

109TH CONGRESS  
2D SESSION

# H. R. 5212

To reduce sexual assault and domestic violence involving members of the armed forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2006

Ms. SLAUGHTER (for herself, Ms. GINNY BROWN-WAITE of Florida, Ms. ROYBAL-ALLARD, Ms. KILPATRICK of Michigan, Mr. DELAHUNT, Mr. CONYERS, Ms. DELAURO, Mrs. MALONEY, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. HONDA, Ms. LEE, Mr. MOORE of Kansas, Mr. KUCINICH, Mr. ROTHMAN, Mr. SANDERS, Mr. WEXLER, Mrs. JONES of Ohio, Mr. INSLEE, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reduce sexual assault and domestic violence involving members of the armed forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
 5       “Military Domestic and Sexual Violence Response Act”.

6       (b) **TABLE OF CONTENTS.**—The table of contents for  
 7       this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—VICTIMS’ ADVOCATE PROGRAMS IN THE DEPARTMENT  
OF DEFENSE**

**Subtitle A—Definitions**

Sec. 101. Definitions relating to sexual assault, domestic violence, etc., in the  
military.

**Subtitle B—Office of Victims’ Advocate and Department of Defense  
Interdisciplinary Council**

Sec. 111. Office of the Victims’ Advocate.

Sec. 112. Department of Defense Interdisciplinary Council.

Sec. 113. Conforming repeal.

**Subtitle C—National and International Hotlines Awareness, Prevention, and  
Intervention Campaign**

Sec. 121. Awareness, prevention, and intervention campaign.

**Subtitle D—Prevention and Intervention Training**

Sec. 131. Prevention and intervention training contracts.

**Subtitle E—Biennial Conference on Sexual Assault and Domestic Violence**

Sec. 141. Establishment.

Sec. 142. Conference activities.

Sec. 143. Conference participants.

**Subtitle F—Memorandums of Understanding With Civil Organizations**

Sec. 151. Agreements with civilian organizations.

**TITLE II—RIGHTS, RESTITUTION, TREATMENT, AND SERVICES  
FOR VICTIMS**

**Subtitle A—Protection of Persons Reporting Sexual Assault or Domestic  
Violence**

Sec. 201. Protection of communications between victims and advocates.

Sec. 202. Victim service organization privilege and health care professional privilege in cases arising under Uniform Code of Military Justice.

Subtitle B—Medical Care and Treatment for Victims of Sexual and Domestic Violence

Sec. 211. Enhanced Department of Defense treatment capacity.  
 Sec. 212. Community level program.  
 Sec. 213. Transition to veterans health care for victims or perpetrators of domestic violence, sexual assault, family violence, or stalking.

Subtitle C—Military-Civilian Shelter Programs

Sec. 221. Enhanced capacity of the Department of Defense for shelter programs and services.

Subtitle D—Victim’s Rights and Restitution

Sec. 231. Military law enforcement and victims’ rights.  
 Sec. 232. Availability of incident reports.  
 Sec. 233. Victim advocates and victims’ rights.  
 Sec. 234. Restitution.  
 Sec. 235. Records of military justice actions.  
 Sec. 236. Technical amendments relating to fatality review panels.

TITLE III—REPORTING, PROSECUTION, AND TREATMENT OF PERPETRATORS

Subtitle A—Reporting of Sexual Assault, Domestic Violence, and Stalking Within the Department of Defense

Sec. 301. Complaints of sexual assault and domestic violence.  
 Sec. 302. Response of military law enforcement officials to domestic violence incidents.  
 Sec. 303. Investigation of sexual and domestic violence cases involving Department of Defense personnel.

Subtitle B—Crimes Related to Sexual Assault and Domestic Violence

CHAPTER 1—FEDERAL CRIMINAL CODE

Sec. 311. Assimilative crimes.  
 Sec. 312. Jurisdiction for sexual assault and domestic violence offenses committed outside the United States.  
 Sec. 313. Travel and transportation.

CHAPTER 2—UNIFORM CODE OF MILITARY JUSTICE

Sec. 316. Domestic violence and family violence.  
 Sec. 317. Protective orders.

Subtitle C—Treatment Services for Perpetrators

Sec. 321. Enhanced capacity of the Department of Defense for treatment services for perpetrators.

TITLE IV—COUNSELING AND TREATMENT PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS

- Sec. 401. Research on best practices to overcome stigma related to military sexual trauma.
- Sec. 402. Training for Department of Veterans Affairs primary care providers.
- Sec. 403. Pilot program on ways to identify veterans who are victims of military sexual trauma.
- Sec. 404. Pilot program on treatment of active-duty military personnel through facilities of the Department of Veterans Affairs.

## TITLE V—OTHER MATTERS

### Subtitle A—Administration Matters

- Sec. 501. Performance evaluations and benefits.
- Sec. 502. Closure of Article 32 investigations in cases of sexual assault or domestic violence.

### Subtitle B—Enhancement of Armed Forces Domestic Security Act

- Sec. 511. Amendments to Servicemembers Civil Relief Act.

### Subtitle C—Research on Prevalence, Needs Assessment, Services, and Accountability

- Sec. 521. Research on sexual assault, domestic violence, and family violence in the Armed Forces.
- Sec. 522. Research on institutional procedures for reporting sexual assault, domestic violence, and family violence in the Armed Forces.
- Sec. 523. Research on dating violence associated with the Armed Forces.
- Sec. 524. Research on child maltreatment, abuse, and homicide in the Armed Forces.

# **1 TITLE I—VICTIMS’ ADVOCATE 2 PROGRAMS IN THE DEPART- 3 MENT OF DEFENSE**

## **4 Subtitle A—Definitions**

### **5 SEC. 101. DEFINITIONS RELATING TO SEXUAL ASSAULT, 6 DOMESTIC VIOLENCE, ETC., IN THE MILI- 7 TARY.**

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

1 **“§ 102. Definitions relating to sexual assault, domes-**  
2 **tic violence, etc.**

3 “(a) DEFINITIONS RELATING TO CONDUCT.—The  
4 following definitions apply in this title:

5 “(1) SEXUAL ASSAULT.—The term ‘sexual as-  
6 sault’ has the meaning given that term in section  
7 2003(6) of title I of the Omnibus Crime Control and  
8 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(6)).

9 “(2) DOMESTIC VIOLENCE.—The term ‘domes-  
10 tic violence’ has the meaning given that term in sec-  
11 tion 2003 of title I of the Omnibus Crime Control  
12 and Safe Streets Act of 1968 (42 U.S.C. 3796gg–  
13 2).

14 “(3) FAMILY VIOLENCE.—The term ‘family vio-  
15 lence’ has the meaning given that term in section  
16 320(1) of the Family Violence Prevention and Serv-  
17 ices Act (42 U.S.C. 10421(1)).

18 “(4) STALKING.—The term ‘stalking’ means  
19 engaging in a course of conduct as proscribed in  
20 chapter 110A of title 18, as directed at a specific  
21 person that would cause a reasonable person to fear  
22 death, sexual assault, or bodily injury to himself or  
23 herself or a member of his or her immediate family  
24 when—

25 “(A) the person engaging in such conduct  
26 has knowledge or should have knowledge that

1 the specific person will be placed in reasonable  
2 fear of death, sexual assault, or bodily injury to  
3 himself or herself or a member of his or her im-  
4 mediate family; and

5 “(B) the conduct induces fear in the spe-  
6 cific person of death, sexual assault, or bodily  
7 injury to himself or herself or a member of his  
8 or her immediate family.

9 “(5) SEXUAL VIOLENCE.—The term ‘sexual vio-  
10 lence’ means any of the following:

11 “(A) Sexual abuse.

12 “(B) Sexual assault.

13 “(C) Sexual battery.

14 “(D) Rape.

15 “(6) SEXUAL HARASSMENT.—The term ‘sexual  
16 harassment’ means any conduct involving sexual  
17 harassment that—

18 “(A) in the case of conduct of a person  
19 who is subject to the provisions of chapter 47  
20 of this title (the Uniform Code of Military Jus-  
21 tice), comprises a violation of a provision of  
22 subchapter X of such chapter (relating to puni-  
23 tive articles of such Code) or an applicable reg-  
24 ulation, directive, or guideline regarding sexual  
25 harassment that is prescribed by the Secretary

1 of Defense or the Secretary of a military de-  
2 partment; and

3 “(B) in the case of an employee of the De-  
4 partment of Defense or a family member sub-  
5 ject to the jurisdiction of the Secretary of De-  
6 fense or of the Secretary of a military depart-  
7 ment, comprises a violation of a regulation, di-  
8 rective, or guideline that is applicable to such  
9 employee or family member.

10 “(7) DATING VIOLENCE.—The term ‘dating vio-  
11 lence’ means violence committed by a person who is  
12 or has been in a social relationship of a romantic or  
13 intimate nature with the victim.

14 “(b) DEFINITIONS RELATING TO VICTIMS.—The fol-  
15 lowing definitions apply in this title:

16 “(1) VICTIM.—The term ‘victim’ means a per-  
17 son who is a victim of sexual assault, domestic vio-  
18 lence, family violence, stalking, or sexual misconduct  
19 committed—

20 “(A) by or upon a member of the armed  
21 forces;

22 “(B) by or upon a family member of a  
23 member of the armed forces;

1           “(C) by or upon a person who shares a  
2 child in common with a member of the armed  
3 forces;

4           “(D) by or upon a person who is cohab-  
5 iting with or has cohabited as a spouse with a  
6 member of the armed forces;

7           “(E) by or upon a person similarly situ-  
8 ated to a spouse of a member of the armed  
9 forces; or

10           “(F) by or upon any other person who is  
11 protected from the acts of a member of the  
12 armed forces or an officer or employee of the  
13 Department of Defense in the official capacity  
14 of that member, officer, or employee.

15           “(2) REPRESENTATIVE OF THE VICTIM.—The  
16 term ‘representative of the victim’ means, with re-  
17 spect to a victim who is deceased, the person who is  
18 listed first among the following (other than a person  
19 who is considered a perpetrator with respect to the  
20 victim):

21           “(A) The surviving spouse.

22           “(B) A surviving child of the decedent who  
23 has attained 18 years of age.

24           “(C) A surviving parent of the decedent.

25           “(D) A surviving adult relative.



1           “(E) The public administrator appointed  
2           by a probate court, if one has been appointed.

3           “(3) PARTNER.—The term ‘partner’ means any  
4           of the following:

5           “(A) A person who is or has been in a so-  
6           cial relationship of a romantic or intimate na-  
7           ture with another.

8           “(B) A person who shares a child in com-  
9           mon with another person.

10          “(C) A person who is cohabiting with or  
11          has cohabited as a spouse by regularly residing  
12          in the household.

13          “(D) A person similarly situated to a  
14          spouse.

15          “(E) A former spouse.

16          “(c) DEFINITIONS RELATING TO PROGRAMS AND OR-  
17          GANIZATIONS.—The following definitions apply in this  
18          title:

19          “(1) VICTIMS’ ADVOCATES PROGRAM.—The  
20          term ‘victims’ advocates program’ means a program  
21          established within a military department pursuant to  
22          section 1814(a) of this title.

23          “(2) FAMILY ADVOCACY PROGRAM.—The term  
24          ‘family advocacy program’ has the meaning provided  
25          in Department of Defense Directive 6400.1, issued

1 by the Office of Family Policy of the Department of  
2 Defense established by section 1781 of this title.

3 “(3) VICTIM SERVICES ORGANIZATION.—The  
4 term ‘victim services organization’ means an organi-  
5 zation (whether public or private) that provides ad-  
6 vice, counseling, or assistance to victims of domestic  
7 violence, family violence, dating violence, stalking, or  
8 sexual assault, or to the families of such victims.

9 “(d) OTHER.—The following definitions apply in this  
10 title:

11 “(1) PERSONALLY IDENTIFYING INFORMA-  
12 TION.—The term ‘personally identifying information’  
13 has the meaning given that term in section 1816(b)  
14 of this title.

15 “(2) ELECTRONIC COMMUNICATION.—The term  
16 ‘electronic communication’ has the meaning given  
17 that term in paragraph (12) of section 2510 of title  
18 18.

19 “(3) TRANSITIONAL HOUSING.—The term  
20 ‘transitional housing’ includes short-term housing  
21 and has the meaning given that term in section  
22 424(b) of the McKinney-Vento Homeless Assistance  
23 Act (42 U.S.C. 11384(b)).

24 “(4) COMPLAINT.—The term ‘complaint’, with  
25 respect to an allegation of family violence, sexual as-

1       sault, stalking, or domestic violence, includes a re-  
2       port of such allegation.

3               “(5) MILITARY LAW ENFORCEMENT OFFI-  
4       CIAL.—The term ‘military law enforcement official’  
5       means a person authorized under regulations gov-  
6       erning the armed forces to apprehend persons sub-  
7       ject to chapter 47 of this title (the Uniform Code of  
8       Military Justice) or to trial thereunder.

9               “(e) PROOF OF RELATIONSHIP.—For purposes of  
10      subsection (a)(7) (relating to dating violence) and sub-  
11      section (b)(3) (relating to partners), the existence of a re-  
12      lationship as described in that subsection shall be deter-  
13      mined based on a consideration of—

14               “(1) the length of the relationship;

15               “(2) the type of relationship; and

16               “(3) the frequency of interaction between the  
17      persons involved in the relationship.”.

18               (b) CLERICAL AMENDMENT.—The table of sections  
19      at the beginning of such chapter is amended by adding  
20      at the end the following new item:

      “102. Definitions relating to sexual assault, domestic violence, etc.”.

21               (c) INCORPORATION FOR THIS ACT.—The provisions  
22      of section 102 of title 10, United States Code, as added  
23      by subsection (a), apply to the provisions of this Act not  
24      enacted as an amendment to such title.

**1 Subtitle B—Office of Victims’ Advoca-**  
**2 cate and Department of Defense**  
**3 Interdisciplinary Council**

**4 SEC. 111. OFFICE OF THE VICTIMS’ ADVOCATE.**

**5** (a) IN GENERAL.—Part II of subtitle A of title 10,  
**6** United States Code, is amended by adding at the end the  
**7** following new chapter:

**8 “CHAPTER 90—OFFICE OF THE VICTIMS’**  
**9 ADVOCATE**

“Sec. 1811. Office of the Victims’ Advocate: establishment; Director.

“Sec. 1812. Office of the Victims’ Advocate: responsibilities.

“Sec. 1813. Office of the Victims’ Advocate: comprehensive policy on preven-  
tion of and response to domestic violence, family violence, sexual  
assault and stalking involving members of the armed forces  
and their families and partners.

“Sec. 1814. Victims’ advocates programs in the military departments.

“Sec. 1815. Office of the Victims’ Advocate: access.

“Sec. 1816. Office of the Victims’ Advocate: confidentiality.

“Sec. 1817. Office of the Victims’ Advocate: victim protection actions.

“Sec. 1818. Office of the Victims’ Advocate: victims advocates whistleblower  
protections.

“Sec. 1819. Office of the Victims’ Advocate: annual assessment.

“Sec. 1820. Office of the Victims’ Advocate: annual report.

“Sec. 1821. Requirements on use of funds.

**10 “§ 1811. Office of the Victims’ Advocate: establish-**  
**11 ment; Director**

**12** “(a) ESTABLISHMENT.—There is in the Office of the  
**13** Secretary of Defense an Office of the Victims’ Advocate  
**14** (hereinafter in this chapter referred to as the ‘Office’).

**15** “(b) DIRECTOR.—(1) The head of the Office is a Di-  
**16** rector, who shall be a person with knowledge of victims’  
**17** rights, advocacy, social services, and Federal, State, and  
**18** military systems. The Director shall oversee the victims’

1 advocate programs and the family advocacy programs of  
2 the Department of Defense.

3 “(2) The Director shall be a person who is qualified  
4 by training and expertise to perform the responsibilities  
5 of the Director and who has a significant level of experi-  
6 ence in advocacy for victims of sexual assault, domestic  
7 violence, family violence, and stalking.

8 “(3) The position of Director is a Senior Executive  
9 Service position. The Secretary of Defense shall designate  
10 the position as a career reserved position under section  
11 3132(b) of title 5.

