

3 “(B) understands that the appointment al-
4 ternative described in paragraph (3) will not be
5 used to allow the midshipman to obtain such
6 employment until at least the end of that two-
7 year period.”.

8 (c) UNITED STATES AIR FORCE ACADEMY.—Section
9 9348(a) of title 10, United States Code, is amended by
10 adding at the end the following new paragraph:

11 “(5) That the cadet—

12 “(A) will not seek release from the cadet’s
13 commissioned service obligation to obtain em-
14 ployment as a professional athlete following
15 graduation until the cadet completes a period of
16 at least two consecutive years of commissioned
17 service; and

18 “(B) understands that the appointment al-
19 ternative described in paragraph (2) will not be
20 used to allow the cadet to obtain such employ-
21 ment until at least the end of that two-year pe-
22 riod.”.

23 (d) APPLICATION OF AMENDMENTS.—The Secre-
24 taries of the military departments shall promptly revise
25 the cadet and midshipman service agreements under sec-

1 tions 4348, 6959, and 9348 of title 10, United States
2 Code, to reflect the amendments made by this section. The
3 revised agreement shall apply to cadets and midshipmen
4 who are attending the United States Military Academy,
5 the United States Naval Academy, or the United States
6 Air Force Academy on the date of the enactment of this
7 Act and to persons who begin attendance at such military
8 service academies on or after that date.

9 **SEC. 544. TWO-YEAR EXTENSION OF SUICIDE PREVENTION**
10 **AND RESILIENCE PROGRAM FOR THE NA-**
11 **TIONAL GUARD AND RESERVES.**

12 Section 10219(g) of title 10, United States Code, is
13 amended by striking “October 1, 2018” and inserting
14 “October 1, 2020”.

15 **SEC. 545. ANNUAL CERTIFICATIONS RELATED TO READY,**
16 **RELEVANT LEARNING INITIATIVE OF THE**
17 **NAVY.**

18 (a) ANNUAL CERTIFICATIONS REQUIRED.—Not later
19 than March 1, 2018, and each year thereafter, the Sec-
20 retary of the Navy shall submit to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives a certification on the status of implementation of
23 the Ready, Relevant Learning initiative of the Navy for
24 each applicable enlisted rating.

1 (b) ELEMENTS.—Each certification under subsection
2 (a) shall include the following:

3 (1) A certification by the Commander of the
4 United States Fleet Forces Command that the block
5 learning and modernized delivery methods of the
6 Ready, Relevant Learning initiative to be imple-
7 mented during the fiscal year beginning in which
8 such certification is submitted will meet or exceed
9 the existing training delivery approach for all associ-
10 ated training requirements.

11 (2) A certification by the Secretary of the Navy
12 that the content re-engineering necessary to meet all
13 training objectives and transition from the tradi-
14 tional training curriculum to the modernized delivery
15 format to be implemented during such fiscal year
16 will be complete prior to such transition, including
17 full functionality of all required course software and
18 hardware.

19 (3) A detailed cost estimate of transitioning to
20 the block learning and modernized delivery ap-
21 proaches to be implemented during such fiscal year
22 with funding listed by purpose, amount, appropria-
23 tions account, budget program element or line item,
24 and end strength adjustments.

1 (4) A detailed phasing plan associated with
2 transitioning to the block learning and modernized
3 delivery approaches to be implemented during such
4 fiscal year, including the current status, timing, and
5 identification of reductions in “A” school and “C”
6 school courses, curricula, funding, and personnel.

7 (5) A certification by the Secretary of the Navy
8 that—

9 (A) the contracting strategy associated
10 with transitioning to the modernized delivery
11 approach to be implemented during such fiscal
12 year has been completed; and

13 (B) contracting actions contain sufficient
14 specification detail to enable a low risk ap-
15 proach to receiving the deliverable end item or
16 items on-budget, on-schedule, and with satisfac-
17 tory performance.

18 **SEC. 546. AUTHORITY TO EXPAND ELIGIBILITY FOR THE**
19 **UNITED STATES MILITARY APPRENTICESHIP**
20 **PROGRAM.**

21 (a) **EXPANSION AUTHORIZED.**—The Secretary of De-
22 fense may expand eligibility for the United Services Mili-
23 tary Apprenticeship Program to include any member of
24 the uniformed services.

1 (b) DEFINITION.—In this section, the term “uni-
2 formed services” has the meaning given such term in sec-
3 tion 101(a)(5) of title 10, United States Code.

4 **SEC. 547. LIMITATION ON AVAILABILITY OF FUNDS FOR AT-**
5 **TENDANCE OF AIR FORCE ENLISTED PER-**
6 **SONNEL AT AIR FORCE OFFICER PROFES-**
7 **SIONAL MILITARY EDUCATION IN-RESIDENCE**
8 **COURSES.**

9 (a) LIMITATION.—None of the funds authorized to
10 be appropriated or otherwise made available for the De-
11 partment of the Air Force may be obligated or expended
12 for the purpose of the attendance of Air Force enlisted
13 personnel at Air Force officer professional military edu-
14 cation (PME) in-residence courses until the later of—

15 (1) the date on which the Secretary of the Air
16 Force submits to the Committees on Armed Services
17 of the Senate and the House of Representatives, and
18 to the Comptroller General of the United States, a
19 report on the attendance of such personnel at such
20 courses as described in subsection (b);

21 (2) the date on which the Comptroller General
22 submits to such committees the report setting forth
23 an assessment of the report under paragraph (1) as
24 described in subsection (c); or

1 (3) 180 days after the date of the enactment of
2 this Act.

3 (b) SECRETARY OF THE AIR FORCE REPORT.—The
4 report of the Secretary described in subsection (a)(1) shall
5 include the following:

6 (1) The purpose of the attendance of Air Force
7 enlisted personnel at Air Force officer professional
8 military education in-residence courses.

9 (2) The objectives for the attendance of such
10 enlisted personnel at such officer professional mili-
11 tary education courses.

12 (3) The required prerequisites for such enlisted
13 personnel to attend such officer professional military
14 education courses.

15 (4) The process for selecting such enlisted per-
16 sonnel to attend such officer professional military
17 education courses.

18 (5) The impact of the attendance of such en-
19 listed personnel at such officer professional military
20 education courses on the availability of officer alloca-
21 tions for the attendance of officers at such courses.

22 (6) The impact of the attendance of such en-
23 listed personnel at such officer professional military
24 education courses on the morale and retention of of-
25 ficers attending such courses.

1 (7) The resources required for such enlisted
2 personnel to attend such officer professional military
3 education courses.

4 (8) The impact on unit and overall Air Force
5 manning levels of the attendance of such enlisted
6 personnel at such officer professional military edu-
7 cation courses, especially at the statutorily-limited
8 end strengths of grades E-8 and E-9.

9 (9) The extent to which graduation by such en-
10 listed personnel from such officer professional mili-
11 tary education courses is a requirement for Air
12 Force or joint assignments.

13 (10) The planned assignment utilization for Air
14 Force enlisted graduates of such officer professional
15 military education courses.

16 (11) Any other matters in connection with the
17 attendance of such enlisted personnel at such officer
18 professional military education courses that the Sec-
19 retary considers appropriate.

