

106TH CONGRESS  
1ST SESSION

# H. R. 1847

To amend title 10, United States Code, to require the Secretary of Defense to prescribe regulations to protect the confidentiality of communications between dependents of members of the Armed Forces and professionals providing therapeutic or related services regarding sexual or domestic abuse.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1999

Mrs. MALONEY of New York (for herself, Mr. MALONEY of Connecticut, Mrs. KELLY, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to require the Secretary of Defense to prescribe regulations to protect the confidentiality of communications between dependents of members of the Armed Forces and professionals providing therapeutic or related services regarding sexual or domestic abuse.

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 “Military Dependents  
5       Communications Confidentiality Act of 1999”.

1 **SEC. 2. REQUIREMENT FOR DEPARTMENT OF DEFENSE**  
2 **REGULATIONS TO PROTECT THE CONFIDEN-**  
3 **TIALITY OF COMMUNICATIONS BETWEEN DE-**  
4 **PENDENTS AND PROFESSIONALS PROVIDING**  
5 **THERAPEUTIC OR RELATED SERVICES RE-**  
6 **GARDING SEXUAL OR DOMESTIC ABUSE.**

7 (a) IN GENERAL.—(1) Chapter 80 of title 10, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new section:

10 **“§ 1562. Confidentiality of communications between**  
11 **dependents and professionals providing**  
12 **therapeutic or related services regarding**  
13 **sexual or domestic abuse**

14 “(a) REGULATIONS.—The Secretary of Defense shall  
15 prescribe in regulations such policies and procedures as  
16 the Secretary considers necessary to provide the maximum  
17 possible protection for the confidentiality of communica-  
18 tions described in subsection (b) relating to misconduct  
19 described in that subsection. Those regulations shall be  
20 consistent with—

21 “(1) the standards of confidentiality and ethical  
22 standards issued by relevant professional organiza-  
23 tions;

24 “(2) applicable requirements of Federal and  
25 State law;

1 “(3) the best interest of victims of sexual har-  
 2 assment, sexual assault, or intrafamily abuse; and

3 “(4) such other factors as the Secretary, in con-  
 4 sultation with the Attorney General, considers ap-  
 5 propriate.

6 “(b) COVERED COMMUNICATIONS.—Subsection (a)  
 7 applies to communications between—

8 “(1) a dependent of a member of the armed  
 9 forces who—

10 “(A) is a victim of sexual harassment, sex-  
 11 ual assault, or intrafamily abuse; or

12 “(B) has engaged in such misconduct; and

13 “(2) a therapist, counselor, advocate, or other  
 14 professional from whom the dependent seeks profes-  
 15 sional services in connection with effects of such  
 16 misconduct.”.

17 (2) The table of sections at the beginning of such  
 18 chapter is amended by adding at the end the following  
 19 new item:

“1562. Confidentiality of communications between dependents and professionals  
 providing therapeutic or related services regarding sexual or  
 domestic abuse.”.

20 (b) GAO STUDY.—(1) The Comptroller General shall  
 21 study the policies, procedures, and practices of the mili-  
 22 tary departments for protecting the confidentiality of com-  
 23 munications between—

1 (A) a dependent of a member of the Armed  
2 Forces who—

3 (i) is a victim of sexual harassment, sexual  
4 assault, or intrafamily abuse; or

5 (ii) has engaged in such misconduct; and

6 (B) a therapist, counselor, advocate, or other  
7 professional from whom the dependent seeks profes-  
8 sional services in connection with effects of such  
9 misconduct.

10 (2) The Comptroller General shall conclude the study  
11 and submit to the Secretary of Defense and Congress a  
12 report on the results of the study. The report shall be sub-  
13 mitted not later than 180 days after the date of the enact-  
14 ment of this Act.

15 (c) INITIAL REGULATIONS.—The initial regulations  
16 under section 1562 of title 10, United States Code, as  
17 added by subsection (a), shall be prescribed not later than  
18 90 days after the date on which the Secretary of Defense  
19 receives the report of the Comptroller General under sub-  
20 section (b). In prescribing those regulations, the Secretary  
21 shall ensure that those regulations are consistent with the  
22 findings of the Comptroller General in that report.

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