12 “(4) The Secretary of Defense shall consult with the  
13 interdisciplinary council established under section 185 of  
14 this title in the appointment of the Director.

15 “(c) VICTIMS ADVOCATES.—(1) Victims advocates  
16 shall be assigned to, employed by, or contracted for by  
17 the Director and shall be assigned to the Director.

18 “(2) Victim advocates shall be qualified by training,  
19 expertise, and certification to perform the responsibilities  
20 of the position and possessing a significant level of knowl-  
21 edge relative to the armed forces and experience in advo-  
22 cacy for victims of sexual assault, domestic violence, fam-  
23 ily violence, and stalking.

24 “(3) The victim advocates report to the Director or  
25 to the Director’s designee within the Office.

1   **“§ 1812. Office of the Victims’ Advocate: responsibil-**  
2                           **ities**

3           “(a) GENERAL FUNCTIONS.—(1) The Office shall fa-  
4   cilitate access to services for victims of domestic violence,  
5   family violence, sexual assault, and stalking.

6           “(2) The Office shall provide for victim advocates in  
7   the Department of Defense for purposes of victims’ advo-  
8   cates programs of the Department. Victims advocates may  
9   be Department of Defense employees or contractor em-  
10   ployees. The Director shall ensure that victim advocates  
11   receive or have received specialized training in the coun-  
12   seling and support of victims.

13          “(b) QUALIFICATIONS OF VICTIM ADVOCATES.—In  
14   order to be employed as a victim advocate by the Depart-  
15   ment of Defense or under a contract with the Department  
16   of Defense, an individual—

17               “(1) must have a degree in counseling or a re-  
18       lated field or have one year of counseling experience,  
19       at least six months of which must have been in the  
20       counseling of sexual assault or domestic violence vic-  
21       tims; and

22               “(2) must have had at least 60 hours of train-  
23       ing as specified by regulations prescribed by the Di-  
24       rector, including training in the following areas:

25                       “(A) History of domestic violence and sex-  
26       ual assault.

1           “(B) Civil, criminal, and military law as it  
2           relates to domestic violence and sexual assault.

3           “(C) Societal attitudes.

4           “(D) Peer counseling techniques.

5           “(E) Housing.

6           “(F) Public and private assistance avail-  
7           able to victims.

8           “(G) Financial resources for victims.

9           “(H) Safety and protection resources for  
10          victims.

11          “(I) Victim and transitional compensation.

12          “(J) Benefits.

13          “(K) Referral services available to victims.

14          “(L) Military culture and an under-  
15          standing of how to operate within a military  
16          chain of command.

17          “(c) HEALTH CARE ASSISTANCE.—Upon request of  
18          a victim of domestic violence, family violence, sexual as-  
19          sault, or stalking, the Director shall assist the victim in  
20          obtaining from any facility of the uniformed services or  
21          any other health care facility of the United States or, by  
22          contract, from any other source, medical services, coun-  
23          seling, and other mental health services appropriate for  
24          treatment of injuries resulting from the domestic violence,

1 family violence, sexual assault, or stalking, as otherwise  
2 authorized by law, including—

3 “(1) rape evidence kits;

4 “(2) DNA testing;

5 “(3) sexually transmitted diseases screening and  
6 treatment;

7 “(4) HIV screening and treatment;

8 “(5) pregnancy testing;

9 “(6) methods of pregnancy prevention approved by  
10 the Food and Drug Administration;

11 “(7) reproductive health services; and

12 “(8) other mental and physiological results of the do-  
13 mestic violence, sexual assault, or stalking.

14 “(d) GENERAL COORDINATION FUNCTIONS.—The  
15 Director shall coordinate programs and activities of the  
16 military departments relative to services and treatment for  
17 victims of domestic violence, family violence, sexual as-  
18 sault, and stalking.

19 “(e) EVALUATION AND REVIEW RESPONSIBIL-  
20 ITIES.—The Director shall carry out the following ongoing  
21 evaluations and reviews:

22 “(1) Evaluation of the policies and protocols es-  
23 tablished by the military departments providing serv-  
24 ices and treatment referred to in subsection (e), with



1 a view towards the rights of victims of domestic vio-  
2 lence, family violence, sexual assault, and stalking.

3 “(2) Evaluation of the programs established by  
4 the military departments providing services to vic-  
5 tims of domestic violence, family violence, sexual as-  
6 sault, and stalking.

7 “(3) Evaluation of the delivery of services of  
8 the military departments that provide services and  
9 treatment to victims of domestic violence, family vio-  
10 lence, sexual assault, and stalking through funds  
11 provided by the Department of Defense, Department  
12 of Justice, or Department of Health and Human  
13 Services.

14 “(4) Annual review of the facilities of the De-  
15 partment of Defense providing services to victims of  
16 domestic violence, family violence, sexual assault, or  
17 stalking.

18 “(5) Annual review of the National Domestic  
19 Violence Hotline, the National Sexual Assault Hot-  
20 line, and the American Women Overseas Hotline rel-  
21 ative to projects for military personnel, families, and  
22 partners and for victims of domestic violence, family  
23 violence, sexual assault, or stalking.

24 “(6) Annual review of the victim witness assist-  
25 ance programs within the Department of Defense.

1           “(7) Review of information from an individual  
2           (and of any investigation resulting from the submis-  
3           sion of such information) indicating that a victim  
4           may be in need of, or would benefit from, assistance  
5           from a victim advocate.

6           “(f) EDUCATION AND TRAINING RESPONSIBIL-  
7 ITIES.—(1) The Director shall conduct, or provide for the  
8 conduct of, training and shall provide technical assistance  
9 related to domestic violence, family violence, sexual as-  
10 sault, and stalking within the military departments. Such  
11 training shall be mandatory, as prescribed by the Director,  
12 except to the extent necessary due to military exigencies.

13           “(2) The Director shall develop curricula for manda-  
14 tory training of personnel, including first responders, secu-  
15 rity forces, law enforcement, medical personnel, command  
16 staff, military justice personnel, and military criminal in-  
17 vestigators.

18           “(3) The Director shall conduct education and out-  
19 reach programs. Such programs shall include the develop-  
20 ment and distribution of brochures, booklets, posters, and  
21 handbooks outlining hotlines, services, contact informa-  
22 tion, policies, and protocols for victims.

1   **“§ 1813. Office of the Victims’ Advocate: comprehen-**  
2                   **sive policy on prevention of and response**  
3                   **to domestic violence, family violence, sex-**  
4                   **ual assault and stalking involving mem-**  
5                   **bers of the armed forces and their fami-**  
6                   **lies and partners**

7           “(a) RESPONSIBILITY.—The Secretary of Defense,  
8 acting through the Director of the Office, shall implement  
9 the comprehensive policy developed pursuant to subsection  
10 (c), subject to such modifications as the Secretary con-  
11 siderers advisable.

12          “(b) APPLICATION OF COMPREHENSIVE POLICY TO  
13 MILITARY DEPARTMENTS.—The Secretary shall ensure  
14 that, to the maximum extent practicable, the policy imple-  
15 mented pursuant to subsection (a) is implemented uni-  
16 formly by the Secretaries of the military departments.

17          “(c) POLICY.—(1) The Director shall recommend to  
18 the Secretary of Defense a comprehensive policy on pre-  
19 vention of and response to domestic violence, family vio-  
20 lence, sexual assault and stalking involving members of  
21 the armed forces and their families and partners. The  
22 comprehensive policy should be as uniform as practicable  
23 throughout the Department of Defense and shall, to the  
24 extent feasible, incorporate and strengthen policies pre-  
25 viously in existence.

1       “(2) To the extent feasible, the comprehensive policy  
2 shall set forth policies and procedures with respect to each  
3 of domestic violence, family violence, sexual assault, and  
4 stalking in each of the following areas:

5               “(A) Prevention measures.

6               “(B) Education and training on prevention and  
7 response.

8               “(C) Investigation of complaints by command  
9 and law enforcement personnel.

10              “(D) Medical treatment of victims.

11              “(E) Confidential reporting of incidents.

12              “(F) Victim advocacy and response.

13              “(G) Oversight by commanders of administra-  
14 tive and disciplinary actions in response to substan-  
15 tiated incidents.

16              “(H) Disposition of victims, including review by  
17 appropriate authority of administrative separation  
18 actions involving victims.

19              “(I) Disposition of members of the armed  
20 forces accused of domestic violence, family violence,  
21 sexual assault, or stalking.

22              “(J) Liaison and collaboration with civilian  
23 agencies on the provision of services to victims.

24              “(K) Uniform collection of data on the inci-  
25 dence of complaints of domestic violence, family vio-

1        lence, sexual assault, and stalking and on discipli-  
2        nary actions taken in those cases, with such data to  
3        be disaggregated by service and by major installa-  
4        tion.

5        “(3) The comprehensive policy shall include for each  
6 of the military departments the following:

7            “(A) A program to promote awareness of the  
8        incidence of domestic violence, family violence, sex-  
9        ual assault, and stalking involving members of the  
10       armed forces.

11           “(B) A program to provide victim advocacy and  
12       intervention for members of the armed forces who  
13       are victims of domestic violence, family violence, sex-  
14       ual assault, and stalking, which program shall make  
15       available, at military installations and in deployed lo-  
16       cations, victims advocates who are readily available  
17       to intervene on behalf of such victims.

18           “(C) Procedures for members of the armed  
19       forces to follow in the case of an incident of domes-  
20       tic violence, family violence, sexual assault, or stalk-  
21       ing involving a member of the armed forces, includ-  
22       ing—

23            “(i) procedures for confidential reporting  
24       and for seeking services with victim advocates;

1           “(ii) specification of the person or persons  
2           to whom the alleged offense should be reported;

3           “(iii) specification of any other person  
4           whom the victim should contact; and

5           “(iv) procedures for the preservation of  
6           evidence.

7           “(D) Procedures for disciplinary action in cases  
8           of domestic violence, family violence, sexual assault,  
9           and stalking by members of the armed forces.

10          “(E) Other sanctions authorized to be imposed  
11          in cases of sexual assault by members of the armed  
12          forces.

13          “(F) Training for all members of the armed  
14          forces, including specific training for members of the  
15          armed forces who process allegations of domestic vi-  
16          olence, family violence, sexual assault, and stalking  
17          committed by or upon members of the armed forces.

18          “(G) Any other matter that the Secretary of  
19          Defense, in consultation with the Director of the Of-  
20          fice of the Victims’ Advocate, considers appropriate.

21          “(d) RECOMMENDATIONS.—The Director shall from  
22          time to time recommend to the Secretary of Defense revi-  
23          sions to Department of Defense policies, personnel, and  
24          procedures for dealing with domestic violence, family vio-  
25          lence, sexual assault, and stalking based on evaluations

1 carried out under section 1818(b) of this title and as the  
2 Director considers appropriate.

3 “(e) PROCEDURES TO PROTECT CONFIDENTIAL  
4 COMMUNICATIONS.—The Director shall establish proce-  
5 dures to implement the protection of confidential commu-  
6 nications provided under section 1816 of this title.

7 **“§ 1814. Victims’ advocates programs in the military**  
8 **departments**

9 “(a) ESTABLISHMENT.—(1) The Secretary of De-  
10 fense, acting through the Director of the Office, shall re-  
11 quire that policies and regulations of the Department of  
12 Defense with respect to the programs of the Department  
13 of Defense specified in paragraph (2) provide within each  
14 of the military departments a victims’ advocates program.

15 “(2) Programs referred to in paragraph (1) are the  
16 following:

17 “(A) Victim and witness assistance programs.

18 “(B) Family advocacy programs.

19 “(C) Equal opportunity programs.

20 “(3) In the case of the Department of the Navy, sepa-  
21 rate victims’ advocates programs shall be established for  
22 the Navy and for the Marine Corps.

23 “(b) PURPOSE.—A victims’ advocates program estab-  
24 lished pursuant to subsection (a) shall provide assistance  
25 described in subsection (d) to members of the armed

1 forces and their family members and partners who are vic-  
2 tims of any of the following:

3 “(1) Crime.

4 “(2) Sexual, physical, or emotional abuse.

5 “(3) Discrimination or harassment based on  
6 race, gender, ethnic background, national origin, or  
7 religion.

8 “(c) ASSISTANCE.—(1) Under a victims’ advocates  
9 program established under subsection (a), individuals  
10 working in the program shall principally serve the inter-  
11 ests of a victim by initiating action to provide the fol-  
12 lowing:

13 “(A) Crisis intervention.

14 “(B) Screening and evaluation of the needs of  
15 victims of domestic violence, family violence, sexual  
16 assault, and stalking.

17 “(C) Information on safe and confidential ways  
18 to seek assistance to address domestic violence, fam-  
19 ily violence, sexual assault, and stalking.

20 “(D) Information on available services within  
21 the military departments and civilian communities.

22 “(E) Assistance in obtaining the services re-  
23 ferred to in subparagraph (D), including medical  
24 treatment for injuries.



1           “(F) Appropriate referrals to military and civil-  
2       ian community-based domestic violence programs  
3       and sexual assault victim service providers with the  
4       capacity to support servicemembers, family mem-  
5       bers, or partners.

6           “(G) Information on legal rights and resources  
7       for personnel, family members, or partners in both  
8       the military and civilian programs.

9           “(H) Development and coordination of a safety  
10      plan with appropriate assistance and intervention  
11      components including, law enforcement, command,  
12      and Family Advocacy Program.

13          “(I) Advocacy for victims specified in subsection  
14      (b), including assistance in obtaining and entering  
15      no contact orders from military commands or orders  
16      of protection from a court of appropriate jurisdic-  
17      tion, respectively.

18          “(J) Information on benefits, including Depart-  
19      ment of Defense transitional compensation, victims  
20      of crime compensation, and veterans’ benefits.

21          “(K) Coordination among services, including  
22      medical, legal, and psychological counseling.

23          “(L) Education.

24          “(M) Transportation.

25          “(N) Pre-trial, trial, and post-trial support.

1       “(2) Under a victims’ advocates program established  
2 under subsection (a), an individual working in the pro-  
3 gram as a victim advocate shall carry out the following  
4 functions:

5           “(A) Serve as a voting member of the case re-  
6 view committee of the Department of Defense for  
7 any case to which the victim advocate is assigned.

8           “(B) Serve as a liaison with civilian community-  
9 based service providers.

10          “(C) Provide for confidential handling of all  
11 documents or conversations relative to victim care,  
12 services, benefits, and treatment.

13          “(D) Provide advocacy for the expressed inter-  
14 est and safety of a victim during testimony in a  
15 court-martial or civilian judicial system.

16          “(E) Provide follow-up to all identified victims  
17 (including those who have declined services) three  
18 months following initial contact to ascertain whether  
19 further intervention is, or is not, warranted.

20          “(F) Provide other appropriate assistance.

21       “(3) Services under such a program in the case of  
22 an individual who is a victim of family violence (including  
23 sexual, physical, and emotional abuse) shall be provided  
24 principally through the Office.

1       “(d) STAFFING.—The Secretary of Defense, acting  
2 through the Director of the Office, shall provide for the  
3 assignment of personnel (military or civilian) on a full-  
4 time basis to victims’ advocates programs established  
5 under subsection (a). The Secretary, acting through the  
6 Director, shall ensure that sufficient numbers of such full-  
7 time personnel are assigned to those programs to enable  
8 the programs to be carried out effectively, including the  
9 assignment of victim advocates to deployed units.

10 **“§ 1815. Office of the Victims’ Advocate: access**

11       “(a) ACCESS TO SENIOR OFFICIALS.—The Director  
12 of the Office shall have direct and prompt access to any  
13 of the following when necessary for any purpose pertaining  
14 to the performance of the Director’s duties:

15               “(1) The Judge Advocate General of the Army,  
16 Navy, or Air Force or the Staff Judge Advocate to  
17 the Commandant of the Marine Corps.

18               “(2) The Surgeon General of the Army, Navy,  
19 or the Air Force.

20               “(3) The Chief of Chaplains of the Army, Navy,  
21 or the Air Force.

22               “(4) The senior general or flag officer of one of  
23 the Armed Forces with responsibility specifically for  
24 personnel.