20 (c) COMPTROLLER GENERAL OF THE UNITED
21 STATES REPORT.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date the Secretary submits the report described
24 in subsection (a)(1), the Comptroller General shall
25 submit to the Committees on Armed Services of the

1 Senate and the House of Representatives a briefing
2 on an assessment of the report by the Comptroller
3 General. As soon as practicable after the briefing,
4 the Comptroller General shall submit to such com-
5 mittees a report on such assessment for purposes of
6 subsection (a)(2).

7 (2) ELEMENTS.—The report under paragraph
8 (1) shall include the following:

9 (A) An assessment of whether the conclu-
10 sions and assertions included in the report of
11 the Secretary under subsection (a) are com-
12 prehensive, fully supported, and sufficiently de-
13 tailed.

14 (B) An identification of any shortcomings,
15 limitations, or other reportable matters that af-
16 fect the quality of the findings or conclusions of
17 the report of the Secretary.

18 **SEC. 548. LIEUTENANT HENRY OSSIAN FLIPPER LEADER-**
19 **SHIP SCHOLARSHIPS.**

20 (a) IN GENERAL.—The Secretary of the Army shall
21 designate a number of scholarships under the Army Senior
22 Reserve Officers' Training Corps (SROTC) program that
23 are available to students at minority-serving institutions
24 as “Lieutenant Henry Ossian Flipper Leadership Scholar-
25 ships”.

1 (b) NUMBER DESIGNATED.—The number of scholar-
2 ships designated pursuant to subsection (a) shall be the
3 number the Secretary determines appropriate to increase
4 the number of Senior Reserve Officers’ Training Corps
5 scholarships at minority-serving institutions. In making
6 the determination, the Secretary shall give appropriate
7 consideration to the following:

8 (1) The number of Senior Reserve Officers’
9 Training Corps scholarships available at all institu-
10 tions participating in the Senior Reserve Officer’s
11 Training Corps program.

12 (2) The number of such minority-serving insti-
13 tutions that offer the Senior Reserve Officers’ Train-
14 ing Corps program to their students.

15 (c) AMOUNT OF SCHOLARSHIP.—The Secretary may
16 increase any scholarship designated pursuant to sub-
17 section (a) to an amount in excess of the amount of the
18 Senior Reserve Officers’ Training Corps program scholar-
19 ship that would otherwise be offered at the minority-serv-
20 ing institution concerned if the Secretary considers that
21 a scholarship of such increased amount is appropriate for
22 the purpose of the scholarship.

23 (d) MINORITY-SERVING INSTITUTION DEFINED.—In
24 this section, the term “minority-serving institution”
25 means an institution of higher education described in sec-

1 tion 371(a) of the Higher Education Act of 1965 (20
2 U.S.C. 1067q(a)).

3 **SEC. 549. PILOT PROGRAMS ON APPOINTMENT IN THE EX-**
4 **CEPTED SERVICE IN THE DEPARTMENT OF**
5 **DEFENSE OF PHYSICALLY DISQUALIFIED**
6 **FORMER CADETS AND MIDSHIPMEN.**

7 (a) PILOT PROGRAMS AUTHORIZED.—

8 (1) IN GENERAL.—Each Secretary of a military
9 department may carry out a pilot program under
10 which former cadets or midshipmen described in
11 paragraph (2) (in this section referred to as “eligible
12 individuals”) under the jurisdiction of such Sec-
13 retary may be appointed by the Secretary of Defense
14 in the excepted service under section 3320 of title 5,
15 United States Code, in the Department of Defense.

16 (2) CADETS AND MIDSHIPMEN.—Except as pro-
17 vided in paragraph (3), a former cadet or mid-
18 shipman described in this paragraph is any former
19 cadet at the United States Military Academy or the
20 United States Air Force Academy, and any former
21 midshipman at the United States Naval Academy,
22 who—

23 (A) completed the prescribed course of in-
24 struction and graduated from the applicable
25 service academy; and

1 (B) is determined to be medically disquali-
2 fied to complete a period of active duty in the
3 Armed Forces prescribed in an agreement
4 signed by such cadet or midshipman in accord-
5 ance with section 4348, 6959, or 9348 of title
6 10, United States Code.

7 (3) EXCEPTION.—A former cadet or mid-
8 shipman whose medical disqualification as described
9 in paragraph (2)(B) is the result of the gross neg-
10 ligence or misconduct of the former cadet or mid-
11 shipman is not an eligible individual for purposes of
12 appointment under a pilot program.

13 (b) PURPOSE.—The purpose of the pilot programs
14 conducted under this section is to evaluate the feasibility
15 and advisability of permitting eligible individuals who can-
16 not accept a commission or complete a period of active
17 duty in the Armed Forces prescribed by the Secretary of
18 the military department concerned to fulfill an obligation
19 for active duty service in the Armed Forces through serv-
20 ice as a civilian employee of the Department of Defense.

21 (c) POSITIONS.—

22 (1) IN GENERAL.—The positions to which an el-
23 igible individual may be appointed under a pilot pro-
24 gram conducted under this section are existing posi-
25 tions within the Department of Defense in grades up

1 to GS-9 under the General Schedule under section
2 5332 of title 5, United States Code (or equivalent).
3 The authority in subsection (a) does not authorize
4 the creation of additional positions, or create any va-
5 cancies to which eligible individuals may be ap-
6 pointed under a pilot program.

7 (2) TERM POSITIONS.—Any appointment under
8 a pilot program shall be to a position having a term
9 of five years or less.

10 (d) SCOPE OF AUTHORITY.—

11 (1) RECRUITMENT AND RETENTION OF ELIGI-
12 BLE INDIVIDUALS.—The authority in subsection (a)
13 may be used only to the extent necessary to recruit
14 and retain on a non-competitive basis cadets and
15 midshipmen who are relieved of an obligation for ac-
16 tive duty in the Armed Forces due to becoming
17 medically disqualified from serving on active duty in
18 the Armed Forces, and may not be used to appoint
19 any other individuals in the excepted service.

20 (2) VOLUNTARY ACCEPTANCE OF APPOINT-
21 MENTS.—A pilot program conducted under this sec-
22 tion may not be used as an implicit or explicit basis
23 for compelling an eligible individual to accept an ap-
24 pointment in the excepted service in accordance with
25 this section.

1 (e) RELATIONSHIP TO REPAYMENT PROVISIONS.—

2 Completion of a term appointment pursuant to a pilot pro-
3 gram conducted under this section shall relieve the eligible
4 individual concerned of any repayment obligation under
5 section 303a(e) or 373 of title 37, United States Code,
6 with respect to the agreement of the individual described
7 in subsection (a)(2)(B).

8 (f) TERMINATION.—

9 (1) IN GENERAL.—The authority to appoint eli-
10 gible individuals in the excepted service under a pilot
11 program conducted under this section shall expire on
12 the date that is four years after the date of the en-
13 actment of this Act.

14 (2) EFFECT ON EXISTING APPOINTMENTS.—

15 The termination by paragraph (1) of the authority
16 in subsection (a) shall not affect any appointment
17 made under that authority before the termination
18 date specified in paragraph (1) in accordance with
19 the terms of such appointment.

20 (g) REPORTING REQUIREMENT.—

21 (1) REPORT REQUIRED.—Not later than the
22 date that is three years after the date of the enact-
23 ment of this Act, each Secretary of a military de-
24 partment shall submit to the appropriate congres-
25 sional committees a report containing an evaluation

1 of the effectiveness of the pilot program conducted
2 by such Secretary under this section, including the
3 number of eligible individuals appointed as civilian
4 employees of the Department of Defense under the
5 program and the retention rate for such employees.

