

117TH CONGRESS
2D SESSION

S. 4113

To provide for the independent investigation and prosecution of sexual harassment under the Uniform Code of Military Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2022

Ms. HIRONO (for herself, Mr. BOOKER, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide for the independent investigation and prosecution of sexual harassment under the Uniform Code of Military Justice, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sexual Harassment
5 Independent Investigations and Prosecution Act”.

1 **SEC. 2. INCLUSION OF SEXUAL HARASSMENT IN OFFENSES**
2 **SUBJECT TO AUTHORITY OF SPECIAL TRIAL**
3 **COUNSEL.**

4 (a) DEFINITION OF COVERED OFFENSE.—Section
5 801(17)(A) of title 10, United States Code (article
6 1(17)(A) of the Uniform Code of Military Justice), as
7 added by section 533 of the National Defense Authoriza-
8 tion Act for Fiscal Year 2022 (Public Law 117–81), is
9 amended—

10 (1) by striking “or”; and

11 (2) by striking “of this title” and inserting “,
12 or the standalone offense of sexual harassment pun-
13 ishable under section 934 (article 134) of this title”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 subsection (a) shall take effect immediately after the com-
16 ing into effect of the amendments made by section 533
17 of the National Defense Authorization Act for Fiscal Year
18 2022 (Public Law 117–81) as provided in section 539C
19 of that Act.

20 **SEC. 3. INDEPENDENT INVESTIGATION OF SEXUAL HAR-**
21 **ASSMENT.**

22 (a) DEFINITIONS.—Section 1561 of title 10, United
23 States Code, as amended by section 543 of the National
24 Defense Authorization Act for Fiscal Year 2022 (Public
25 Law 117–81), is amended—

26 (1) in subsection (a)—

1 (A) by striking “or Space Force” and in-
2 serting “Space Force, or Coast Guard”; and

3 (B) by inserting “or the Department of
4 Homeland Security (in the case of a matter in-
5 volving the Coast Guard when not operating as
6 a service in the Navy)” after “Department of
7 Defense”; and

8 (2) by amending subsection (e) to read as fol-
9 lows:

10 “(e) DEFINITIONS.—In this section:

11 “(1) The term ‘independent investigator’ means
12 a member of the armed forces or a civilian employee
13 of the Department of Defense or the Department of
14 Homeland Security (in the case of a matter involv-
15 ing the Coast Guard when not operating as a service
16 in the Navy) who—

17 “(A) is outside the chain of command of
18 the complainant and the subject of the inves-
19 tigation; and

20 “(B) is trained in the investigation of sex-
21 ual harassment, as determined by—

22 “(i) the Secretary concerned, in the
23 case of a member of the armed forces;

1 “(ii) the Secretary of Defense, in the
 2 case of a civilian employee of the Depart-
 3 ment of Defense; or

4 “(iii) the Secretary of Homeland Se-
 5 curity, in the case of a civilian employee of
 6 the Department of Homeland Security.

7 “(2) The term ‘sexual harassment’ means con-
 8 duct that constitutes the offense of sexual harass-
 9 ment as punishable under section 934 of this title
 10 (article 134) pursuant to the regulations prescribed
 11 by the Secretary of Defense for purposes of such
 12 section (article).”.

13 (b) EFFECTIVE DATE.—The amendments made by
 14 subsection (a) shall take effect immediately after the com-
 15 ing into effect of the amendments made by section 543
 16 of the National Defense Authorization Act for Fiscal Year
 17 2022 (Public Law 117–81) as provided in subsection (c)
 18 of that section.

○