1 “(b) ACCESS TO INFORMATION.—The Director shall  
2 have direct and prompt access to the following:

3 “(1) The name and location of a victim receiv-  
4 ing services, treatment, or other assistance under  
5 the jurisdiction of a military department.

6 “(2) Any written report of sexual assault, sex-  
7 ual misconduct, domestic violence, family violence, or  
8 stalking prepared by a military department.

9 “(3) Victim case files, subject to written au-  
10 thorization of the victim, in records of law enforce-  
11 ment, criminal investigative organizations, health  
12 care providers, and command and Family Advocacy  
13 Programs, as may be necessary to carry out the re-  
14 sponsibilities of the Office.

15 “(c) CONFIDENTIALITY.—To the extent that any in-  
16 formation covered by subsection (b) provides the name and  
17 address of an individual who is the subject of a confiden-  
18 tial proceeding, that name and address (and related infor-  
19 mation that has the effect of identifying that individual)  
20 may not be released to the public without the informed  
21 written consent of such individual.

22 **“§ 1816. Office of the Victims’ Advocate: confiden-**  
23 **tiality**

24 “(a) CONFIDENTIALITY.—(1) Except as provided in  
25 paragraph (2), in order to ensure the safety of victims of

1 domestic violence, family violence, sexual assault, sexual  
2 misconduct, or stalking and their families, the Director  
3 shall protect the confidentiality and privacy of persons re-  
4 ceiving services. The Director may not disclose any per-  
5 sonally identifying information or individual information  
6 collected in connection with services requested, used, or  
7 denied through its programs. The Director may not reveal  
8 individual victim information without the informed, writ-  
9 ten, reasonably time-limited consent of the person (or in  
10 the case of unemancipated minor, the minor and the par-  
11 ent or guardian) about whom information is sought.

12 “(2) If release of information referred to in para-  
13 graph (1) is compelled by law or by court order, the Direc-  
14 tor shall make reasonable attempts to provide notice to  
15 victims affected by the disclosure of the information. If  
16 such personally identifying information is or will be re-  
17 vealed, the Director shall take steps necessary to protect  
18 the privacy and safety of the persons affected by the re-  
19 lease of the information.

20 “(3) The Director may share nonpersonally identi-  
21 fying data in the aggregate regarding services to victims  
22 and nonpersonally identifying demographic information in  
23 order to comply with reporting, evaluation, or data collec-  
24 tion requirements of the armed forces or of Federal, State,

1 or local or tribal government or the government of the Dis-  
2 trict of Columbia or any territory or commonwealth.

3 “(4) The Director may share court-generated infor-  
4 mation contained in secure, governmental registries for  
5 purposes of enforcement of protection orders.

6 “(b) PERSONALLY IDENTIFYING INFORMATION.—In  
7 this section, the term ‘personally identifying information’  
8 means the following information about an individual:

9 “(1) A first and last name.

10 “(2) A home or other physical address, includ-  
11 ing street name and name of city or town.

12 “(3) An email address or other online contact  
13 information, such as an instant messaging user iden-  
14 tifier or a screen name, that reveals the individual’s  
15 email address.

16 “(4) A telephone number.

17 “(5) A Social Security Number.

18 “(6) An Internet Protocol (IP) address or host  
19 name that identifies an individual.

20 “(7) A persistent identifier, such as a customer  
21 number held in a cookie or processor serial number,  
22 that is combined with other available data that iden-  
23 tifies an individual.

24 “(8) If the individual is a member or former  
25 member of the armed forces—

1           “(A) the status of the individual as a  
2           member of an active component or reserve com-  
3           ponent or as a veteran;

4           “(B) the individual’s current or most re-  
5           cent grade, rate, or rank;

6           “(C) the individual’s current or most re-  
7           cent duty station or deployment status; and

8           “(D) the individual’s current or most re-  
9           cent unit at a level below regiment (or the  
10          equivalent), numbered air force (or the equiva-  
11          lent), or numbered fleet (or the equivalent).

12          “(9) Any other information, including grade  
13          point average, date of birth, academic or occupa-  
14          tional assignments or interests, athletic or extra-  
15          curricular interests, racial or ethnic background, or  
16          religious affiliation, that, in combination with infor-  
17          mation specified in any of paragraphs (1) through  
18          (8), would serve to identify an individual.

19   **“§ 1817. Office of the Victims’ Advocate: victim pro-**  
20           **tection actions**

21          “(a) ORDERS OF PROTECTION.—The Director of the  
22          Office of the Victims’ Advocate, when authorized by a vic-  
23          tim of sexual misconduct, sexual assault, family violence,  
24          domestic violence, or stalking, shall assist the victim in  
25          obtaining from any military command a military no-con-

1 tact order or from a court of appropriate jurisdiction an  
 2 order of protection, respectively, to safeguard the victim  
 3 from additional physical or emotional harm.

4 “(b) REMOVAL OF AN ALLEGED OFFENDER.—If the  
 5 Director determines that it is appropriate to do so in order  
 6 to ensure the safety of a victim, the Director may request  
 7 from the appropriate commanding officer an order for the  
 8 relocation or reassignment of an alleged offender who is  
 9 a member of the armed forces during an investigation, dis-  
 10 ciplinary action, or court-martial in order to ensure the  
 11 safety of a victim.

12 **“§ 1818. Office of the Victims’ Advocate: victims advo-**  
 13 **cates whistleblower protections**

14 “(a) WHISTLEBLOWER PROTECTIONS.—(1) No per-  
 15 son may restrict a victim advocate within the Department  
 16 of Defense in communicating with a victim or survivor of  
 17 domestic violence, sexual assault, family violence, or stalk-  
 18 ing.

19 “(2) Paragraph (1) does not apply to a communica-  
 20 tion that is unlawful.

21 “(b) PROHIBITION OF RETALIATORY PERSONNEL  
 22 ACTIONS.—No person may take or threaten to take an  
 23 unfavorable personnel action, or withhold or threaten to  
 24 withhold a favorable personnel action, against a victim ad-  
 25 vocate as a reprisal for—



1           “(1) providing services to victims and survivors  
2           of domestic violence, sexual assault, family violence,  
3           intimate partner violence, or stalking;

4           “(2) a communication to a Member of Congress  
5           or an Inspector General;

6           “(3) a communication with a military law en-  
7           forcement officer or official, a military criminal in-  
8           vestigator, a judge advocate, or an officer in the  
9           chain of command;

10          “(4) a communication with civilian law enforce-  
11          ment, county, State, or United States attorneys,  
12          court officials, probation officers, or victim service  
13          providers; or

14          “(5) any other person or organization, including  
15          any person or organization in the chain of command,  
16          in the course of providing services to a victim or sur-  
17          vivor.

18          “(c) PROHIBITED PERSONNEL ACTIONS.—Any ac-  
19          tion prohibited by subsection (b), including the threat to  
20          take any unfavorable action and the withholding or threat  
21          to withhold any favorable action, shall be considered for  
22          the purposes of this section to be a personnel action pro-  
23          hibited by this section.

24          “(d) INVESTIGATION OF ALLEGATIONS OF PROHIB-  
25          ITED PERSONNEL ACTIONS.—(1) If a victim advocate

1 submits to an Inspector General an allegation that a per-  
2 sonnel action prohibited by subsection (b) has been taken  
3 or threatened against the victim advocate with respect to  
4 a communication described in paragraph (2), the Inspec-  
5 tor General shall take the action required in this section.

6 “(2) A communication described in this paragraph is  
7 a communication in which the victim advocate reasonably  
8 believes constitutes evidence of any of the following:

9 “(A) A violation of law or regulation, including  
10 a law or regulation prohibiting domestic violence,  
11 sexual assault, family violence, or stalking.

12 “(B) Gross mismanagement, an abuse of au-  
13 thority, or a substantial danger to community safety  
14 or public health.

15 “(3)(A) If the Inspector General receiving such an  
16 allegation is an Inspector General within a military de-  
17 partment, that Inspector General shall promptly notify the  
18 Inspector General of the Department of Defense of the  
19 allegation. Such notification shall be made in accordance  
20 with regulations prescribed under subsection (e).

21 “(B) An Inspector General of the Department of De-  
22 fense receiving an allegation as described in this section  
23 shall expeditiously determine, in accordance with regula-  
24 tions prescribed under subsection (e), whether there is suf-

1 ficient evidence to warrant an investigation of the allega-  
2 tion.

3 “(C) Upon determining that an investigation of an  
4 allegation under this section is warranted, the Inspector  
5 General making the determination shall expeditiously in-  
6 vestigate the allegation.

7 “(4) The Inspector General of the Department of De-  
8 fense shall ensure that the Inspector General conducting  
9 the investigation of an allegation under this subsection is  
10 outside the immediate chain of command of both the vic-  
11 tim advocate submitting the allegation and the individual  
12 or individuals alleged to have taken the retaliatory action.

13 “(5) Upon receiving an allegation under this sub-  
14 section, the Inspector General shall conduct a separate in-  
15 vestigation of the information that the victim advocate  
16 making the allegation believes constitutes evidence of  
17 wrongdoing as described in subparagraph (A) or (B) of  
18 paragraph (2) if there previously has not been such an  
19 investigation or if the Inspector General determines that  
20 the original investigation was biased or otherwise inad-  
21 equate.

22 “(6)(A) After completion of an investigation under  
23 paragraphs (3), (4), or (5), the Inspector General con-  
24 ducting the investigation shall submit a report on the re-  
25 sults of the investigation to the Secretary of Defense and

1 the Director of the Office of the Victims' Advocate and  
2 shall transmit a copy of the report on the results of the  
3 investigation to the victim advocate who made the allega-  
4 tion investigated. The report shall be transmitted to the  
5 Secretary of Defense and the Director of the Office of the  
6 Victims' Advocate, and the copy of the report shall be  
7 transmitted to the victim advocate, not later than 30 days  
8 after the completion of the investigation.

9       “(B) In the copy of the report transmitted to the vic-  
10 tim advocate, the Inspector General shall ensure that the  
11 maximum disclosure of information possible, with the ex-  
12 ception of information that is not required to be disclosed  
13 under section 552 of title 5. However, the copy need not  
14 include summaries of interviews conducted, nor any docu-  
15 ment acquired, during the course of the investigation.  
16 Such items shall be transmitted to the victim advocate,  
17 if the victim advocate requests the items, with the copy  
18 of the report or after the transmittal to the victim advo-  
19 cate of the copy of the report, regardless of whether the  
20 request for those items is made before or after the copy  
21 of the report is transmitted to the victim advocate.

22       “(C) If, in the course of an investigation of an allega-  
23 tion under this section, the Inspector General determines  
24 that it is not possible to submit the report required by  
25 subparagraph (A) within 180 days after the date of receipt

1 of the allegation being investigated, the Inspector General  
2 shall provide to the Secretary of Defense and to the victim  
3 advocate making the allegation a notice—

4 “(i) of that determination including the reasons  
5 why the report may not be submitted within that  
6 time; and

7 “(ii) of the time when the report will be sub-  
8 mitted.

9 “(D) The report on the results of the investigation  
10 shall contain a thorough review of the facts and cir-  
11 cumstances relevant to the allegation and the complaint  
12 or disclosure and shall include documents acquired during  
13 the course of the investigation, including summaries of  
14 interviews conducted. The report may include a rec-  
15 ommendation as to the disposition of the complaint.

16 “(e) REGULATIONS.—(1) The Secretary of Defense  
17 shall prescribe regulations to carry out this section. In pre-  
18 scribing regulations under this section, the Secretary of  
19 Defense shall provide for appropriate procedural protec-  
20 tions for the subject of any investigation carried out under  
21 the provisions of this section, including a process of appeal  
22 and review of investigative findings.

23 “(2) The Secretary shall provide in the regulations  
24 that a violation of the prohibition by a person subject to  
25 chapter 47 of this title is punishable as a violation of sec-

tion 892 of this title (article 92 of the Uniform Code of Military Justice).

**“§ 1819. Office of the Victims’ Advocate: annual assessment**

“(a) DATA COMPLIANCE AND REPORTING.—The Director of the Office of the Victims’ Advocate shall annually compile data collected during the preceding year by the military departments relating to incidents of domestic violence, family violence, sexual assault, and stalking. The data shall be compiled pursuant to policies set forth by the Director.

“(b) ASSESSMENT OF POLICIES AND PROCEDURES.—Not later than January 15 each year, the Director shall conduct an assessment of the implementation during the preceding fiscal year of the policies and procedures of the military departments on the prevention of and response to domestic violence, family violence, sexual assault, and stalking involving members of the armed forces in order to determine the effectiveness of such policies and procedures during such fiscal year.

“(c) PERSONNEL ANALYSIS.—The annual assessment under subsection (b) shall include a review of personnel, including staffing levels, assignments, accessibility, availability, training, and duties of victim advocates, victim witness liaisons, sexual assault nurse examiners, and

1 others considered appropriate by the Director assigned to  
2 assist victims of domestic violence, sexual assault, family  
3 violence, and stalking. The assessment shall include a re-  
4 view of personnel assigned to deployed units, along with  
5 recommendations to enhance availability, accessibility, and  
6 training for such personnel.

7 “(d) ASSESSMENT OF STATUTES AND DIRECTIVES.—  
8 In order to enhance the foundation of law and policy with-  
9 in the military departments in response to domestic vio-  
10 lence, family violence, sexual assault, and stalking, the an-  
11 nual assessment under subsection (b) shall include a re-  
12 view of—

13 “(1) chapter 47 of this title (the Uniform Code  
14 of Military Justice), the provisions of law in force at  
15 the time of the assessment that were originally en-  
16 acted by the Victims’ Rights and Restitution Act or  
17 the Violence Against Women Act, and other Federal  
18 statutes applicable to domestic violence, sexual as-  
19 sault, family violence, and stalking;

20 “(2) directives of the military departments; and

21 “(3) regulations of the military departments  
22 considered appropriate by the Director.

1 **“§ 1820. Office of the Victims’ Advocate: annual re-**  
2 **port**

3 “(a) ANNUAL REPORT.—(1) Not later than January  
4 15 of each year, the Director shall submit to the Secretary  
5 of Defense a report on domestic violence, family violence,  
6 sexual assault, and stalking involving members of the  
7 armed forces during the preceding year.

8 “(2) Each report under paragraph (1) shall include  
9 the following:

10 “(A) The most recent compilation of data under  
11 section 1819(a) of this title; together with a com-  
12 parison of that data (or subsets of that data) with  
13 comparable data from the civilian sector.

14 “(B) The results of the most recent assessment  
15 under section 1819(b) of this title.

16 “(C) The number of incidents of domestic vio-  
17 lence, family violence, sexual assault, and stalking  
18 committed by or upon members of the armed forces  
19 that were reported to military officials during the  
20 year covered by the report and the number of the  
21 cases so reported that were substantiated.

22 “(D) A summary of the types of cases and the  
23 disciplinary action taken in each type of case.

24 “(E) The policies, procedures, and processes  
25 implemented by the military departments during the  
26 year covered by the report in response to incidents



1 of domestic violence, family violence, sexual assault,  
2 and stalking involving members of the armed forces.

3 “(F) A plan for the actions that are to be taken  
4 in the fiscal year following the fiscal year covered by  
5 the report on the prevention of and response to do-  
6 mestic violence, family violence, sexual assault, and  
7 stalking involving members of the armed forces.

8 “(b) TRANSMISSION OF REPORT TO CONGRESSIONAL  
9 COMMITTEES.—The Secretary of Defense shall transmit  
10 to the Committee on Armed Services of the Senate and  
11 the Committee on Armed Services of the House of Rep-  
12 resentatives each annual report submitted to the Secretary  
13 under subsection (a), together with the comments of the  
14 Secretary on such report. The Secretary shall transmit the  
15 report for any year not later than March 15 of the fol-  
16 lowing year.

17 **“§ 1821. Requirements on use of funds**

18 “(a) REQUIREMENTS.—Of the amounts appropriated  
19 to carry out the functions of the Office for any fiscal year,  
20 the Secretary—

21 “(1) shall use not less than 20 percent for pro-  
22 grams addressing domestic violence, family violence,  
23 sexual assault, and stalking that are operated by, or  
24 in partnership with, civilian victim services; and

1           “(2) shall use not less than 5 percent for tech-  
2           nical assistance and training to be provided by orga-  
3           nizations having demonstrated expertise in devel-  
4           oping collaborative community and system responses  
5           to domestic violence, family violence, sexual assault,  
6           and stalking.