6 (2) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES DEFINED.—In this section, the term “appro-
8 priate congressional committees” means the Com-
9 mittee on Armed Services and the Committee on
10 Homeland Security and Government Affairs of the
11 Senate and the Committee on Armed Services and
12 the Committee on Oversight and Government Re-
13 form of the House of Representatives.

14 **Subtitle F—Defense Dependents’**
15 **Education and Military Family**
16 **Readiness Matters**

17 **PART I—DEFENSE DEPENDENTS’ EDUCATION**
18 **MATTERS**

19 **SEC. 551. ASSISTANCE TO SCHOOLS WITH MILITARY DE-**
20 **PENDENT STUDENTS.**

21 (a) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
22 ABILITIES.—

23 (1) IN GENERAL.—Of the amount authorized to
24 be appropriated for fiscal year 2018 pursuant to sec-
25 tion 301 and available for operation and mainte-

1 nance for Defense-wide activities as specified in the
2 funding table in section 4301, \$10,000,000 shall be
3 available for payments under section 363 of the
4 Floyd D. Spence National Defense Authorization
5 Act for Fiscal Year 2001 (20 U.S.C. 7703a).

6 (2) USE OF CERTAIN AMOUNT.—Of the amount
7 available under subsection (a) for payments as de-
8 scribed in that subsection, \$5,000,000 shall be avail-
9 able for such payments to local educational agencies
10 determined by the Secretary of Defense, in the dis-
11 cretion of the Secretary, to have higher concentra-
12 tions of military children with severe disabilities.

13 (b) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
14 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
15 amount authorized to be appropriated for fiscal year 2018
16 by section 301 and available for operation and mainte-
17 nance for Defense-wide activities as specified in the fund-
18 ing table in section 4301, \$40,000,000 shall be available
19 only for the purpose of providing assistance to local edu-
20 cational agencies under subsection (a) of section 572 of
21 the National Defense Authorization Act for Fiscal Year
22 2006 (Public Law 109–163; 20 U.S.C. 7703b).

23 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
24 this section, the term “local educational agency” has the
25 meaning given that term in section 7013(9) of the Ele-

1 mentary and Secondary Education Act of 1965 (20 U.S.C.
2 7713(9)).

3 **SEC. 552. TRANSITIONS OF MILITARY DEPENDENT STU-**
4 **DENTS FROM DEPARTMENT OF DEFENSE DE-**
5 **PENDENT SCHOOLS TO OTHER SCHOOLS AND**
6 **AMONG SCHOOLS OF LOCAL EDUCATIONAL**
7 **AGENCIES.**

8 (a) PERMANENT SUPPORT AUTHORITY.—Section
9 574(c) of the John Warner National Defense Authoriza-
10 tion Act for Fiscal Year 2007 (Public Law 109–364; 20
11 U.S.C. 7703b note) is amended by striking paragraph (3).

12 (b) CONFORMING AMENDMENT.—Section 572(b) of
13 the National Defense Authorization Act for Fiscal Year
14 2017 (Public Law 114–328; 20 U.S.C. 7703b note) is
15 amended by striking “that includes a request for the ex-
16 tension of section 574(c) of the John Warner National De-
17 fense Authorization Act for Fiscal Year 2007 shall in-
18 clude” and inserting “shall include, with respect to section
19 574(c) of the John Warner National Defense Authoriza-
20 tion Act for Fiscal Year 2007 (Public Law 109–364; 20
21 U.S.C. 7703b note),”.

1 **SEC. 553. REPORT ON EDUCATIONAL OPPORTUNITIES IN**
2 **SCIENCE, TECHNOLOGY, ENGINEERING, AND**
3 **MATHEMATICS FOR CHILDREN WHO ARE DE-**
4 **PENDENTS OF MEMBERS OF THE ARMED**
5 **FORCES.**

6 Not later than two years after the date of the enact-
7 ment of this Act, the Secretary of Defense shall submit
8 to the congressional defense committees a report con-
9 taining a description and assessment of—

10 (1) current Department of Defense programs
11 intended to improve educational opportunities and
12 achievement in science, technology, engineering, and
13 mathematics for children who are dependents of
14 members of the Armed Forces; and

15 (2) Department of Defense efforts to increase
16 opportunities and achievement in science, tech-
17 nology, engineering, and mathematics for children
18 who are dependents of members of the Armed
19 Forces.

1 **PART II—MILITARY FAMILY READINESS**
2 **MATTERS**
3 **SEC. 555. CODIFICATION OF AUTHORITY TO CONDUCT FAM-**
4 **ILY SUPPORT PROGRAMS FOR IMMEDIATE**
5 **FAMILY MEMBERS OF MEMBERS OF THE**
6 **ARMED FORCES ASSIGNED TO SPECIAL OP-**
7 **ERATIONS FORCES.**

8 (a) CODIFICATION OF EXISTING AUTHORITY.—Chap-
9 ter 88 of title 10, United States Code, is amended by in-
10 serting after section 1788 a new section 1788a consisting
11 of—

12 (1) a heading as follows:

13 “**§ 1788a. Family support programs: immediate family**
14 **members of members of special oper-**
15 **ations forces”;** and

16 (2) a text consisting of subsections (a), (b), (d),
17 and (e) of section 554 of the National Defense Au-
18 thorization Act for Fiscal Year 2014 (Public Law
19 113–66; 10 U.S.C. 1788 note).

20 (b) REPORTING REQUIREMENT.—Section 1788a of
21 title 10, United States Code, as added by subsection (a)
22 of this section, is further amended—

23 (1) by redesignating subsection (d), as so
24 added, as subsection (c); and

25 (2) by inserting after such subsection the fol-
26 lowing new subsection (d):

1 “(d) ANNUAL REPORT.—

2 “(1) REPORT REQUIRED.—Not later than
3 March 1, 2019, and each March 1 thereafter, the
4 Commander, in coordination with the Under Sec-
5 retary of Defense for Personnel and Readiness, shall
6 submit to the congressional defense committees a re-
7 port describing the progress made in achieving the
8 goals of the family support programs conducted
9 under this section.

10 “(2) ELEMENTS OF REPORTS.—Each report
11 under this subsection shall include the following:

12 “(A) A detailed description of the pro-
13 grams conducted under this section to address
14 family support requirements for family mem-
15 bers of members of the armed forces assigned
16 to special operations forces.

17 “(B) An assessment of the impact of the
18 programs on military readiness and on family
19 members of members of the armed forces as-
20 signed to special operations forces.

21 “(C) A description of the special oper-
22 ations-peculiar aspects of the programs and a
23 comparison and differentiation of these pro-
24 grams with other programs conducted by the
25 Secretaries of the military departments to pro-

1 vide family support services to immediate family
2 members of members of the armed forces.

3 “(D) Recommendations for incorporating
4 lessons learned into other family support pro-
5 grams.

6 “(E) Any other matters the Commander
7 considers appropriate regarding the programs.”.

8 (c) FUNDING.—Subsection (c) of section 1788a of
9 title 10, United States Code, as added by subsection (a)
10 of this section and redesignated by subsection (b)(1) of
11 this section, is amended by striking “specified” and all
12 that follows through the end of the subsection and insert-
13 ing “, from funds available for Major Force Program 11,
14 to carry out family support programs under this section.”.

15 (d) ELIMINATION OF PILOT PROGRAM REFERENCES
16 AND OTHER CONFORMING AMENDMENTS.—Section
17 1788a of title 10, United States Code, as added by sub-
18 section (a) of this section, is further amended—

19 (1) by striking “Armed Forces” each place it
20 appears and inserting “armed forces”;

21 (2) by striking “pilot” each place it appears;

22 (3) in subsection (a)—

23 (A) in the subsection heading, by striking
24 “PILOT”; and

1 (B) by striking “up to three” and all that
2 follows through “providing” and inserting “pro-
3 grams to provide”; and

4 (4) in subsection (e)—

5 (A) in paragraph (2), by striking “title 10,
6 United States Code” and inserting “this title”;
7 and

8 (B) in paragraph (3), by striking “such
9 title” and inserting “this title”.

10 (e) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of subchapter I of chapter 88 of title 10,
12 United States Code, is amended by inserting after the
13 item relating to section 1788 the following new item:

“1788a. Family support programs: immediate family members of members of
special operations forces.”.

14 (f) CONFORMING REPEAL.—Section 554 of the Na-
15 tional Defense Authorization Act for Fiscal Year 2014
16 (Public Law 113–66; 10 U.S.C. 1788 note) is repealed.

17 **SEC. 556. REIMBURSEMENT FOR STATE LICENSURE AND**
18 **CERTIFICATION COSTS OF A SPOUSE OF A**
19 **MEMBER OF THE ARMED FORCES ARISING**
20 **FROM RELOCATION TO ANOTHER STATE.**

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

1 “(p)(1) From amounts otherwise made available for
2 a fiscal year to provide travel and transportation allow-
3 ances under this chapter, the Secretary concerned may re-
4 imburse a member of the armed forces for qualified reli-
5 censing costs of the spouse of the member when—

6 “(A) the member is reassigned, either as a per-
7 manent change of station or permanent change of
8 assignment, from a duty station in one State to a
9 duty station in another State; and

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

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

16 “(3) Not later than December 31, 2021, the Sec-
17 retary of Defense, in consultation with the Secretary of
18 Homeland Security with respect to the Coast Guard, shall
19 submit to the congressional defense committees, the Com-
20 mittee on Homeland Security and Government Affairs of
21 the Senate, and the Committee on Oversight and Govern-
22 ment Reform of the House of Representatives a report—

23 “(A) describing the extent to which the reim-
24 bursement authority provided by this subsection has
25 been used; and

1 “(B) containing a recommendation by the Sec-
2 retaries regarding whether the authority should be
3 extended beyond the date specified in paragraph (4).

4 “(4) No reimbursement may be provided under this
5 subsection for qualified relicensing costs paid or incurred
6 after December 31, 2022.

7 “(5) In this subsection, the term ‘qualified relicensing
8 costs’ means costs, including exam and registration fees,
9 that—

10 “(A) are imposed by the State of the new duty
11 station to secure a license or certification to engage
12 in the same profession that the spouse of the mem-
13 ber engaged in while in the State of the original
14 duty station; and

15 “(B) are paid or incurred by the member or
16 spouse to secure the license or certification from the
17 State of the new duty station after the date on
18 which the orders directing the reassignment de-
19 scribed in paragraph (1) are issued.”.

20 (b) DEVELOPMENT OF RECOMMENDATIONS TO EX-
21 PEDITE LICENSE PORTABILITY FOR MILITARY
22 SPOUSES.—

23 (1) CONSULTATION WITH STATES.—The Sec-
24 retary of Defense, and the Secretary of Homeland

1 Security with respect to the Coast Guard, shall con-
2 sult with States—

3 (A) to identify barriers to the portability
4 between States of a license, certification, or
5 other grant of permission held by the spouse of
6 a member of the Armed Forces to engage in an
7 occupation when the spouse moves between
8 States as part of a permanent change of station
9 or permanent change of assignment of the
10 member; and

11 (B) to develop recommendations for the
12 Federal Government and the States, together or
13 separately, to expedite the portability of such li-
14 censes, certifications, and other grants of per-
15 mission for military spouses.

16 (2) SPECIFIC CONSIDERATIONS.—In conducting
17 the consultation and preparing the recommendations
18 under paragraph (1), the Secretaries shall consider
19 the feasibility of—

20 (A) States accepting licenses, certifi-
21 cations, and other grants of permission de-
22 scribed in paragraph (1) issued by another
23 State and in good standing in that State;

1 (B) the issuance of a temporary license
2 pending completion of State-specific require-
3 ments; and

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

6 (3) REPORT REQUIRED.—Not later than March
7 15, 2018, the Secretaries shall submit to the appro-
8 priate congressional committees and the States a re-
9 port containing the recommendations developed
10 under this subsection.

11 (4) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES DEFINED.—In this subsection, the term “ap-
13 propriate congressional committees” means the con-
14 gressional defense committees, the Committee on
15 Homeland Security and Government Affairs of the
16 Senate, and the Committee on Oversight and Gov-
17 ernment Reform of the House of Representatives.

18 **SEC. 557. TEMPORARY EXTENSION OF EXTENDED PERIOD**
19 **OF PROTECTIONS FOR MEMBERS OF UNI-**
20 **FORMED SERVICES RELATING TO MORT-**
21 **GAGES, MORTGAGE FORECLOSURE, AND**
22 **EVICTION.**

23 Section 710(d) of the Honoring America’s Veterans
24 and Caring for Camp Lejeune Families Act of 2012 (Pub-
25 lic Law 112–154; 50 U.S.C. 3953 note) is amended—

1 (1) in paragraph (1), by striking “December
2 31, 2017” and inserting “December 31, 2019”; and

3 (2) in paragraph (3), by striking “January 1,
4 2018” and inserting “January 1, 2020”.

5 **SEC. 558. ENHANCING MILITARY CHILDCARE PROGRAMS**
6 **AND ACTIVITIES OF THE DEPARTMENT OF**
7 **DEFENSE.**

8 (a) HOURS OF OPERATION OF MILITARY CHILDCARE
9 DEVELOPMENT CENTERS.—Each Secretary of a military
10 department shall ensure, to the extent practicable, that
11 the hours of operation of each childcare development cen-
12 ter under the jurisdiction of the Secretary are established
13 and maintained in manner that takes into account the de-
14 mands and circumstances of members of the Armed
15 Forces, including members of the reserve components, who
16 use such center in facilitation of the performance of their
17 military duties.

18 (b) MATTERS TO BE TAKEN INTO ACCOUNT.—The
19 demands and circumstances to be taken into account
20 under subsection (a) for purposes of setting and maintain-
21 ing the hours of operation of a childcare development cen-
22 ter shall include the following:

23 (1) Mission requirements of units whose mem-
24 bers use the childcare development center.

1 (2) The unpredictability of work schedules, and
2 fluctuations in day-to-day work hours, of such mem-
3 bers.

4 (3) The potential for frequent and prolonged
5 absences of such members for training, operations,
6 and deployments.

7 (4) The location of the childcare development
8 center on the military installation concerned, includ-
9 ing the location in connection with duty locations of
10 members and applicable military family housing.

11 (5) Such other matters as the Secretary of the
12 military department concerned considers appropriate
13 for purposes of this section.

14 (c) **CHILDCARE COORDINATORS FOR MILITARY IN-**
15 **STALLATIONS.**—Each Secretary of a military department
16 may provide for a childcare coordinator at each military
17 installation under the jurisdiction of the Secretary at
18 which are stationed significant numbers of members of the
19 Armed Forces with accompanying dependent children, as
20 determined by the Secretary. The childcare coordinator
21 may work with the commander of the installation to en-
22 sure that childcare is available and responsive to the needs
23 of members assigned to the installation.