7           “(b) TECHNICAL ASSISTANCE AND TRAINING.—  
8           Technical assistance and training under subsection (a)(2)  
9           may be offered to the elements of the armed forces, instal-  
10          lations, or commands in the process of developing commu-  
11          nity responses, whether they are receiving funds under  
12          this section or not.”

13          (b) TRANSITION PROVISIONS.—

14               (1) COMPREHENSIVE POLICY.—The policy re-  
15               quired by section 1812(a) of title 10, United States  
16               Code, as added by subsection (a), shall be prescribed  
17               by the Secretary of Defense not later than the end  
18               of the 120-day period beginning on the date of the  
19               enactment of this Act.

20               (2) WHISTLEBLOWER PROTECTION REGULA-  
21               TIONS.—The regulations required by section 1817(e)  
22               of title 10, United States Code, as added by sub-  
23               section (a), shall be prescribed by the Secretary of  
24               Defense not later than 120 days after the date of  
25               the enactment of this Act.

1           (3) FIRST ANNUAL REPORT.—The first report  
 2           under subsection (a) of section 1819(a) of such title,  
 3           as added by subsection (a)—

4                   (A) shall be submitted to the Secretary of  
 5           Defense not later than April 1 of the year after  
 6           the year in which this Act is enacted (notwith-  
 7           standing the date specified in that subsection);  
 8           and

9                   (B) shall be transmitted by the Secretary  
 10          to the Committee on Armed Services of the  
 11          Senate and Committee on Armed Services of  
 12          the House of Representatives pursuant to sub-  
 13          section (b) of that section not later than May  
 14          1 of that year (notwithstanding the date speci-  
 15          fied in that subsection).

16          (c) CLERICAL AMENDMENTS.—The tables of chap-  
 17          ters at the beginning of subtitle A, and at the beginning  
 18          of part II of subtitle A, of title 10, United States Code,  
 19          are amended by inserting after the item relating to chap-  
 20          ter 88 the following new item:

“90. Office of the Victims’ Advocate ..... 1811”.

21       **SEC. 112. DEPARTMENT OF DEFENSE INTERDISCIPLINARY**  
 22                       **COUNCIL.**

23           (a) CODIFICATION AND REVISION OF COUNCIL ES-  
 24          TABLISHED UNDER PUBLIC LAW 103–337.—

1           (1) IN GENERAL.—Chapter 7 of title 10, United  
2       States Code, is amended by adding at the end the  
3       following new section:

4   **“§ 185. Department of Defense Interdisciplinary**  
5               **Council**

6       “(a) DEPARTMENT OF DEFENSE COUNCIL.—The  
7       Secretary of Defense, in consultation with the Director of  
8       the Office of the Victims’ Advocate of the Department of  
9       Defense, shall establish a Department of Defense inter-  
10      disciplinary council to coordinate and oversee victims’ ad-  
11      vocates programs of the Department of Defense and to  
12      oversee the efforts of the Department of Defense to pre-  
13      vent and respond to violence against women and men.

14      “(b) COMPOSITION.—(1) The Council shall consist of  
15      12 members, appointed by the Secretary of Defense. The  
16      Council shall include members appointed from each of the  
17      Army, Navy, Air Force, and Marine Corps and shall in-  
18      clude an equal number of personnel of the Department  
19      of Defense and persons from outside the Department of  
20      Defense. The six members appointed as personnel of the  
21      Department of Defense may include retired members of  
22      the armed forces.

23      “(2) The six members appointed from outside the De-  
24      partment of Defense may be appointed from other Federal  
25      departments and agencies, from State and local agencies,

1 and from the private sector, but may not be members of  
2 the armed forces in a retired status.

3 “(3) The Secretary shall ensure that membership in-  
4 cludes at least one judge advocate.

5 “(4) Each member of the Interdisciplinary Council  
6 appointed from outside the Department of Defense—

7 “(A) shall be an individual who has dem-  
8 onstrated expertise and experience in the fields of  
9 sexual assault, domestic violence, family violence, or  
10 stalking, as well as expertise and experience in civil-  
11 ian-military cooperation; or

12 “(B) shall be appointed from one of the fol-  
13 lowing:

14 “(i) The Centers for Disease Control and  
15 Prevention of the Department of Health and  
16 Human Services.

17 “(ii) Civilian law enforcement.

18 “(iii) A judicial policy organization.

19 “(iv) A national crime victim organization.

20 “(v) A victim service organization.

21 “(vi) A survivor of domestic violence, sex-  
22 ual assault, family violence, or stalking in which  
23 the perpetrator was a member of the armed  
24 forces.

1       “(5) Members of the Interdisciplinary Council shall  
2 serve for a period of three years. The membership of the  
3 Interdisciplinary Council shall be rotated by composition  
4 and appointments as defined in paragraphs (1), (2), and  
5 (4) every three years.

6       “(c) CO-CHAIRS.—There shall be two co-chairs of the  
7 Interdisciplinary Council. One of the co-chairs shall be  
8 designated by the Secretary of Defense at the time of ap-  
9 pointment from among the Department of Defense per-  
10 sonnel on the Interdisciplinary Council. The other co-chair  
11 shall be selected among the members appointed from out-  
12 side the Department of Defense by those members.

13       “(d) ADMINISTRATIVE SUPPORT.—(1) Each member  
14 of the Interdisciplinary Council who is a member of the  
15 armed forces or a civilian officer or employee of the United  
16 States shall serve without compensation (other than com-  
17 pensation to which entitled as a member of the armed  
18 forces or an officer or an employee of the United States,  
19 as the case may be). Other members of the Interdiscipli-  
20 nary Council shall be appointed in accordance with, and  
21 subject to, section 3161(d) of title 5, but shall serve with-  
22 out pay.

23       “(2) The Director of the Office of the Victims’ Advo-  
24 cate, under the direction of the Secretary of Defense, shall  
25 provide oversight of the Interdisciplinary Council. The Of-

1 fice of the Victims' Advocate shall provide the Inter-  
2 disciplinary Council with personnel facilities and other ad-  
3 ministrative support as necessary for the performance of  
4 the Interdisciplinary Council's duties.

5       “(e) MILITARY DEPARTMENT LIAISONS.—The Sec-  
6 retary of each military department shall select a represent-  
7 ative of that department to serve as a liaison between the  
8 Interdisciplinary Council and that military department.  
9 Each such representative shall be responsible for ensur-  
10 ing—

11               “(1) that communications made at the Inter-  
12 disciplinary Council are transmitted to military per-  
13 sonnel; and

14               “(2) that the Interdisciplinary Council is aware  
15 of problems in the military departments related to  
16 domestic violence, family violence, sexual assault,  
17 and stalking.

18       “(f) INSTALLATION VISITS.—The Director of the Of-  
19 fice of the Victims' Advocate shall coordinate with the Sec-  
20 retaries of the military departments to provide for visits  
21 by members of the Interdisciplinary Council to military in-  
22 stallations.”.

23               “(2) CLERICAL AMENDMENT.—The table of sec-  
24 tions at the beginning of such chapter is amended  
25 by adding at the end the following new item:

“185. Department of Defense Interdisciplinary Council.”.

1       (b) DEADLINE FOR INITIAL APPOINTMENTS.—Mem-  
2   bers of the Interdisciplinary Council under section 185 of  
3   title 10, United States Code, as added by subsection (a),  
4   shall be appointed not later than 90 days after the date  
5   of the enactment of this Act.

6       (c) REPORT.—Not later than 18 months after the  
7   date on which all members of the Interdisciplinary Council  
8   under section 185 of title 10, United States Code, as  
9   added by subsection (a), have been appointed, the Inter-  
10   disciplinary Council shall submit to the Secretary of De-  
11   fense a report recommending specific ways in which the  
12   Office of the Victims' Advocate and victim advocates may  
13   more effectively address matters relative to sexual assault,  
14   domestic violence, family violence, and stalking committed  
15   by or upon servicemembers. The report shall include an  
16   assessment of, and recommendations concerning, the fol-  
17   lowing:

- 18           (1) Victim safety programs.
- 19           (2) Confidentiality of communications for vic-  
20       tims.
- 21           (3) Offender accountability.
- 22           (4) Prevention of sexual assault, domestic vio-  
23       lence, family violence, and stalking.
- 24           (5) Collaboration among military organizations  
25       with responsibility or jurisdiction with respect to



1 sexual assault, domestic violence, family violence,  
2 and stalking.

3 (6) Coordination between military and civilian  
4 communities including service organizations and law  
5 enforcement with respect to sexual assault, domestic  
6 violence, family violence and stalking.

7 (7) Adaptation of best professional practices  
8 within the civilian communities with respect to sex-  
9 ual assault, domestic violence, family violence and  
10 stalking.

11 (8) Data collection, case management, and  
12 tracking.

13 (9) Curricula and training including standard-  
14 ized training for armed forces personnel and commu-  
15 nity-based advocates, organizations, and service pro-  
16 viders.

17 (10) Standardization of guidelines, directives,  
18 and statutes.

19 (11) Other issues identified by the Interdiscipli-  
20 nary Council.

21 **SEC. 113. CONFORMING REPEAL.**

22 Section 534 of the National Defense Authorization  
23 Act for Fiscal Year 1995 (10 U.S.C. 113 note) is repealed.

1 **Subtitle C—National and Inter-**  
2 **national Hotlines Awareness,**  
3 **Prevention, and Intervention**  
4 **Campaign**

5 **SEC. 121. AWARENESS, PREVENTION, AND INTERVENTION**  
6 **CAMPAIGN.**

7 (a) **CONTRACTS AUTHORIZED.**—The Secretary of De-  
8 fense, acting through the Director of the Office of the Vic-  
9 tims’ Advocate, may enter into contracts with appropriate  
10 entities to support the crisis intervention services of the  
11 Department of Defense for victims of domestic violence,  
12 sexual assault, family violence, and stalking in the Depart-  
13 ment of Defense.

14 (b) **PURPOSE OF CONTRACT.**—A contract under sub-  
15 section (a) shall provide for the entity awarded the con-  
16 tract to perform the following functions, to the extent pro-  
17 vided in the contract:

18 (1) Include in the services provided under the  
19 contract the availability of a toll-free telephone num-  
20 ber (commonly referred to as an “800” number).

21 (2) Ensure that information about services and  
22 resources available to military personnel, families,  
23 and partners—

24 (A) is revised and updated as appropriate;

1 (B) is made available to the Office of the  
2 Victims' Advocate and other Department of De-  
3 fense entities for distribution and posting at ap-  
4 propriate facilities within the Department of  
5 Defense; and

6 (C) is made available through appropriate  
7 public information services.

8 (3) Provide support services for members of the  
9 Armed Forces and their families and partners for  
10 the purpose of developing and strengthening preven-  
11 tion and intervention policies for assistance to  
12 servicemembers, family members, and partners expe-  
13 riencing domestic violence, family violence, sexual as-  
14 sault, and stalking.

15 (4) Develop and implement policies regarding  
16 appropriate, safe responses and referral procedures  
17 for servicemembers, family members, and partners  
18 experiencing domestic violence, family violence, sex-  
19 ual assault, and stalking.

20 (5) Provide linguistically and culturally appro-  
21 priate services, or linkages to existing services in the  
22 community, as needed to address the needs of vic-  
23 tims and survivors associated with the Armed  
24 Forces.

1           (6) Provide the necessary staffing for respond-  
2           ing to the needs of servicemembers, family members,  
3           and partners who are experiencing domestic violence,  
4           family violence, sexual assault, or stalking, such as  
5           a resource person or liaison who is either on-site or  
6           on-call and who possesses demonstrated experience  
7           as a service provider to victims associated with the  
8           Armed Forces.

9           (c) APPLICATIONS.—

10           (1) IN GENERAL.—An entity that desires to re-  
11           ceive a contract under this section shall submit to  
12           the Secretary an application at such time, in such  
13           manner, and containing such information as the Sec-  
14           retary may require, consistent with the requirements  
15           in this section.

16           (2) QUALIFICATIONS.—To be awarded such a  
17           contract, an entity must demonstrate in its applica-  
18           tion under paragraph (1) that it has a history or ex-  
19           perience that is relevant to the purposes of the con-  
20           tract.

21           (d) CONSIDERATIONS.—(1) In providing information  
22           on services, resources, counseling, and advocacy available  
23           to members of the Armed Forces and their family mem-  
24           bers and partners, the Secretary shall ensure that the per-  
25           sonnel who provide assistance under this section are

1 trained to provide to persons who have experienced sexual  
2 assault, domestic violence, family violence, and stalking in-  
3 formation about the services, care, and treatment relating  
4 to domestic violence, family violence, sexual assault, and  
5 stalking available in the communities in which the victim  
6 resides, including care and services available under pro-  
7 grams of the Department of Defense and the Department  
8 of Veterans Affairs and from non-military and non-veteran  
9 agencies and organizations.

10 (2) The Secretary shall ensure that the telephone as-  
11 sistance service shall be operated in a manner that pro-  
12 tects the confidentiality of persons who place a call to the  
13 service.

14 (3) The Secretary shall ensure that information about  
15 the availability of the telephone assistance service is visibly  
16 posted in medical facilities, commissary and exchange fa-  
17 cilities, and Family Advocacy Program and Victims' Advo-  
18 cate Program facilities of the Department and is adver-  
19 tised through public service announcements and pam-  
20 phlets, and by other means.

21 (e) DURATION OF CONTRACT.—The Secretary shall  
22 enter into any contract under this section for a period of  
23 one year. The contract may be renewed.

24 (f) CONFIDENTIALITY.—The Secretary shall include  
25 in a contract under this section confidentiality provisions

1 based on the provisions of section 1816(a) of title 10,  
2 United States Code, as added by section 111.

3 (g) NONSUPPLANTATION.—Any Federal funds re-  
4 ceived under this section shall be used to supplement, and  
5 not to supplant, non-Federal funds that would otherwise  
6 be available for activities funded under this section.

7 (h) NO MATCHING FUNDS.—For the purposes of this  
8 section, a nonprofit, nongovernmental victim services pro-  
9 gram receiving funds under this section may not be re-  
10 quired as a condition of receiving an award of a contract  
11 under this section to provide matching funds.

12 (i) REPORTS.—An entity receiving funds under this  
13 section shall submit to the Secretary every six months a  
14 report that describes—

15 (1) how the funds were used, including the ex-  
16 tent to which members of the Armed Forces and  
17 their family members and partners were provided  
18 services and a description of the services provided,  
19 including the number of cases responded to;

20 (2) the adequacy of staff training and services  
21 to meet the needs of members of the Armed Forces  
22 and their family members and partners for services  
23 under the contract; and

(3) the existence of barriers faced by the entity to address the needs of members of the Armed Forces and their family members and partners.

## **Subtitle D—Prevention and Intervention Training**

### **SEC. 131. PREVENTION AND INTERVENTION TRAINING CONTRACTS.**

#### **(a) AWARDS AUTHORIZED.—**

(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Office of the Victims’ Advocate, shall enter into contracts under this section with eligible entities for the purposes of providing training and technical assistance to the Department of Defense relative to prevention of domestic violence, sexual assault, family violence, and stalking.

(2) DEFINITIONS.—In this section, the term “eligible entity” means an entity that is—

(A) a public or nonprofit private organization having demonstrated expertise in prevention, intervention, developing community collaboration, and system response to domestic violence, sexual assault, family violence, and stalking; or

1 (B) a community-based organization expe-  
2 rienced in providing services to servicemembers,  
3 family members, or partners who experience do-  
4 mestic violence, sexual assault, family violence,  
5 or stalking.

6 (b) USES OF FUNDS.—An entity awarded a contract  
7 pursuant to subsection (a) shall—

8 (1) provide training in the dynamics of domes-  
9 tic violence, sexual assault, family violence, and  
10 stalking, including safety, risk assessment, potential  
11 lethality, and appropriate interventions;

12 (2) provide education programs for  
13 servicemembers, family members, or partners that  
14 are linguistically and culturally appropriate and are  
15 designed to meet any unique needs of the population  
16 by adapting and implementing existing curricula;

17 (3) provide media center materials and edu-  
18 cational materials to the population that address the  
19 needs and concerns of servicemembers, family mem-  
20 bers, or partners who experience domestic violence,  
21 sexual assault, or stalking and the impact of the vio-  
22 lence by identifying, adapting, and disseminating ap-  
23 propriate existing materials; and



1           (4) conduct evaluations to assess the impact of  
2           programs and policies assisted under this section in  
3           order to enhance the development of those programs.

4           (c) APPLICATION.—

5           (1) IN GENERAL.—An eligible entity that de-  
6           sires to receive a contract under this section shall  
7           submit to the Secretary an application at such time,  
8           in such manner, and containing such information as  
9           the Secretary may require, consistent with the re-  
10          quirements described in this section.

11          (2) CONTENT.—An application submitted pur-  
12          suant to paragraph (1) shall—

13                (A) outline and describe how training and  
14                other activities will be undertaken to promote  
15                prevention, intervention, and collaboration;

16                (B) identify the members of the organiza-  
17                tion who will be responsible for carrying out the  
18                training;

19                (C) ensure that communities or agencies  
20                affected by the training are adequately rep-  
21                resented in the development of the application,  
22                training, and follow on activities to be under-  
23                taken and that they have a significant role in  
24                evaluating the success of the project;

1           (D) include documentation of any history  
2 of training between military entities, domestic  
3 violence, sexual assault, or stalking service pro-  
4 viders, courts, law enforcement agencies, com-  
5 munity-based programs, and other entities;

6           (E) provide assurances that training and  
7 other activities will be provided to all types of  
8 staff, will address appropriate practices for in-  
9 vestigation, follow-up, screening, intake, assess-  
10 ment, and provision of services addressing the  
11 safety needs of victims of domestic violence,  
12 sexual assault, family violence, or stalking;

13          (F) describe how the training and activities  
14 will enhance or ensure the safety and security  
15 of servicemembers, families, and partners where  
16 both domestic violence and sexual assault oc-  
17 curs by providing appropriate resources, protec-  
18 tion, and support to victims;

19          (G) outline methods and means partici-  
20 pating entities will use to ensure that all serv-  
21 ices are provided in a linguistically and cul-  
22 turally competent manner and will use commu-  
23 nity-based supports and resources; and

1 (H) outline the protocols, policies, and pro-  
2 cedures participating entities will develop and  
3 adopt to ensure the confidentiality of victims.

4 (d) DURATION OF CONTRACTS.—The Secretary shall  
5 enter into a contract under this section for a period of  
6 one year. Such a contract may be renewed.

7 (e) REPORTS.—An entity receiving funds under this  
8 section shall submit to the Secretary every six months a  
9 report that describes, at a minimum—

10 (1) how the funds under the program were  
11 used, including the extent to which military per-  
12 sonnel, family members, or partners were served;

13 (2) the adequacy of staff training and services  
14 to ensure that the needs of servicemembers, family  
15 members, or partners are met; and

16 (3) the existence of barriers the entity faces to  
17 more fully addressing the needs of servicemembers,  
18 family members, or partners.

19 (f) REQUIREMENT.—

20 (1) Of the amounts appropriated to carry out  
21 this section for any fiscal year, the Secretary—

22 (A) shall use not less than 20 percent for  
23 programs addressing domestic violence and sex-  
24 ual assault that are operated by, or in partner-  
25 ship with, civilian victim services; and

1 (B) shall use not less than 5 percent for  
2 technical assistance and training to be provided  
3 by organizations having demonstrated expertise  
4 in developing collaborative community and sys-  
5 tem responses to domestic violence, sexual as-  
6 sault, and stalking.

7 (2) Technical assistance and training under  
8 paragraph (1)(B) may be offered to the elements of  
9 the Armed Forces, installations, or commands in the  
10 process of developing community responses, whether  
11 they are receiving funds under this section or not.

12 **Subtitle E—Biennial Conference on**  
13 **Sexual Assault and Domestic Vi-**  
14 **olence**

15 **SEC. 141. ESTABLISHMENT.**

16 Not later than one year after the date of the enact-  
17 ment of this Act, and every two years thereafter, the Sec-  
18 retary of Defense, acting through the Director of the Of-  
19 fice of the Victims' Advocate of the Department of De-  
20 fense, shall convene a national conference to review cur-  
21 rent policies for prevention of, and response to, domestic  
22 violence, sexual assault, family violence, and stalking in-  
23 volving members of the Armed Forces and to make rec-  
24 ommendations for changes, as warranted, to those policies.

1 **SEC. 142. CONFERENCE ACTIVITIES.**

2 (a) IN GENERAL.—The conferences under this sub-  
3 title shall provide a forum for the civilian leadership of  
4 the Department of Defense, military commanders, family  
5 advocacy personnel, military criminal investigators, mili-  
6 tary law enforcement personnel, and security forces to  
7 consider problems, policies, and recommendations relating  
8 to domestic violence, sexual assault, family violence, and  
9 stalking involving members of the Armed Forces.

10 (b) FIRST CONFERENCE.—

11 (1) CONSIDERATION OF PRIOR REPORTS.—Ac-  
12 tivities of the first conference under this subtitle  
13 shall include consideration of the reports and rec-  
14 ommendations of the following:

15 (A) The Department of Defense Task  
16 Force on the Care of Sexual Assault Victims.

17 (B) The Department of Defense Task  
18 Force on Domestic Violence.

19 (C) The Department of Defense Task  
20 Force of Sexual Harassment and Misconduct at  
21 the Military Academies.

22 (2) STRATEGIC PLAN.—Activities of the first  
23 conference under this subtitle shall include a discus-  
24 sion of, and compiling of recommendations and  
25 strategy for, a strategic plan that seeks to—

1 (A) involve more civilian leaders of the De-  
2 partment of Defense, military commanders, and  
3 servicemembers in prevention and other activi-  
4 ties designed to end domestic violence, sexual  
5 assault, family violence, and stalking in the  
6 Armed Forces; and

7 (B) facilitate the Secretaries of the mili-  
8 tary departments implementation of policies on  
9 domestic violence, sexual assault, family vio-  
10 lence, and stalking in the Armed Forces.

11 **SEC. 143. CONFERENCE PARTICIPANTS.**

12 The Secretary shall provide for participants in con-  
13 ferences under this subtitle to include the following:

14 (1) Representatives from a broad cross-section  
15 of military authorities, including leadership, com-  
16 mands, services, departments, and programs.

17 (2) Representatives of Federal, State, national  
18 and local government agencies.

19 (3) Representatives of law enforcement organi-  
20 zations.

21 (4) Criminal justice professionals, including  
22 prosecutors, investigators, attorneys, and advocates.

23 (5) Representatives of nonprofit, private, or  
24 nongovernmental service providers and of public and  
25 private organizations working in the field of domes-

1       tic violence, sexual assault, family violence, and  
2       stalking.

3           (6) Individuals with demonstrated expertise in  
4       addressing the intersection between domestic vio-  
5       lence, sexual assault, family violence, and stalking.

6           (7) Individuals with demonstrated expertise in  
7       addressing the issues confronting the Armed Forces  
8       relative to domestic violence, sexual assault, family  
9       violence, and stalking.

10          (8) Victims of domestic violence, sexual assault,  
11       family violence, and stalking.

12          (9) Representatives of academic and research,  
13       facilities with demonstrated expertise in domestic vi-  
14       olence, sexual assault, family violence, and stalking.

15          (10) Representatives of the Department of Vet-  
16       erans Affairs.

17          (11) Advocates, counselors, and therapists en-  
18       gaged in providing services to victims associated  
19       with the Armed Forces.

20       **Subtitle F—Memorandums of Un-**  
21       **derstanding With Civil Organi-**  
22       **zations**

23       **SEC. 151. AGREEMENTS WITH CIVILIAN ORGANIZATIONS.**

24          (a) MEMORANDUMS OF UNDERSTANDING.—Congress  
25       expects and encourages the Secretary of Defense to enter

1 into memorandums of understanding with civilian organi-  
2 zations to provide services to victims of sexual assault, do-  
3 mestic violence, family violence, and stalking.

4 (b) CONFIDENTIALITY.—When entering into a  
5 memorandum of understanding with a civilian organiza-  
6 tion as described in subsection (a), the Secretary of De-  
7 fense should not enter into, and may not enforce, any pro-  
8 vision in the memorandum that would be in direct viola-  
9 tion of any law protecting confidential information and  
10 personal identifying information.

11 **TITLE II—RIGHTS, RESTITUTION,**  
12 **TREATMENT, AND SERVICES**  
13 **FOR VICTIMS**

14 **Subtitle A—Protection of Persons**  
15 **Reporting Sexual Assault or Do-**  
16 **mestic Violence**

17 **SEC. 201. PROTECTION OF COMMUNICATIONS BETWEEN**  
18 **VICTIMS AND ADVOCATES.**

19 (a) RESTRICTING COMMUNICATION PROHIBITED.—  
20 Subsection (a) of section 1034 of title 10, United States  
21 Code, is amended by inserting before the period at the  
22 end the following: “or the Office of the Victims’ Advocate  
23 or a Victims’ Advocate within the Department of De-  
24 fense”.



1 (b) PROHIBITION OF RETALIATORY PERSONNEL AC-  
 2 TIONS.—Subsection (b)(1) of such section is amended—

3 (1) in subparagraph (A), by striking “or an In-  
 4 spector General” and inserting “, an Inspector Gen-  
 5 eral, or the Office of the Victims’ Advocate or a Vic-  
 6 tims’ Advocate”; and

7 (2) in subparagraph (A)—

8 (A) by redesignating clauses (iii) and (iv)  
 9 as clauses (iv) and (v), respectively; and

10 (B) by inserting after clause (ii) the fol-  
 11 lowing new clause:

12 “(iii) the Office of the Victims’ Advocate  
 13 or a victims’ advocate;”.

14 (c) INSPECTOR GENERAL INVESTIGATIONS.—Sub-  
 15 section (c)(2) of such subsection is amended by inserting  
 16 “, sexual assault, domestic violence, family violence, stalk-  
 17 ing,” in subparagraph (A) after “sexual harassment”.

18 **SEC. 202. VICTIM SERVICE ORGANIZATION PRIVILEGE AND**  
 19 **HEALTH CARE PROFESSIONAL PRIVILEGE IN**  
 20 **CASES ARISING UNDER UNIFORM CODE OF**  
 21 **MILITARY JUSTICE.**

22 (a) PRIVILEGES ESTABLISHED.—

23 (1) IN GENERAL.—Subchapter XI of chapter 47  
 24 of title 10, United States Code (the Uniform Code

1 of Military Justice), is amended by adding at the  
2 end the following new section:

3 **“§ 941. Art. 141. Privilege for communication with**  
4 **victim service organization or health**  
5 **care professional**

6 “(a) GENERAL RULE OF PRIVILEGE.—A client has  
7 a privilege to refuse to disclose, and to prevent any other  
8 person from disclosing, a confidential communication  
9 made between the client and a victim service organization  
10 or any representative of the organization, or between the  
11 client and a health care professional or any representative  
12 of the professional, in a case arising under this chapter,  
13 if such communication was made for the purpose of secur-  
14 ing advice, counseling, treatment, or assistance concerning  
15 the client’s mental, physical, or emotional condition caused  
16 by domestic violence, family violence, dating violence,  
17 stalking, or sexual assault.

18 “(b) DEFINITIONS.—In this section:

19 “(1) The term ‘client’ means a person who  
20 consults with or is examined or interviewed by a vic-  
21 tim service organization or any representative of the  
22 organization, or by a health care professional or any  
23 representative of the professional.

24 “(2) The term ‘victim service organization’  
25 means an organization (whether public or private)

1       that provides advice, counseling, or assistance to vic-  
2       tims of domestic violence, family violence, dating vio-  
3       lence, stalking, or sexual assault, or to the families  
4       of such victims.

5               “(3) The term ‘representative’, with respect to  
6       an organization or professional, means a person di-  
7       rected by or assigned to assist that organization or  
8       professional, respectively, in providing advice, coun-  
9       seling, treatment, or assistance.

10              “(4) The term ‘confidential communication’  
11       means a communication not intended to be disclosed  
12       to third persons other than—

13                      “(A) those to whom disclosure is in fur-  
14       therance of providing advice, counseling, treat-  
15       ment, or assistance to the client; and

16                      “(B) those reasonably necessary for dis-  
17       closing under subparagraph (A).

18       “(c) EMERGENCY SHELTER PROTECTION.—A client  
19       or representative of a client may not be compelled to pro-  
20       vide testimony in a civil, criminal, legislative, disciplinary,  
21       or administrative proceeding that would identify—

22                      “(1) the name, address, location, or telephone  
23       number of a safe house, abuse shelter, or other facil-  
24       ity that provided temporary emergency shelter to the

1 victim of the offense or transaction that is the sub-  
2 ject of the proceeding; or

3 “(2) the name, address, or telephone number of  
4 a victim representative.

5 “(d) WHO MAY CLAIM THE PRIVILEGE.—The privi-  
6 lege under subsection (a) or (c) may be claimed by the  
7 client or the guardian or conservator of the client. A per-  
8 son who may claim the privilege may authorize trial coun-  
9 sel or defense counsel to claim the privilege on his or her  
10 behalf. The victim service organization, health care profes-  
11 sional, or representative who received the communication  
12 may claim the privilege on behalf of the client. The author-  
13 ity of such an organization, professional, representative,  
14 guardian, or conservator to so assert the privilege is pre-  
15 sumed in the absence of evidence to the contrary.

16 “(e) EXCEPTIONS.—There is no privilege under this  
17 section—

18 “(1) when the client is dead, except for the  
19 privilege under subsection (c);

20 “(2) to the extent the communication reports  
21 child abuse;

22 “(3) when a victim service organization, health  
23 care professional, or representative believes that a  
24 mental or emotional condition of the client makes

1 the client a danger to any person, including the cli-  
 2 ent; or

3 “(4) if the communication clearly contemplated  
 4 the future commission of a fraud or crime or if the  
 5 services of the victim service organization or health  
 6 care professional are sought or obtained to enable or  
 7 aid anyone to commit or plan to commit what the  
 8 client knew or reasonably should have known to be  
 9 a crime or fraud.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-  
 11 tions at the beginning of such subchapter is amend-  
 12 ed by adding at the end the following new item:

“941. 141. Privilege for communication with victim service organization or  
 health care professional.”.

13 (b) APPLICABILITY.—Section 941 of title 10, United  
 14 States Code (article 141 of the Uniform Code of Military  
 15 Justice), as added by subsection (a), applies to commu-  
 16 nications made after the date of the enactment of this Act.

17 **Subtitle B—Medical Care and**  
 18 **Treatment for Victims of Sexual**  
 19 **and Domestic Violence**

20 **SEC. 211. ENHANCED DEPARTMENT OF DEFENSE TREAT-**  
 21 **MENT CAPACITY.**

22 To the extent funds are available for such purpose,  
 23 funds available to the Department of Defense shall be  
 24 used to employ at least one medical professional trained

1 as a sexual assault nurse examiner and at least one psy-  
2 chiatrist, and a complimentary clinical team, at each mili-  
3 tary treatment facility operated by the Department of De-  
4 fense.

5 **SEC. 212. COMMUNITY LEVEL PROGRAM.**

6 (a) PROGRAM.—The Secretary of Defense, acting  
7 through the Assistant Secretary of Defense for Health Af-  
8 fairs, shall carry out a program at the community level  
9 for members of the Armed Forces on active duty and fam-  
10 ily members of such members who are victims of domestic  
11 violence, sexual assault, family violence, or stalking.

12 (b) PROGRAM SITES.—The program shall be carried  
13 out through facilities of the Department of Defense.

14 (c) PROGRAM CONTENT.—In conducting the pro-  
15 gram, the Secretary shall provide for individualized case  
16 management to be conducted on a one-to-one basis, coun-  
17 seling, education, and group therapy to help victims cope  
18 with trauma. Through the program, the Secretary  
19 should—

20 (1) emphasize early identification of victims ex-  
21 perienceing post-traumatic stress disorder resulting  
22 from domestic violence, sexual assault, family vio-  
23 lence, or stalking;

24 (2) include group-oriented, peer-to-peer settings  
25 for treatment; and

1           (3) acknowledge that the causal factors of do-  
2       mestic violence, sexual assault, family violence, and  
3       stalking include power and control.