1 **SEC. 559. DIRECT HIRE AUTHORITY FOR DEPARTMENT OF**
2 **DEFENSE FOR CHILDCARE SERVICES PRO-**
3 **VIDERS FOR DEPARTMENT CHILD DEVELOP-**
4 **MENT CENTERS.**

5 (a) IN GENERAL.—The Secretary of Defense may ap-
6 point, without regard to any provision of subchapter I of
7 chapter 33 of title 5, United States Code, qualified
8 childcare services providers in the competitive service if
9 the Secretary determines that—

10 (1) there is a critical hiring need for childcare
11 services providers for Department of Defense child
12 development centers; and

13 (2) there is a shortage of childcare services pro-
14 viders.

15 (b) REGULATIONS.—The Secretary shall carry out
16 this section in accordance with regulations prescribed by
17 the Secretary for purposes of this section.

18 (c) DEADLINE FOR IMPLEMENTATION.—The Sec-
19 retary shall prescribe the regulations required by sub-
20 section (b), and commence implementation of subsection
21 (a), by not later than May 1, 2018.

22 (d) BRIEFING.—Not later than 90 days after the end
23 of each of fiscal years 2019 and 2021, the Secretary of
24 Defense shall provide a briefing to the Committee on
25 Armed Services of the House of Representatives, the Com-
26 mittee on Armed Services of the Senate, the Committee

1 on Oversight and Government Reform of the House of
2 Representatives, and the Committee on Homeland Secu-
3 rity and Governmental Affairs of the Senate on the use
4 of the appointment authority provided by subsection (a).

5 (e) **CHILDCARE SERVICES PROVIDER DEFINED.**—In
6 this section, the term “childcare services provider” means
7 a person who provides childcare services for dependent
8 children of members of the Armed Forces and civilian em-
9 ployees of the Department of Defense in child development
10 centers on Department installations.

11 (f) **EXPIRATION OF AUTHORITY.**—The appointment
12 authority provided by subsection (a) expires on September
13 30, 2021.

14 **SEC. 560. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNER-**
15 **SHIPS FOR TELEWORK FACILITIES FOR MILI-**
16 **TARY SPOUSES ON MILITARY INSTALLATIONS**
17 **OUTSIDE THE UNITED STATES.**

18 (a) **IN GENERAL.**—Commencing not later than one
19 year after the date of the enactment of this Act, the Sec-
20 retary of Defense shall carry out a pilot program to assess
21 the feasibility and advisability of providing telework facili-
22 ties for military spouses on military installations outside
23 the United States. The Secretary shall consult with the
24 host nation or nations concerned in carrying out the pilot
25 program.

1 (b) NUMBER OF INSTALLATIONS.—The Secretary
2 shall carry out the pilot program at not less than two mili-
3 tary installations outside the United States selected by the
4 Secretary for purposes of the pilot program.

5 (c) DURATION.—The duration of the pilot program
6 shall be a period selected by the Secretary, but not more
7 than three years.

8 (d) ELEMENTS.—The pilot program shall include the
9 following elements:

10 (1) The pilot program shall be conducted as one
11 or more public-private partnerships between the De-
12 partment of Defense and a private corporation or
13 partnership of private corporations.

14 (2) The corporation or corporations partici-
15 pating in the pilot program shall contribute to the
16 carrying out of the pilot program an amount equal
17 to the amount committed by the Secretary to the
18 pilot program at the time of its commencement.

19 (3) The Secretary shall enter into one or more
20 memoranda of understanding with the corporation
21 or corporations participating in the pilot program
22 for purposes of the pilot program, including the
23 amounts to be contributed by such corporation or
24 corporations pursuant to paragraph (2).

1 (4) The telework undertaken by military
2 spouses under the pilot program may only be for
3 United States companies.

4 (5) The pilot program shall permit military
5 spouses to provide administrative, informational
6 technology, professional, and other necessary sup-
7 port to companies through telework from Depart-
8 ment installations outside the United States.

9 (e) FUNDING.—Of the amount authorized to be ap-
10 propriated for fiscal year 2018 by section 421 and avail-
11 able for military personnel as specified in the funding table
12 in section 4401, up to \$1,000,000 may be available to
13 carry out the pilot program, including entry into memo-
14 randa of understanding pursuant to subsection (d)(3) and
15 payment by the Secretary of the amount committed by the
16 Secretary to the pilot program pursuant to subsection
17 (d)(2).

18 **Subtitle G—Decorations and** 19 **Awards**

20 **SEC. 561. AUTHORIZATION FOR AWARD OF THE MEDAL OF** 21 **HONOR TO GARLIN M. CONNER FOR ACTS OF** 22 **VALOR DURING WORLD WAR II.**

23 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
24 standing the time limitations specified in section 3744 of
25 title 10, United States Code, or any other time limitation

1 with respect to the awarding of certain medals to persons
2 who served in the Armed Forces, the President may award
3 the Medal of Honor under section 3741 of such title to
4 Garlin M. Conner for the acts of valor during World War
5 II described in subsection (b).

6 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
7 referred to in subsection (a) are the actions of Garlin M.
8 Conner during combat on January 24, 1945, as a member
9 of the United States Army in the grade of First Lieuten-
10 ant in France while serving with Company K, 3d Bat-
11 talion, 7th Infantry Regiment, 3d Infantry Division, for
12 which he was previously awarded the Distinguished-Serv-
13 ice Cross.

14 **SEC. 562. AUTHORIZATION FOR AWARD OF DISTINGUISHED-**
15 **SERVICE CROSS TO SPECIALIST FRANK M.**
16 **CRARY FOR ACTS OF VALOR IN VIETNAM.**

17 (a) AUTHORIZATION.—Notwithstanding the time lim-
18 itations specified in section 3744 of title 10, United States
19 Code, or any other time limitation with respect to the
20 awarding of certain medals to persons who served in the
21 Armed Forces, the President may award the Distin-
22 guished-Service Cross under section 3742 of such title to
23 Specialist Frank M. Crary for the acts of valor in Vietnam
24 described in subsection (b).

1 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
2 referred to in subsection (a) are the actions of Frank M.
3 Crary on April 7, 1966, as a member of the Army serving
4 in the grade of Specialist in Vietnam while serving with
5 Company D, 1st Battalion (Airborne), 12th Cavalry Regi-
6 ment, 1st Cavalry Division.

7 **Subtitle H—Miscellaneous**
8 **Reporting Requirements**

9 **SEC. 571. ANALYSIS AND REPORT ON ACCOMPANIED AND**
10 **UNACCOMPANIED TOURS OF DUTY IN RE-**
11 **MOTE LOCATIONS WITH HIGH FAMILY SUP-**
12 **PORT COSTS.**

13 (a) ANALYSIS REQUIRED.—The Secretary of Defense
14 shall conduct a comparative analysis of accompanied tours
15 of duty and unaccompanied tours of duty of members of
16 the Armed Forces in remote locations with high family
17 support costs (including facility construction and oper-
18 ation costs), including—

- 19 (1) the Azores;
20 (2) United States Naval Station, Guantanamo
21 Bay, Cuba;
22 (3) Okinawa, Japan;
23 (4) the Republic of Korea;
24 (5) Kwajalein Atoll;
25 (6) Al Udeid Air Base, Qatar; and

1 (7) such other locations as the Secretary con-
2 siders appropriate for purposes of the analysis.

3 (b) REPORTING REQUIREMENT.—Not later than one
4 year after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit to the congressional defense
6 committees a report containing the results of the analysis
7 conducted under subsection (a).

8 **SEC. 572. REVIEW AND REPORTS ON POLICIES FOR REG-**
9 **ULAR AND RESERVE OFFICER CAREER MAN-**
10 **AGEMENT.**

11 (a) REVIEW REQUIRED.—The Secretary of Defense,
12 in consultation with the Secretaries of the military depart-
13 ments, shall conduct a review of the policies of the Depart-
14 ment of Defense for the career management of regular and
15 reserve officers of the Armed Forces pursuant to the De-
16 fense Officer Personnel Management Act (commonly re-
17 ferred to as “DOPMA”) and the Reserve Officer Per-
18 sonnel Management Act (commonly referred to as
19 “ROPMA”).

20 (b) ELEMENTS OF REVIEW.—The review required by
21 subsection (a) shall include the following:

22 (1) A statistical analysis, based on exit surveys
23 and other data available to the military departments,
24 on the impact that current personnel policies under
25 the Defense Officer Personnel Management Act have

1 on recruiting and retention of qualified regular and
2 reserve officers of the Armed Forces. Specifically,
3 the statistical analysis shall include an estimate of
4 the number of officers who leave the Armed Forces
5 each year because of dissatisfaction with the current
6 personnel policies, including career progression, pro-
7 motion policies, and a perceived lack of opportunity
8 for schooling and broadening assignments.

9 (2) An analysis of the extent to which current
10 personnel policies inhibit the professional develop-
11 ment of officers.

12 (3) An analysis of the impact that increased
13 flexibility in promotion, assignments, and career
14 length would have on officer competency in their
15 military occupational specialties.

16 (4) An analysis of the efficacy of officer talent
17 management systems currently used by the military
18 departments.

19 (5) An analysis of the benefits and limitations
20 of the current promotion timelines and the “up-or-
21 out” system required by policy and law.

22 (6) An analysis of the reasons and frequency
23 with which officers in the grade of O-3 or above are
24 passed over for promotion to the next higher grade,
25 particularly those officers who have pursued ad-

1 vanced degrees, broadening assignments, and non-
2 traditional career patterns.

3 (7) The utility and feasibility of creating new
4 competitive categories or an independent career and
5 promotion path for officers in low-density military
6 occupational specialties.

7 (8) An analysis of how best to encourage and
8 facilitate the recruitment and retention of officers
9 with technical expertise.

10 (9) The utility and feasibility of encouraging of-
11 ficers to pursue careers of lengths that vary from
12 the traditional 20-year military career and the mech-
13 anisms that could be employed to encourage officers
14 to pursue these varying career lengths.

15 (10) An analysis of what actions have been or
16 could be taken within current statutory authority to
17 address officer management challenges.

18 (11) An analysis of what actions can be taken
19 by the Armed Forces to change the institutional cul-
20 ture regarding commonly held perceptions on appro-
21 priate promotion timelines, career progression, and
22 traditional career patterns.

23 (12) An analysis of how the Armed Forces can
24 avoid an officer corps disproportionately weighted to-
25 ward officers serving in the grades of major, lieuten-

1 ant colonel, and colonel and Navy grades of lieuten-
2 ant commander, commander, and captain, if statu-
3 tory officer grade caps are relaxed.

4 (13) The utility and feasibility of allowing offi-
5 cers to repeatedly and seamlessly transition between
6 active duty and reserve active-status throughout the
7 course of their military careers.

8 (14) An analysis of the current officer force-
9 shaping authorities and any changes needed to these
10 authorities to improve recruiting, retention, and
11 readiness.

12 (15) An analysis of any other matters the Sec-
13 retary of Defense considers appropriate to improve
14 the effective recruitment and retention of officers.

15 (c) REPORTING REQUIREMENTS.—

16 (1) INITIAL REPORT.—Not later than March 1,
17 2018, the Secretary of Defense shall submit to the
18 Committees on Armed Services of the Senate and
19 the House of Representatives a report evaluating the
20 impact on officer retention of granting promotion
21 boards the authority to recommend officers of par-
22 ticular merit be placed at the top of the promotion
23 list.

24 (2) COMPLETE REPORT.—Not later than July
25 31, 2018, the Secretary of Defense shall submit to

1 the Committees on Armed Services of the Senate
2 and the House of Representatives a report setting
3 forth the results of the review conducted under sub-
4 section (a).

5 (3) SCOPE OF REPORT.—If any recommenda-
6 tion of the Secretary of Defense in a report required
7 by this subsection requires legislative or administra-
8 tive action for implementation, the report shall in-
9 clude a proposal for legislative action, or a descrip-
10 tion of administrative action, as applicable, to imple-
11 ment such recommendation.

12 **SEC. 573. REVIEW AND REPORT ON EFFECTS OF PER-**
13 **SONNEL REQUIREMENTS AND LIMITATIONS**
14 **ON THE AVAILABILITY OF MEMBERS OF THE**
15 **NATIONAL GUARD FOR THE PERFORMANCE**
16 **OF FUNERAL HONORS DUTY FOR VETERANS.**

17 (a) REVIEW REQUIRED.—The Secretary of Defense
18 shall undertake a review of the effects of the personnel
19 requirements and limitations described in subsection (b)
20 with respect to the members of the National Guard in
21 order to determine whether or not such requirements un-
22 duly limit the ability of the Armed Forces to meet the de-
23 mand for personnel to perform funeral honors in connec-
24 tion with funerals of veterans.

1 (b) PERSONNEL REQUIREMENTS AND LIMITA-
2 TIONS.—The personnel requirements and limitations de-
3 scribed in this subsection are the following:

4 (1) Requirements, such as the ceiling on the au-
5 thorized number of members of the National Guard
6 on active duty pursuant to section 115(b)(2)(B) of
7 title 10, United States Code, or end-strength limita-
8 tions, that may operate to limit the number of mem-
9 bers of the National Guard available for the per-
10 formance of funeral honors duty.

11 (2) Any other requirements or limitations appli-
12 cable to the reserve components of the Armed
13 Forces in general, or the National Guard in par-
14 ticular, that may operate to limit the number of
15 members of the National Guard available for the
16 performance of funeral honors duty.

17 (c) REPORT.—Not later than six months after the
18 date of the enactment of this Act, the Secretary shall sub-
19 mit to the Committees on Armed Services of the Senate
20 and the House of Representatives a report on the review
21 undertaken pursuant to subsection (a). The report shall
22 include the following:

23 (1) A description of the review.

24 (2) Such recommendations as the Secretary
25 considers appropriate in light of the review for legis-

1 lative or administrative action to expand the number
2 of members of the National Guard available for the
3 performance of funeral honors functions at funerals
4 of veterans.

5 **SEC. 574. REVIEW AND REPORT ON AUTHORITIES FOR THE**
6 **EMPLOYMENT, USE, AND STATUS OF NA-**
7 **TIONAL GUARD AND RESERVE TECHNICIANS.**

8 (a) REVIEW REQUIRED.—The Secretary of Defense
9 shall conduct a review of the following:

10 (1) Authority for the employment, use, and sta-
11 tus of National Guard technicians under section 709
12 of title 32, United States Code (commonly referred
13 to as the National Guard Technicians Act of 1968).