4       (d) OUTREACH.—The Secretary shall provide that  
5       health information packets given to members of the Armed  
6       Forces and their family members include information  
7       about how to obtain timely and confidential post-sexual  
8       assault medical care.

9       (e) PROGRAM MODELS.—The Secretary shall estab-  
10      lish and carry out the program under this section following  
11      a comprehensive review of other relevant programs, includ-  
12      ing programs of the Department of Veterans Affairs, of  
13      State and local governments, and of private, nonprofit, or  
14      nongovernmental organizations specializing in the treat-  
15      ment of victims of domestic violence, sexual assault, family  
16      violence, or stalking.

17   **SEC. 213. TRANSITION TO VETERANS HEALTH CARE FOR**  
18                   **VICTIMS OR PERPETRATORS OF DOMESTIC**  
19                   **VIOLENCE, SEXUAL ASSAULT, FAMILY VIO-**  
20                   **LENCE, OR STALKING.**

21       The Secretary of each military department shall take  
22      special care in providing for a seamless transition from  
23      Department of Defense health care services to Depart-  
24      ment of Veterans Affairs health care services in the case  
25      of any member of the Armed Forces who is being dis-

1 charged or separated from active duty and who has been  
2 identified as a victim or perpetrator of domestic violence,  
3 sexual assault, family violence, or stalking.

4       **Subtitle C—Military-Civilian**  
5       **Shelter Programs**

6       **SEC. 221. ENHANCED CAPACITY OF THE DEPARTMENT OF**  
7               **DEFENSE FOR SHELTER PROGRAMS AND**  
8               **SERVICES.**

9       (a) CONTRACTS AUTHORIZED.—

10           (1) IN GENERAL.—The Secretary of Defense,  
11       acting through the Director of the Office of the Vic-  
12       tims’ Advocate, may enter into contracts with eligi-  
13       ble entities to provide shelter services for members  
14       of the Armed Forces and their family members and  
15       partners who experience domestic violence, family vi-  
16       olence, sexual assault, or stalking.

17           (2) ELIGIBLE ENTITIES.—In this section, the  
18       term “eligible entity” means a public or private non-  
19       profit entity the primary purpose of which is to pro-  
20       vide shelter services to victims of domestic violence,  
21       family violence, sexual assault, or stalking. The enti-  
22       ty may be—

23           (A) a community-based organization spe-  
24       cializing in intervention or violence prevention



1 services for military servicemembers, family  
2 members, or partners;

3 (B) a nonprofit nongovernmental entity  
4 providing services primarily to servicemembers,  
5 family members, or partners who are victims of  
6 domestic violence, family violence, sexual as-  
7 sault, or stalking;

8 (C) a nonprofit, nongovernmental entity  
9 providing services for veterans;

10 (D) a nonprofit, nongovernmental entity  
11 providing services to homeless individuals; or

12 (E) a governmental program serving  
13 servicemembers and family members.

14 (b) USES OF FUNDS.—A contract under this section  
15 shall provide that—

16 (1) whenever possible, the entity awarded the  
17 contract shall collaborate with existing shelter serv-  
18 ices in the civilian community to provide appropriate  
19 victim services;

20 (2) when appropriate shelter services are not  
21 available in the civilian community or are not acces-  
22 sible to members of the Armed Forces or their fam-  
23 ily members or partners, the entity awarded the con-  
24 tract may provide or create shelter services in col-  
25 laboration with a community-based organization;

1           (3) the entity awarded the contract shall pro-  
2       vide referral services to a Department of Defense  
3       victims advocate aid, including legal, medical, or  
4       psychological counseling, to members of the Armed  
5       Forces and their family members and partners who  
6       are experiencing domestic violence, family violence,  
7       sexual assault, or stalking; and

8           (4) if needed, the entity awarded the contract  
9       will have staff with fluency in languages other than  
10      English or access to translators.

11      (c) APPLICATION.—

12           (1) IN GENERAL.—An eligible entity that de-  
13      sires to receive a contract under this section shall  
14      submit to the Secretary an application at such time,  
15      in such manner, and containing such information as  
16      the Secretary may require, consistent with the re-  
17      quirements of this section.

18           (2) CONSIDERATION OF BEST PRACTICES.—In  
19      considering applications submitted pursuant to para-  
20      graph (1), the Secretary shall consult with existing  
21      providers of shelter services to determine best prac-  
22      tices.

23           (d) DURATION OF AWARDS.—A contract awarded  
24      under this section shall be awarded for a period of three  
25      fiscal years. Such a contract may be renewed.

1 (e) CONFIDENTIALITY.—The Secretary shall include  
2 in a contract under this section confidentiality provisions  
3 based on the provisions of section 1816(a) of title 10,  
4 United States Code, as added by section 111.

5 (f) REPORTS.—An entity awarded a contract under  
6 this section shall submit to the Secretary every six months  
7 a report that describes, at a minimum—

8 (1) how the funds under the contract were  
9 used;

10 (2) the extent to which military personnel, fam-  
11 ilies, and partners were served; and

12 (3) the adequacy of staff training and services  
13 to ensure that needs of members of the Armed  
14 Forces and their family members and partners.

15 **Subtitle D—Victim’s Rights and**  
16 **Restitution**

17 **SEC. 231. MILITARY LAW ENFORCEMENT AND VICTIMS’**  
18 **RIGHTS.**

19 (a) VICTIMS RIGHTS.—After an allegation of a do-  
20 mestic violence, sexual assault, family violence, or stalking  
21 offense that is reported to, or investigated by military law  
22 enforcement agency, the victim (or alleged victim) shall  
23 have the following rights:

1           (1) Victims' rights set out under section 502(b)  
2           of the Victims' Rights and Restitution Act of 1990  
3           (42 U.S.C. 10606(b)).

4           (2) The right to be informed of the availability  
5           of crisis intervention services and resources and  
6           medical services and, when applicable, that medical  
7           services arising out of the need to secure evidence  
8           may be reimbursed.

9           (3) The right to be informed of legal procedures  
10          and resources available for the protection of the vic-  
11          tim, including military no contact orders and protec-  
12          tion orders, the provisions of section 1561a of title  
13          10, United States Code, and the full faith and credit  
14          provisions of the Violence Against Women Act as de-  
15          fined by section 2265 of title 18, United States  
16          Code.

17          (4) The right to be informed of names and tele-  
18          phone numbers of public and private assistance pro-  
19          grams, including victim compensation programs,  
20          transitional compensation programs, and programs  
21          that provide counseling, treatment, shelter, and sup-  
22          port services.

23          (5) The right to be informed of the military law  
24          enforcement agency report number for the case, if  
25          available, other identifying information, and the fol-

1       lowing statement: “If within 30 days you are not no-  
2       tified of an arrest in your case, you may call (the  
3       military law enforcement agency’s telephone num-  
4       ber) for information on the status of your case.”.

5           (6) The right to be notified by military law en-  
6       forcement authorities of the arrest of the suspect, if  
7       the suspect is arrested, regardless of whether the  
8       suspect is an adult or a juvenile.

9           (7) The right to be to informed, in a case in  
10      which the suspect is an adult and has been arrested,  
11      of the suspect’s release, of the scheduled time, place,  
12      and date for initial court appearances of the suspect,  
13      and of the victim’s right to be heard.

14      (b) NOTICE OF RIGHTS TO BE PROVIDED.—As soon  
15      after an allegation of a domestic violence, sexual assault,  
16      family violence, or stalking offense as possible without  
17      interfering with an investigation or arrest, a representa-  
18      tive of the military law enforcement agency that has re-  
19      sponsibility for investigating the offense shall provide the  
20      victim with a multicopy form that includes the following:

21           (1) A form for the victim to request or waive  
22      applicable rights to information to which the victim  
23      is entitled, on request, under this section.

24           (2) A means for the victim to designate a lawful  
25      representative selected by the victim.

1 (3) Notice to the victim of the following:

2 (A) Victims' rights under section 502(b) of  
3 the Victims' Rights and Restitution Act of 1990  
4 (42 U.S.C. 10606(b)).

5 (B) The availability of crisis intervention  
6 services and resources and medical services and,  
7 when applicable, that medical services arising  
8 out of the need to secure evidence may be reim-  
9 bursed.

10 (C) The legal procedures and resources  
11 available for the protection of the victim, in-  
12 cluding military no contact orders and protec-  
13 tion orders, the provisions of section 1561a of  
14 title 10, United States Code, and the full faith  
15 and credit provisions of the Violence Against  
16 Women Act as defined by section 2265 of title  
17 18, United States Code.

18 (D) The names and telephone numbers of  
19 public and private assistance programs, includ-  
20 ing victim compensation programs, transitional  
21 compensation programs, and programs that  
22 provide counseling, treatment, shelter, and sup-  
23 port services.

24 (E) The military law enforcement agency  
25 report number for the case, if available, other

1 identifying information, and the following state-  
2 ment: “If within 30 days you are not notified  
3 of an arrest in your case, you may call (the  
4 military law enforcement agency’s telephone  
5 number) for information on the status of your  
6 case.”.

7 (F) Regardless of whether the suspect is  
8 an adult or a juvenile, a statement that the vic-  
9 tim will be notified by military law enforcement  
10 authorities of the arrest of the suspect, if the  
11 suspect is arrested.

12 (G) If the suspect is an adult and has been  
13 arrested, a statement that the victim will be in-  
14 formed of the suspect’s release, of the scheduled  
15 time, place, and date for initial court appear-  
16 ances of the suspect and of the victim’s right to  
17 be heard, and that to exercise those rights, the  
18 victim may contact the custodial agency regard-  
19 ing the suspect’s status or contact the com-  
20 mand regarding any changes.

21 (c) EFFECT OF EMOTIONAL STATUS OF VICTIM.—

22 If at the time of contact with a military law enforcement  
23 agency representative under subsection (a), a victim is  
24 emotionally unable to request or to waive applicable rights,  
25 the military law enforcement agency representative shall

1 so designate that on the multicopy form and any entity  
2 that is subsequently involved in the case shall presume  
3 that the victim invoked the applicable rights to which the  
4 victim is entitled and, on request, the victim may later  
5 waive those rights.

6 **SEC. 232. AVAILABILITY OF INCIDENT REPORTS.**

7 (a) **APPLICABILITY.**—A military law enforcement  
8 agency shall provide, without charge, to a victim of domes-  
9 tic violence, sexual assault, family violence, or stalking (or  
10 to the representative of such a victim, if the victim is de-  
11 ceased) a copy of the incident report in the case, a copy  
12 of the incident report summary (referred to as a “face  
13 sheet”), or both, in accordance with subsection (b).

14 (b) **TIME FOR AVAILABILITY.**—

15 (1) **SUMMARIES.**—A copy of an incident report  
16 summary shall be made available during regular  
17 business hours to a victim or the victim’s representa-  
18 tive no later than 48 hours after being requested by  
19 the victim or the victim’s representative, unless the  
20 military law enforcement agency informs the victim  
21 or representative of the reasons why the summary is  
22 not available, in which case the summary shall be  
23 made available to the victim or representative no  
24 later than five working days after the request is  
25 made.



1           (2) INCIDENT REPORTS.—A copy of the inci-  
2       dent report shall be made available during regular  
3       business hours to a victim or the victim’s representa-  
4       tive no later than five working days after being re-  
5       quested by a victim or representative, unless the  
6       military law enforcement agency informs the victim  
7       or representative of the reasons why the incident re-  
8       port is not available, in which case the incident re-  
9       port shall be made available to the victim or rep-  
10      resentative no later than 10 working days after the  
11      request is made.

12       (c) IDENTIFICATION.—An incident report and a sum-  
13      mary of an incident report may be provided to any person  
14      under this section only upon presentation of identification  
15      satisfactory to the Secretary concerned.

16       (d) TIME DURATION.—This section applies to re-  
17      quests for copies of incident reports and summaries of in-  
18      cident reports made within five years from the date of  
19      completion of the incident report.

20       (e) VICTIM’S REPRESENTATIVE DEFINED.—

21           (1) For purposes of this section, the term “vic-  
22      tim’s representative” means, with respect to a victim  
23      who is deceased, the person who is listed first among  
24      the following:

25           (A) The surviving spouse.

1 (B) A surviving child of the decedent who  
2 has attained 18 years of age.

3 (C) A surviving parent of the decedent.

4 (D) A surviving adult relative.

5 (E) The public administrator appointed by  
6 a probate court, if one has been appointed.

7 (2) A victim's representative does not include  
8 any person who has been convicted of murder under  
9 State or Federal law or any person identified in the  
10 incident report as a suspect.

11 **SEC. 233. VICTIM ADVOCATES AND VICTIMS' RIGHTS.**

12 (a) IN GENERAL.—Any victim making an allegation  
13 of sexual assault, domestic violence, family violence, or  
14 stalking may have a victim advocate present at any inter-  
15 view of the victim conducted by any military law enforce-  
16 ment official.

17 (b) SUPPORT DURING PROCEEDINGS.—In a military  
18 justice proceeding, a victim advocate, upon the request of  
19 the victim, shall be allowed to accompany the victim dur-  
20 ing the proceedings. The victim advocate shall be allowed  
21 to confer orally and in writing with the victim in a reason-  
22 able manner.

1 **SEC. 234. RESTITUTION.**

2 (a) IN GENERAL.—Chapter 80 of title 10, is amended  
3 by inserting after section 1561b, as added by section 301,  
4 the following new section:

5 **“§ 1561c. Restitution**

6 “(a) RESTITUTION REQUIRED.—In addition to any  
7 other civil, disciplinary, or criminal penalty authorized by  
8 law, the convening authority in a court-martial shall order  
9 restitution for any offense specified in section 920, 892(4),  
10 or 1561a of this title.

11 “(b) SCOPE AND NATURE OF ORDER.—

12 “(1) DIRECTIONS.—An order of restitution  
13 under this section shall direct the person convicted  
14 to pay the victim the full amount of the victims’  
15 losses, as determined by the convening authority  
16 pursuant to paragraph (2).

17 “(2) ENFORCEMENT.—An order of restitution  
18 under this section shall be issued and enforced in ac-  
19 cordance with section 3664 of title 18 in the same  
20 manner as an order under section 3663A of that  
21 title.

22 “(c) MANDATORY ORDER.—

23 “(1) The issuance of a restitution order under  
24 this section is mandatory.

25 “(2) The convening authority may not decline  
26 to issue an order under this section because of—

1           “(A) the economic circumstances of the  
2           person convicted; or

3           “(B) the fact that a victim has received, or  
4           is entitled to receive, compensation for the vic-  
5           tim’s injuries from the proceeds of insurance,  
6           transitional compensation, veterans benefits, or  
7           any other source.

8           “(d) DEFINITIONS.—In this section:

9           “(1) FULL AMOUNT OF THE VICTIM’S  
10          LOSSES.—The term ‘full amount of the victim’s  
11          losses’ includes any costs incurred by the victim  
12          for—

13               “(A) medical services relating to physical,  
14               psychiatric, or psychological care;

15               “(B) physical and occupational therapy or  
16               rehabilitation;

17               “(C) necessary transportation, temporary  
18               housing, and child care expenses;

19               “(D) lost income;

20               “(E) attorney’s fees, plus any costs in-  
21               curred in obtaining a civil protective order; and

22               “(F) any other loss suffered by the victim  
23               as a proximate result of the offense or offenses.

24           “(2) VICTIM.—The term ‘victim’ means a per-  
25          son harmed as a result of a commission of a crime

1 under this title, including, in the case of a victim  
 2 who is under 18 years of age, incompetent, incapacitated,  
 3 tated, or deceased, the legal guardian of the victim  
 4 or representative of the victim's estate, another family  
 5 member, or any other person appointed as suitable  
 6 by a court, but in no event shall the accused be  
 7 named as such a representative or guardian.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of such chapter is amended by inserting  
 10 after the item relating to section 1561b, as added by section  
 11 301, the following new section:

“1561c. Restitution.”.

12 **SEC. 235. RECORDS OF MILITARY JUSTICE ACTIONS.**

13 (a) IN GENERAL.—Subchapter XI of chapter 47 of  
 14 title 10, United States Code (the Uniform Code of Military  
 15 Justice), is amended by adding at the end the following  
 16 new section (article):

17 **“§ 940a. Art. 140a. Military justice information: trans-**  
 18 **mission to Director of Federal Bureau of**  
 19 **Investigation**

20 “Whenever a member of the armed forces is dis-  
 21 charged or dismissed from the armed forces or is released  
 22 from active duty, the Secretary concerned shall transmit  
 23 to the Director of the Federal Bureau of Investigation a  
 24 copy of records of any disciplinary action against the  
 25 member involving sexual misconduct during the period of

1 the member’s service in the armed forces that is taken  
 2 under this chapter, including any nonjudicial punishment  
 3 imposed under section 815 of this title (article 15).”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
 5 at the beginning of such subchapter is amended by adding  
 6 at the end the following new item:

“940. 140a. Military justice information: transmission to Director of Federal  
 Bureau of Investigation.”.

7 **SEC. 236. TECHNICAL AMENDMENTS RELATING TO FATAL-**  
 8 **ITY REVIEW PANELS.**

9 (a) ARMY.—Section 4061 of title 10, United States  
 10 Code, is amended—

11 (1) in subsection (a), by inserting “, through  
 12 the Office of the Victims’ Advocate,” after “Sec-  
 13 retary of the Army”; and

14 (2) in subsection (c), by inserting “, in con-  
 15 sultation with the Office of the Victims’ Advocate,”  
 16 after “Secretary of Defense”.

17 (b) NAVY.—Section 6036 of such title is amended—

18 (1) in subsection (a), by inserting “, through  
 19 the Office of the Victims’ Advocate,” after “Sec-  
 20 retary of the Navy”; and

21 (2) in subsection (c), by inserting “, in con-  
 22 sultation with the Office of the Victims’ Advocate,”  
 23 after “Secretary of Defense”.

1 (c) AIR FORCE.—Section 9061 of such title is amend-  
2 ed—

3 (1) in subsection (a), by inserting “, through  
4 the Office of the Victims’ Advocate,” after “Sec-  
5 retary of the Air Force”; and

6 (2) in subsection (c), by inserting “, in con-  
7 sultation with the Office of the Victims’ Advocate,”  
8 after “Secretary of Defense”.

9 **TITLE III—REPORTING, PROS-**  
10 **ECUTION, AND TREATMENT**  
11 **OF PERPETRATORS**

12 **Subtitle A—Reporting of Sexual As-**  
13 **sault, Domestic Violence, and**  
14 **Stalking Within the Department**  
15 **of Defense**

16 **SEC. 301. COMPLAINTS OF SEXUAL ASSAULT AND DOMES-**  
17 **TIC VIOLENCE.**

18 (a) IN GENERAL.—Chapter 80 of title 10, United  
19 States Code, is amended by inserting after section 1561a  
20 the following new section:

21 **“§ 1561b. Complaints of sexual assault, domestic vio-**  
22 **lence, family violence, or stalking: inves-**  
23 **tigation by commanding officers**

24 “(a) ACTION ON COMPLAINTS.—(1) A commanding  
25 officer or officer in charge of a unit, vessel, facility, or

1 area of the Army, Navy, Air Force, or Marine Corps who  
2 receives a qualifying complaint shall carry out an inves-  
3 tigation of the matter in accordance with this section.

4 “(2) In this section, the term ‘qualifying complaint’  
5 means a complaint—

6 “(A) that is from a victim, or from a member  
7 of the command, or a civilian employee under the  
8 supervision of the officer, or a victim advocate of the  
9 Department of Defense; and

10 “(B) that alleges sexual assault, domestic vio-  
11 lence, family violence, or stalking by a member of  
12 the armed forces or a civilian employee of the De-  
13 partment of Defense

14 “(b) COMMENCEMENT OF INVESTIGATION.—To the  
15 extent practicable, a commanding officer or officer in  
16 charge receiving a qualifying complaint shall, within 72  
17 hours after receipt of the complaint—

18 “(1) forward the complaint, or a detailed de-  
19 scription of the allegation in the complaint, to the  
20 next superior officer in that officer’s chain of com-  
21 mand who is authorized to convene a general court-  
22 martial;

23 “(2) commence, or cause the commencement of,  
24 an investigation of the complaint, including engaging  
25 law enforcement, criminal investigators, judge advo-



1 cates, victim advocates, and victim witness liaisons;  
2 and

3 “(3) advise the complainant of the commence-  
4 ment of the investigation.

5 “(c) DURATION OF INVESTIGATION.—A commanding  
6 officer or officer in charge receiving a qualifying complaint  
7 shall ensure that the investigation of the complaint is com-  
8 pleted within 90 days of the date on which the investiga-  
9 tion is commenced or such longer period as may be ap-  
10 proved by the Director of the Office of Victim Advocate.

11 “(d) JUDGE ADVOCATE REPORT.—To the extent  
12 practicable, a commanding officer or officer in charge re-  
13 ceiving a qualifying complaint shall require a report of the  
14 judge advocate, including the results of the investigation,  
15 application of the disciplinary or punitive articles under  
16 the Uniform Code of Military Justice, and any rec-  
17 ommendations for actions to be taken as a result of the  
18 investigation, within 20 days after the date on which the  
19 investigation is commenced.

20 “(e) REPORT ON INVESTIGATION.—To the extent  
21 practicable, a commanding officer or officer in charge re-  
22 ceiving a qualifying complaint shall—

23 “(1) submit a final report on the results of the  
24 investigation, including any action taken as a result  
25 of the investigation, to the next superior officer re-

1       ferred to in subsection (b)(1) within 30 days after  
2       the date on which the investigation is commenced; or

3           “(2) submit a report on the progress made in  
4       completing the investigation to the next superior of-  
5       ficer referred to in subsection (b)(1) within 30 days  
6       after the date on which the investigation is com-  
7       menced and every 14 days thereafter until the inves-  
8       tigation is completed and, upon completion of the in-  
9       vestigation, then submit a final report on the results  
10      of the investigation, including any action taken as a  
11      result of the investigation, to that next superior offi-  
12      cer.

13      “(f) ANNUAL REPORTS TO SERVICE SECRETARIES.—  
14      Not later than January 1 of each year, each officer receiv-  
15      ing a qualifying complaint forwarded in accordance with  
16      this section shall submit to the Secretary of the military  
17      department concerned a report on all such complaints re-  
18      ceived during the preceding year and the investigations of  
19      those complaints (including the results of the investiga-  
20      tions, in cases of investigations completed during the pre-  
21      ceding year).

22      “(g) ANNUAL REPORT TO SECRETARY OF DEFENSE  
23      AND CONGRESS.—(1) Not later than January 15 of each  
24      year, each Secretary of a military department receiving a  
25      report under subsection (g) shall submit to the Secretary

1 of Defense a report on the complaints and investigations  
 2 of sexual assault, domestic violence, family violence, and  
 3 stalking.

4 “(2) The Secretary of Defense shall submit to the  
 5 Committee on Armed Services of the Senate and the Com-  
 6 mittee on Armed Services of the House of Representatives  
 7 each report submitted to the Secretary under this para-  
 8 graph (1), together with the comments of the Secretary  
 9 on each such report. The Secretary shall transmit the re-  
 10 port for any year not later than March 15 of the next  
 11 year.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
 13 at the beginning of such chapter is amended by inserting  
 14 after the item relating to section 1561a the following new  
 15 item:

“1561b. Complaints of sexual assault, domestic violence, family violence, or  
 stalking: investigation by commanding officers.”.

16 **SEC. 302. RESPONSE OF MILITARY LAW ENFORCEMENT OF-**  
 17 **FICIALS TO DOMESTIC VIOLENCE INCIDENTS.**

18 (a) IN GENERAL.—Chapter 80 of title 10, United  
 19 States Code, is amended by adding at the end the fol-  
 20 lowing new sections:

21 **“§ 1567. Domestic violence: responsibilities of mili-**  
 22 **tary law enforcement officers**

23 “(a) CIRCUMSTANCES REQUIRING ARREST.—A mili-  
 24 tary law enforcement officer shall arrest and take into cus-

1 today a person subject to arrest or apprehension by the offi-  
2 cer if—

3 “(1) the officer has reasonable grounds to be-  
4 lieve that the person has committed domestic vio-  
5 lence and that the person’s actions are the commis-  
6 sion of a crime; and

7 “(2) any of the following circumstances is  
8 present:

9 “(A) The officer has reasonable basis for  
10 believing that continued domestic violence  
11 against the alleged victim is likely.

12 “(B) There is evidence of physical injury  
13 to the alleged victim.

14 “(C) The use of a deadly weapon or dan-  
15 gerous instrument is evident.

16 “(b) DOMESTIC VIOLENCE.—In this section, the term  
17 ‘domestic violence’ means any of the following engaged in  
18 by a person against the person’s spouse or former spouse  
19 or against a person with whom the person resides or for-  
20 merly resided or against an individual with whom the per-  
21 son has a child in common:

22 “(1) Infliction of physical pain, bodily injury, or  
23 illness or damage to property.

24 “(2) Intentional impairment of physical condi-  
25 tion.

1           “(3) A threat of conduct that would cause bod-  
2           ily injury or damage to property.

3           “(c) ARRESTING OFFICER’S REPORT.—An officer  
4 who makes an arrest under subsection (b) shall submit  
5 a full written report of the alleged domestic violence inci-  
6 dent to the officer’s supervisor and to the judge advocate  
7 within 10 days of the arrest. Such a report shall include—

8           “(1) a description of physical injuries observed,  
9           if any;

10           “(2) whenever possible, a statement from the  
11 victim and witnesses concerning the alleged domestic  
12 violence; and

13           “(3) a statement that a copy of legal rights and  
14 notices was given to the victim.

15           “(d) LAW ENFORCEMENT POLICIES.—(1) The Sec-  
16 retary of Defense shall prescribe regulations to implement  
17 written policies regarding arrest procedures for domestic  
18 violence incidents. Those policies shall include the fol-  
19 lowing:

20           “(A) In most circumstances, a military law en-  
21 forcement officer should arrest and take a person  
22 into custody if the officer has reasonable grounds to  
23 believe that the person is committing or has com-  
24 mitted domestic violence and that the actions con-  
25 stitute the commission of a crime.

1           “(B) When the officer has reasonable grounds  
2           to believe that the spouses or former spouses or  
3           other persons who reside together or resided to-  
4           gether or share a child in common are committing  
5           or have committed domestic violence against each  
6           other, the officer does not have to arrest both par-  
7           ties but should arrest the person whom the officer  
8           believes to be the primary physical aggressor. In de-  
9           termining who is the primary physical aggressor, an  
10          officer should consider the intent of this section to  
11          protect victims of domestic violence, the relative in-  
12          jury or fear inflicted on the persons involved, and  
13          any history of domestic violence between those per-  
14          sons, if that history can be ascertained by the offi-  
15          cer, or response of a person who acts in a reasonable  
16          manner to protect oneself or another family or  
17          household member from domestic violence. No victim  
18          shall be denied relief or charged for a domestic vio-  
19          lence offense because the victim used reasonable  
20          force in self defense against domestic violence by an  
21          attacker.

22          “(C) The decision of a military law enforcement  
23          officer as to whether or not to make an arrest under  
24          this section may not be based on the consent of the  
25          victim or any subsequent prosecution or on the rela-

1        tionship or the rank of the persons involved in the  
2        incident.

3            “(D) A decision of a military law enforcement  
4        officer’s decision not to arrest under this section  
5        may not be based solely upon the absence of visible  
6        injury or impairment.

7            “(2) The policies under paragraph (1) shall include  
8        a procedure applicable to the report and referral required  
9        under subsection (c). Such procedures shall require that  
10       the military law enforcement agency shall, without charge,  
11       send a copy of the initial report and any subsequent, sup-  
12       plemental, or related report, which excludes the victim’s  
13       statement or other materials that are part of an active  
14       criminal investigation and are exempt from disclosure, to  
15       the command and Family Advocacy Program exercising  
16       responsibility over the area in which the incident took  
17       place, to the victim advocate within the Department of De-  
18       fense assigned to the installation and the nearest local do-  
19       mestic violence center within 24 hours of the agency’s re-  
20       ceipt of the report. The report furnished to the Family  
21       Advocacy Program, victim advocate, and local domestic vi-  
22       olence center shall include a narrative description of the  
23       domestic violence incident.

24            “(3) The policies under paragraph (1) shall include  
25        a procedure for notifying the alleged victim of the incident

1 of domestic violence services from which the victim may  
2 receive assistance. The military law enforcement officer  
3 shall provide the victim immediate notice of the legal  
4 rights and remedies available to the victim. Such notice  
5 shall be in a standard form developed and distributed by  
6 the Secretary of Defense. As necessary, the Secretary shall  
7 revise the victims rights brochure to include a summary  
8 of this section using simple English and shall distribute  
9 the notice as a model form to be used by all military law  
10 enforcement agencies. The notice shall include the fol-  
11 lowing:

12           “(A) The resources available for the area in  
13           which domestic violence services are sought, includ-  
14           ing military resources (victim advocates, Family Ad-  
15           vocacy Program, judge advocates, medical personnel,  
16           and command) and civilian agencies (shelter, victim  
17           advocates, counseling, county or state attorney of-  
18           fices and centers).

19           “(B) A copy of the following statement: ‘If you  
20           are a victim of domestic violence, you may ask the  
21           county or state attorney or judge advocate or Direc-  
22           tor of Special Investigations or command to file a  
23           complaint. You also have the right to go to court  
24           and file a petition requesting a protective order from  
25           domestic violence to include provisions which re-



1       strain the alleged perpetrator from further acts of  
2       abuse; direct the abuser to leave your house; prevent  
3       the abuser from entering your residence, school,  
4       business or place of employment; award you custody  
5       of your minor child or children; and direct the  
6       abuser to pay support to you and the minor children  
7       if he/she has a legal obligation to do so. You also  
8       have the right to request a military no contact order  
9       containing the above provisions.’.

10       “(4) The policies under paragraph (1) shall include  
11       a procedure for notifying the alleged victim of the incident,  
12       a description of the procedure for releasing the arrested  
13       person, and the likelihood and probable time of the ar-  
14       rested person’s release.

15       “(5) In the development of policies under this sub-  
16       section, the Secretary and shall consult with law enforce-  
17       ment agencies and organizations with expertise in the rec-  
18       ognition of domestic violence incidents.

19       “(e) DOMESTIC VIOLENCE INCIDENT REPORTS.—(1)  
20       A military law enforcement officer who responds to a do-  
21       mestic violence incident shall prepare a domestic violence  
22       incident report.

23       “(2) If a military law enforcement officer has reason-  
24       able grounds to arrest a person who is committing or has  
25       committed domestic violence and that person’s actions

1 constitute the commission of a crime, the officer shall pre-  
2 pare a written statement detailing why the person was not  
3 arrested. The report shall be sent to the judge advocate  
4 for the command of the suspect where the acts took place,  
5 immediately upon the completion of the investigation of  
6 the incident. The judge advocate shall review the report  
7 to determine whether the person involved in the incident  
8 should be charged with the commission of a crime.

9       “(3) All information contained in the domestic vio-  
10 lence incident report shall be forwarded to the appropriate  
11 military criminal investigative unit, to the judge advocate  
12 with responsibility for the jurisdiction, and to the com-  
13 mander of the suspect and of the installation.

14       “(4) The domestic violence incident report shall be  
15 on a form set forth in regulations prescribed by the Sec-  
16 retary of Defense. The form shall include provision for the  
17 following information:

18               “(A) The relationship of the parties.

19               “(B) The sex of the parties.

20               “(C) The time and date of the incident.

21               “(D) The number of domestic violence calls in-  
22 vestigated.

23               “(E) Whether children were involved, or wheth-  
24 er the alleged act of domestic violence had been com-  
25 mitted in the presence of children.

1           “(F) The type and extent of the abuse.

2           “(G) The number and type of weapons involved.

3           “(H) The action taken by the law enforcement  
4 officer.

5           “(I) The existence of any prior court or military  
6 orders issued to the parties.