14 (2) Authorities for the employment, use, and
15 status of National Guard and Reserve technicians
16 under sections 10216 through 10218 of title 10,
17 United States Code.

18 (3) Any other authorities on the employment,
19 use, and status of National Guard and Reserve tech-
20 nicians under law.

21 (b) PURPOSES.—The purposes of the review under
22 subsection (a) shall be as follows:

23 (1) To define the mission and requirements of
24 National Guard and Reserve technicians.

1 (2) To identify means to improve the manage-
2 ment and administration of the National Guard and
3 Reserve technician workforce.

4 (3) To identify means to enhance the capability
5 of the Department of Defense to recruit and retain
6 National Guard and Reserve technicians.

7 (4) To assess the current career progression
8 tracks of National Guard and Reserve technicians.

9 (c) CONSULTATION.—In conducting the review under
10 subsection (a), the Secretary of Defense shall consult with
11 the Chief of the National Guard Bureau, the Chief of
12 Army Reserve, the Chief of Air Force Reserve, and rep-
13 resentatives of National Guard and Reserve technicians,
14 including collective bargaining representatives of such
15 technicians.

16 (d) INCLUSION OF RECENT AUTHORITIES IN RE-
17 VIEW.—The Secretary of Defense shall ensure that the re-
18 view conducted under subsection (a) takes into account
19 authorities, and modifications of authorities, for the em-
20 ployment, use, and status of National Guard and Reserve
21 technicians contained in the National Defense Authoriza-
22 tion Act for Fiscal Year 2016 (Public Law 114–92) and
23 the National Defense Authorization Act for Fiscal Year
24 2017 (Public Law 114–328).

1 (e) REQUIRED REVIEW ELEMENTS.—In meeting the
2 purposes of the review conducted under subsection (a), as
3 set forth in subsection (b), the Secretary of Defense shall
4 address, in particular, the following:

5 (1) The extent to which National Guard and
6 Reserve technicians are assigned military duties in-
7 consistent with, or of a different nature than, their
8 civilian duties, the impact of such assignments on
9 unit readiness, and the effect of such assignments
10 on the career progression of technicians.

11 (2) The use by the Department of Defense (es-
12 pecially within the National Guard) of selective re-
13 tention boards to separate National Guard and Re-
14 serve technicians from military service (with the ef-
15 fect of thereby separating them from civilian service)
16 before they accrue a full, unreduced retirement an-
17 nuity in connection with Federal civilian service, and
18 whether that use is consistent with the authority in
19 section 10216(f) of title 10, United States Code,
20 that technicians be permitted to remain in service
21 past their mandatory separation date until they
22 qualify for an unreduced retirement annuity.

23 (3) The impact on recruitment and retention,
24 and the budgetary impact, of permitting National
25 Guard and Reserve technicians who receive an en-

1 listment incentive before becoming a technician to
2 retain such incentive upon becoming a technician.

3 (f) REPORTING REQUIREMENT.—Not later than
4 April 1, 2018, the Secretary of Defense shall submit to
5 the Committees on Armed Services of the Senate and the
6 House of Representatives a report containing—

7 (1) the results of the review conducted under
8 subsection (a), including a discussion of the matters
9 set forth in subsections (b) and (e); and

10 (2) such recommendations for legislative or ad-
11 ministrative action as the Secretary considers appro-
12 priate in light of the review in order to improve and
13 enhance the employment, use, and status of Na-
14 tional Guard and Reserve technicians.

15 **SEC. 575. ASSESSMENT AND REPORT ON EXPANDING AND**
16 **CONTRACTING FOR CHILDCARE SERVICES OF**
17 **THE DEPARTMENT OF DEFENSE.**

18 (a) ASSESSMENT REQUIRED.—The Secretary of De-
19 fense shall conduct an assessment of the feasibility and
20 advisability of the following:

21 (1) Expanding the operating hours of childcare
22 facilities of the Department of Defense in order to
23 meet childcare services requirements for swing-shift,
24 night-shift, and weekend workers.

1 (2) Using contracts with private-sector
2 childcare services providers to expand the availability
3 of childcare services for members of the Armed
4 Forces at locations outside military installations at
5 costs similar to the current costs for childcare serv-
6 ices through child development centers on military
7 installations.

8 (3) Contracting with private-sector childcare
9 services providers to operate childcare facilities of
10 the Department on military installations.

11 (4) Expanding childcare services as described in
12 paragraphs (1) through (3) to members of the Na-
13 tional Guard and Reserves in a manner that does
14 not substantially raise costs of childcare services for
15 the military departments or conflict with others who
16 have a higher priority for space in childcare services
17 programs, such as members of the Armed Forces on
18 active duty.

19 (b) REPORTING REQUIREMENT.—Not later than Sep-
20 tember 1, 2018, the Secretary of Defense shall submit to
21 the Committees on Armed Services of the Senate and the
22 House of Representatives a report containing the results
23 of the assessment conducted under subsection (a).

1 **SEC. 576. REVIEW AND REPORT ON COMPENSATION PRO-**
2 **VIDED CHILDCARE SERVICES PROVIDERS OF**
3 **THE DEPARTMENT OF DEFENSE.**

4 (a) REVIEW REQUIRED.—The Secretary of Defense
5 shall conduct a review of the compensation provided for
6 childcare services providers within the Department of De-
7 fense, including positions subject to General Schedule pay
8 grades and positions occupied by nonappropriated fund in-
9 strumentality employees.

10 (b) ELEMENTS OF REVIEW.—The review conducted
11 under subsection (a) shall include the following:

12 (1) A comparison of the compensation provided
13 for childcare services provider positions within the
14 Department with the compensation provided to
15 childcare services providers in the private sector who
16 provide similar childcare services.

17 (2) An assessment of the mix of General Sched-
18 ule pay grades and compensation levels for non-
19 appropriated fund instrumentality employees cur-
20 rently required by the Department to most effec-
21 tively recruit and retain childcare services providers
22 for dependents of members of the Armed Forces.

23 (3) A comparison of the budget implications of
24 the current General Schedule pay grade mix and
25 nonappropriated fund instrumentality compensation
26 levels with the pay grade mix and compensation lev-

1 els determined pursuant to paragraph (2) to be re-
2 quired by the Department to most effectively recruit
3 and retain childcare services providers for depend-
4 ents of members of the Armed Forces.

5 (c) REPORTING REQUIREMENT.—Not later than Sep-
6 tember 1, 2018, the Secretary of Defense shall submit to
7 the Committees on Armed Services of the Senate and the
8 House of Representatives a report containing the results
9 of the review conducted under subsection (a).

10 **SEC. 577. COMPTROLLER GENERAL OF THE UNITED**
11 **STATES ASSESSMENT AND REPORT ON THE**
12 **OFFICE OF COMPLEX INVESTIGATIONS WITH-**
13 **IN THE NATIONAL GUARD BUREAU.**

14 (a) ASSESSMENT REQUIRED.—The Comptroller Gen-
15 eral of the United States shall conduct an assessment on
16 the purpose, structure, and effectiveness of the Office of
17 Complex Investigations within the National Guard Bu-
18 reau.

19 (b) ELEMENTS OF ASSESSMENT.—The assessment
20 conducted under subsection (a) shall address the fol-
21 lowing:

22 (1) The purpose of the Office of Complex Inves-
23 tigations and the criteria used to determine which
24 cases will be investigated by the office.

1 (2) The services provided by the Office of Com-
2 plex Investigations.

3 (3) The authority under which the Office of
4 Complex Investigations may investigate violations of
5 State law.

6 (4) The structure of the Office of Complex In-
7 vestigations, including—

8 (A) the number of individuals assigned,
9 both permanently and temporarily, to the office;

10 (B) the organizational structure of the of-
11 fice; and

12 (C) the annual budget of the office, the
13 source of funding, and the extent to which
14 States are required to reimburse the Depart-
15 ment of Defense for activities conducted by the
16 office.

17 (5) The extent to which the investigations con-
18 ducted by the Office of Complex Investigations could
19 be conducted by another State or Federal entity.

20 (6) The policies governing the Office of Com-
21 plex Investigations, and the extent to which the of-
22 fice adheres to these policies.

23 (7) The training provided to investigators and
24 other employees of the Office of Complex Investiga-
25 tions.

1 (8) Any other matters the Comptroller General
2 considers relevant to the assessment.

3 (c) REPORTING REQUIREMENT.—Not later than Oc-
4 tober 31, 2018, the Comptroller General shall submit to
5 the Committees on Armed Services of the Senate and the
6 House of Representatives a report containing the results
7 of the assessment conducted under subsection (a).

8 **SEC. 578. MODIFICATION OF SUBMITTAL DATE OF COMP-**
9 **TROLLER GENERAL OF THE UNITED STATES**
10 **REPORT ON INTEGRITY OF THE DEPART-**
11 **MENT OF DEFENSE WHISTLEBLOWER PRO-**
12 **GRAM.**

13 Section 536(a) of the National Defense Authorization
14 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
15 2124) is amended by striking “18 months after the date
16 of the enactment of this Act” and inserting “December
17 31, 2018”.

18 **Subtitle I—Other Matters**

19 **SEC. 581. EXPANSION OF UNITED STATES AIR FORCE INSTI-**
20 **TUTE OF TECHNOLOGY ENROLLMENT AU-**
21 **THORITY TO INCLUDE CIVILIAN EMPLOYEES**
22 **OF THE HOMELAND SECURITY INDUSTRY.**

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

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

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

8 “(B) an individual employed by a private firm
9 in one of the critical infrastructure sectors identified
10 in Presidential Policy Directive 21 (Critical Infra-
11 structure Security and Resilience).

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

16 (b) USE OF DEFINED TERM.—Section 9314a of title
17 10, United States Code, is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1)—

20 (i) by striking “defense industry em-
21 ployees described in subsection (b)” and
22 inserting “a covered private sector em-
23 ployee”; and

1 (ii) by striking “Any such defense in-
2 dustry employee” and inserting “A covered
3 private sector employee”;

4 (B) in paragraph (2), by striking “defense
5 industry employees” and inserting “covered pri-
6 vate sector employees”; and

7 (C) in paragraph (3), by striking “defense
8 industry employee” both places it appears and
9 inserting “covered private sector employee”;
10 (2) in subsection (c)—

11 (A) by striking “Defense industry employ-
12 ees” and inserting “A covered private sector
13 employee”; and

14 (B) by striking “defense industry employ-
15 ees” and inserting “covered private sector em-
16 ployees”;

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

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

23 (c) OTHER CONFORMING AMENDMENTS.—Section
24 9314a of title 10, United States Code, is further amend-
25 ed—

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

4 (2) in subsection (d)—

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

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

10 (d) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of section
12 9314a of title 10, United States Code, is amended
13 to read as follows:

14 **“§ 9314a. United States Air Force Institute of Tech-
15 nology: admission of certain private sec-
16 tor civilians”.**

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

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

1 **SEC. 582. CONDITIONAL DESIGNATION OF EXPLOSIVE ORD-**
2 **NANCE DISPOSAL CORPS AS A BASIC BRANCH**
3 **OF THE ARMY.**

4 (a) **CONDITIONAL DESIGNATION.**—Subject to sub-
5 section (b), section 3063(a) of title 10, United States
6 Code, is amended—

7 (1) in paragraph (12), by striking “and”;

8 (2) by redesignating paragraph (13) as para-
9 graph (14); and

10 (3) by inserting after paragraph (12) the fol-
11 lowing new paragraph (13):

12 “(13) Explosive Ordnance Disposal Corps;
13 and”.

14 (b) **DELAYED EFFECTIVE DATE AND CONDITION ON**
15 **EXECUTION.**—

16 (1) **EFFECTIVE DATE.**—The amendments made
17 by subsection (a) shall take effect on October 1,
18 2020, but only if the report required by paragraph
19 (2) is not submitted before that date as required by
20 such paragraph.

21 (2) **REPORTING REQUIREMENT.**—Not later than
22 September 30, 2020, the Secretary of the Army
23 shall submit to the Committees on Armed Services
24 of the Senate and the House of Representatives a
25 report containing certifications that the following ac-
26 tions have occurred as of that date:

1 (A) The defense budget materials display
2 funding requirements for explosive ordnance
3 disposal separately and a program of record is
4 established and maintained for explosive ord-
5 nance disposal.

6 (B) A process has been established to en-
7 sure that, by not later than five years after the
8 date of the enactment of this Act, there is, and
9 will continue to be, at least one general officer
10 in the Army qualified regarding issues involving
11 explosive ordnance disposal to ensure officer
12 professional development and upward mobility.

13 (C) The Ordnance Personnel Proponency
14 Office is, and will continue to be, manned with
15 an explosive ordnance disposal officer to oversee
16 explosive ordnance disposal officer and enlisted
17 personnel proponency.

18 (D) Explosive ordnance disposal officer
19 education has been included in a basic officer
20 leadership course, a captains career course, and
21 a policy and planning course specific to explo-
22 sive ordnance disposal as part of intermediate
23 level education and pre-command courses.

24 (E) The office of the Army Deputy Chief
25 of Staff, G8, and the office of the Army Deputy

1 Chief of Staff, G3, have, and will continue to
2 be, manned with explosive ordnance disposal of-
3 ficers responsible for the decision management
4 decision packages, ammunition organizational
5 integration, and force modernization related to
6 explosive ordnance disposal.

7 (F) The Army has established and main-
8 tained explosive ordnance disposal cells at the
9 Army Forces Command, Army Service Compo-
10 nent Commands, Army Special Operations
11 Command, Army Training and Doctrine Com-
12 mand, and the Army Capability and Integration
13 Center.

14 (3) NOTICE OF REPORT.—The Secretary of the
15 Army shall notify the Law Revision Counsel of the
16 House of Representatives of the submission of the
17 report under paragraph (2) so that the Law Revi-
18 sion Counsel does not execute the amendments made
19 by subsection (a).

1 **SEC. 583. DESIGNATION OF OFFICE WITHIN OFFICE OF THE**
2 **SECRETARY OF DEFENSE TO OVERSEE USE**
3 **OF FOOD ASSISTANCE PROGRAMS BY MEM-**
4 **BERS OF THE ARMED FORCES ON ACTIVE**
5 **DUTY.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall designate
8 an office or official within the Office of the Secretary of
9 Defense for purposes as follows:

10 (1) To discharge responsibility for overseeing
11 the efforts of the Department of Defense to collect,
12 analyze, and monitor data on the use of food assist-
13 ance programs by members of the Armed Forces on
14 active duty.

15 (2) To establish and maintain relationships
16 with other departments and agencies of the Federal
17 Government to facilitate the discharge of the respon-
18 sibility specified in paragraph (1).