7           “(J) The number of domestic violence calls al-  
8 leging a violation of a military no contact order or  
9 a protective order involving the parties.

10          “(K) The number of arrests involving the par-  
11 ties for a violation of a civilian protective order or  
12 details of disciplinary action taken for the violation  
13 of a military protective order.

14          “(L) Any other data that may be necessary for  
15 a complete analysis of all circumstances leading to  
16 the alleged incident of domestic violence.

17          “(f) CONTACT PROHIBITIONS.—(1) Unless there is a  
18 waiver by the victim, during the 72 hours immediately fol-  
19 lowing an arrest for a domestic violence incident, the per-  
20 son arrested—

21               “(A) shall avoid the residence of the alleged vic-  
22 tim of the domestic violence incident and, if applica-  
23 ble, any premises temporarily occupied by the al-  
24 leged victim; and

1           “(B) shall avoid contacting or causing any per-  
2       son, other than law enforcement officers or military  
3       criminal investigators, judge advocates, or com-  
4       manders, to contact the alleged victim.

5       “(2) Unless there is a waiver by the victim under  
6       paragraph (1), a law enforcement officer who releases a  
7       person arrested for domestic violence from custody less  
8       than 72 hours after the arrest shall inform the arrested  
9       person orally and in writing of the requirements of this  
10      section and the consequences of violating this section. The  
11      arrested person shall sign an acknowledgment on the writ-  
12      ten notice that the person has had notice of, and under-  
13      stands the requirements, the consequences and the provi-  
14      sions of this section. If the arrested person refuses to sign  
15      the notice, the person may not be released from custody.

16      “(3) If there is a waiver under paragraph (1) and  
17      the person is arrested under this section, the law enforce-  
18      ment officer who releases the arrested person shall inform  
19      the arrested person orally and in writing of the waiver.

20      “(4) Failure to comply with the notice requirement  
21      under paragraph (2) regarding a person who is lawfully  
22      released from custody does not affect the prosecution for  
23      a crime of domestic violence.

24      “(g) **CONDITIONAL RELEASE.**—A person arrested  
25      and taken into custody for a domestic violence incident

1 is eligible for conditional release. Unless there is a waiver  
2 under section (f), as part of the conditions of any such  
3 release that occurs within 72 hours immediately following  
4 such an arrest, the person shall be made to comply with  
5 the requirements under subsection (f)(1) and to sign the  
6 acknowledgment under subsection (f)(2).

7 **“§ 1568. Domestic violence: prosecution policies**

8 “The Secretary of Defense shall develop and imple-  
9 ment written policies encouraging the prosecution of do-  
10 mestic violence offenses under the military justice system.  
11 Those policies shall include the following:

12 “(1) A policy that a recommendation of a judge  
13 advocate that a domestic violence incident not be  
14 prosecuted should not be based—

15 “(A) solely upon the absence of visible in-  
16 dications of injury;

17 “(B) consent of the victim;

18 “(C) consideration of the relationship of  
19 the parties; or

20 “(D) the character, rank, rate, or quality  
21 of service of members of the armed forces, offi-  
22 cers or employees.

23 “(2) A policy that when a domestic violence in-  
24 cident is not prosecuted by the judge advocates, in-  
25 cluding a report made under this section, the deci-

1 sion by the judge advocates should be made not later  
2 than 28 days after the date on which the judge ad-  
3 vocate general has received notice of the incident.

4 **“§ 1569. Domestic violence: annual reports**

5 “(a) REPORTS TO SECRETARIES OF THE MILITARY  
6 DEPARTMENTS.—Each judge advocate for a command  
7 who in the official capacity of that judge advocate receives  
8 an allegation of domestic violence during any year shall  
9 submit to the Secretary of the military department con-  
10 cerned a report of all such allegations received during the  
11 year, together with such information as the Secretary may  
12 require, including the following:

13 “(1) The number of arrests for domestic vio-  
14 lence incidents in that judge advocate’s command,  
15 compiled and furnished by military law enforcement  
16 and military criminal investigators.

17 “(2) The number of subsequent prosecutions  
18 and convictions of those arrested for domestic vio-  
19 lence incidents.

20 “(3) A listing of the number of arrests, pros-  
21 ecutions, and convictions under paragraph (1) and  
22 (2) shall include categories by statutory reference of  
23 offenses under chapter 47 of this title (the Uniform  
24 Code of Military Justice) and include totals for all  
25 categories.

1       “(b) REPORTS TO THE SECRETARY OF DEFENSE.—  
 2 Not later than January 1 of each year, the Secretaries  
 3 of the military departments shall submit to the Secretary  
 4 of Defense a report on the number of arrests, disposition  
 5 of cases, subsequent prosecutions or disciplinary actions,  
 6 and convictions for domestic violence involving members  
 7 of the armed forces and officers and employees of the De-  
 8 partment of Defense under their jurisdiction during the  
 9 preceding year.

10       “(c) REPORTS TO CONGRESS.—Not later than Janu-  
 11 ary 15 of each year, the Secretary of Defense shall submit  
 12 to Congress a report on the number of arrests, disposition  
 13 of cases, subsequent prosecutions or disciplinary actions,  
 14 and convictions for domestic violence involving members  
 15 of the armed forces and officers and employees of the De-  
 16 partment of Defense during the preceding year.”.

17       (b) CLERICAL AMENDMENT.—The table of sections  
 18 at the beginning of such chapter is amended by adding  
 19 at the end the following new items:

- “1567. Domestic violence: responsibilities of military law enforcement officials.
- “1568. Domestic violence: prosecution policies.
- “1569. Domestic violence: annual reports.”.

20       (c) DEADLINE.—The Secretary of Defense shall pre-  
 21 scribe in regulations the procedures to carry out sections  
 22 1567 through 1569 of title 10, United States Code, as  
 23 added by subsection (a), not later than 90 days after the  
 24 date of the enactment of this Act.

1 (d) CONFORMING REPEAL.—

2 (1) REPEAL.—Section 1058 of title 10, United  
3 States Code, is repealed.

4 (2) TABLE OF SECTIONS.—The table of sections  
5 at the beginning of chapter 53 of such title is  
6 amended by striking the item relating to section  
7 1058.

8 **SEC. 303. INVESTIGATION OF SEXUAL AND DOMESTIC VIO-**  
9 **LENCE CASES INVOLVING DEPARTMENT OF**  
10 **DEFENSE PERSONNEL.**

11 (a) ESTABLISHMENT.—Chapter 4 of title 10, United  
12 States Code, is amended by adding at the end the fol-  
13 lowing new section:

14 **“§ 144. Director of Special Investigations**

15 “(a) APPOINTMENT.—There is a Director of Special  
16 Investigations in the Department of Defense. The Director  
17 is appointed by the Secretary of Defense from among per-  
18 sons who have a significant level of experience in criminal  
19 investigations and possess a significant level of training  
20 and expertise in domestic violence, family violence, sexual  
21 assault, or stalking.

22 “(b) SENIOR EXECUTIVE SERVICE POSITION.—The  
23 position of Director of Special Investigations is a Senior  
24 Executive Service position. The Secretary shall designate



1 the position as a career reserved position under section  
2 3132(b) of title 5.

3 “(c) DUTIES.—Subject to the authority, direction,  
4 and control of the Secretary of Defense, the Director of  
5 Special Investigations shall perform the duties set forth  
6 in this section and such other related duties as the Sec-  
7 retary may prescribe.

8 “(d) DIRECT INVESTIGATIONS.—The Director shall  
9 review an investigation of an allegation of sexual mis-  
10 conduct, sexual assault, family violence, stalking, or do-  
11 mestic violence—

12 “(1) if requested—

13 “(A) by the director of the Office of Vet-  
14 erans Affairs ;

15 “(B) by an investigative organization of  
16 the Department of Defense or one of the mili-  
17 tary departments; or

18 “(C) by a commander of a member of the  
19 armed forces alleged to have engaged in sexual  
20 misconduct, sexual assault, domestic violence,  
21 family violence, or stalking or to have been the  
22 victim of sexual misconduct, sexual assault, do-  
23 mestic violence, family violence, or stalking; or

24 “(2) in any case that the Secretary directs the  
25 Director to investigate.

1       “(f) OVERSIGHT AND QUALITY CONTROL OF OTHER  
2 INVESTIGATIONS.—(1) The Director shall review the sta-  
3 tus of an investigation that is referred under subsection  
4 (d).

5       “(2) In carrying out paragraph (1), the Director may  
6 review the records of the investigation and observe the  
7 conduct of the ongoing investigation.

8       “(3) The Director shall report to the Secretary on  
9 any investigation monitored pursuant to paragraph (1).  
10 The report may include the status of the investigation, an  
11 evaluation of the conduct of the investigation, an evalua-  
12 tion of each investigator and the investigative organization  
13 involved in the investigation, and a recommendation for  
14 the future conduct of the investigation.

15       “(g) POWERS.—In the performance of the duties set  
16 forth or authorized in this section, the Director shall have  
17 the following powers:

18               “(1) To have access to all records, reports, au-  
19 dits, reviews, documents, papers, recommendations,  
20 or other material available in the Department of De-  
21 fense which relate to the duties of the Director.

22               “(2) To request such information or assistance  
23 as may be necessary for carrying out the Director’s  
24 duties from any Federal, State, or local govern-  
25 mental agency or unit thereof.

1           “(3) To require by subpoena the production of  
2     all information, documents, reports, answers,  
3     records, accounts, papers, and other data and docu-  
4     mentary evidence necessary in the performance of  
5     the Director’s duties, which subpoena, in the case of  
6     contumacy or refusal to obey, shall be enforceable by  
7     order of any appropriate United States district  
8     court.

9           “(4) To serve subpoenas, summons, and any ju-  
10    dicial process related to the review of an investiga-  
11    tion.

12          “(5) To administer to or take from any person  
13    an oath, affirmation, or affidavit whenever necessary  
14    in the review of an investigation.

15          “(6) To obtain for the victim in the case under  
16    review in the investigation from any military com-  
17    mand a military protection order or from a court of  
18    appropriate jurisdiction an order of protection, re-  
19    spectively, to safeguard the victim.

20          “(7) To refer to a victim advocate for assist-  
21    ance in obtaining services for any victim in the case  
22    under review.

23          “(8) To request the appropriate commander to  
24    take action to relocate the victim during an inves-  
25    tigation in order to ensure the safety of a victim.

1       “(h) REFERRALS FOR PROSECUTION.—(1) The Di-  
2       rector may refer any case of sexual misconduct, domestic  
3       violence, family violence, sexual assault, or stalking de-  
4       scribed in subsection (d)(1) to an appropriate commander  
5       for action under chapter 47 of this title (the Uniform Code  
6       of Military Justice) or other appropriate action.

7       “(2) The Director shall report each such referral to  
8       the Secretary of Defense.

9       “(i) STAFF.—The Director shall have access to—

10           “(1) investigators who have extensive experience  
11           in criminal investigations and demonstrated exper-  
12           tise in domestic violence, family violence, sexual as-  
13           sault, or stalking;

14           “(2) attorneys sufficient to provide the Direc-  
15           tor, the criminal investigators, and the Director’s  
16           other staff personnel with legal counsel necessary for  
17           the performance of the duties of the Director; and

18           “(3) such other staff as is necessary for the  
19           performance of the Director’s duties.”.

20       (b) CLERICAL AMENDMENT.—The table of sections  
21       at the beginning of chapter 4 of such title is amended by  
22       adding at the end the following new item:

“144. Director of Special Investigations.”.

1 **Subtitle B—Crimes Related to Sex-**  
2 **ual Assault and Domestic Vio-**  
3 **lence**

4 **CHAPTER 1—FEDERAL CRIMINAL CODE**

5 **SEC. 311. ASSIMILATIVE CRIMES.**

6 Section 13 of title 18, United States Code, is amend-  
7 ed by adding at the end the following:

8 “(d) For purposes of subsection (a) of this section,  
9 that which may or shall be imposed through judicial or  
10 administrative action under the law of a State, territory,  
11 possession, or district for conduct that constitutes a sexual  
12 assault, sexual abuse, sexual battery, rape, stalking, do-  
13 mestic violence, or family violence offense of the jurisdic-  
14 tion shall be considered to be punishment provided by the  
15 law of that jurisdiction.”.

16 **SEC. 312. JURISDICTION FOR SEXUAL ASSAULT AND DO-**  
17 **MESTIC VIOLENCE OFFENSES COMMITTED**  
18 **OUTSIDE THE UNITED STATES.**

19 (a) **EXTRATERRITORIAL JURISDICTION.**—Section  
20 3261(a) of title 18, United States Code, is amended by  
21 inserting “or constitutes a sexual assault, sexual mis-  
22 conduct, domestic violence, stalking, or family violence of-  
23 fense” after “year”.

1 (b) DEFINITIONS.—Section 3267 of such title is  
2 amended by adding at the end the following new para-  
3 graphs:

4 “(5) The term ‘domestic violence’ has the  
5 meaning given such term in section 2007(1) of the  
6 Omnibus Crime Control and Safe Streets Act of  
7 1968 (42 U.S.C. 3796gg–2(1)).

8 “(6) The term ‘sexual assault’ has the meaning  
9 given such term in section 2007(6) of the Omnibus  
10 Crime Control and Safe Streets Act of 1968 (42  
11 U.S.C. 3796gg–2(6)).

12 “(7) The term ‘sexual misconduct’ includes—

13 “(A) sexual harassment, entailing any con-  
14 duct involving sexual harassment that in the  
15 case of an employee of the Department of De-  
16 fense or a family member subject to the juris-  
17 diction of the Secretary of Defense or of the  
18 Secretary of a military department, comprises a  
19 violation of a regulation, directive, or guideline  
20 that is applicable to such employee or family  
21 member;

22 “(B) sexual abuse;

23 “(C) sexual assault;

24 “(D) sexual battery; and

25 “(E) rape.

1           “(8) STALKING.—The term ‘stalking’ means  
2           engaging in a course of conduct as proscribed in  
3           chapter 110A directed at a specific person that  
4           would cause a reasonable person to fear death, sex-  
5           ual assault, or bodily injury to himself or herself or  
6           a member of his or her immediate family when—

7                   “(A) the person engaging in such conduct  
8                   has knowledge or should have knowledge that  
9                   the specific person will be placed in reasonable  
10                  fear of death, sexual assault, or bodily injury to  
11                  himself or herself or a member of his or her im-  
12                  mediate family; and

13                  “(B) the conduct induces fear in the spe-  
14                  cific person of death, sexual assault, or bodily  
15                  injury to himself or herself or a member of his  
16                  or her immediate family.”.

17 **SEC. 313. TRAVEL AND TRANSPORTATION.**

18           Section 406(h) of title 37, United States Code, is  
19           amended by striking “only if a written agreement of the  
20           member,”.

**CHAPTER 2—UNIFORM CODE OF  
MILITARY JUSTICE**

**SEC. 316. DOMESTIC VIOLENCE AND FAMILY VIOLENCE.**

(a) ASSAULT.—Section 928(b) of title 10, United States Code (article 128(b) of the Uniform Code of Military Justice), is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by inserting “or” at the end of paragraph (2); and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) commits an assault involving domestic violence or family violence;”.

(b) ASSAULT INVOLVING DOMESTIC VIOLENCE OR FAMILY VIOLENCE DEFINED.—Such section is further amended by adding at the end the following new subsection:

“(c) In this section, the term ‘assault involving domestic violence or family violence’ means—

“(1) an assault—

“(A) with the intent to kill, injure, harass, or intimidate a spouse, intimate partner, or family member, or any other person related by consanguinity or affinity;



1           “(B) in which the accused intentionally in-  
2           flicts bodily harm with or without a weapon  
3           upon a spouse, former spouse, intimate partner,  
4           or family member, or any other person related  
5           by consanguinity or affinity; or

6           “(C) in which the accused places a person  
7           in reasonable fear of imminent bodily injury to  
8           that person or to another person;

9           “(2) a sexual assault; or

10          “(3) any conduct in which the accused—

11               “(A) places a person in reasonable fear of  
12               imminent bodily injury to that person or to an-  
13               other;

14               “(B) harasses or intimidates a spouse, inti-  
15               mate partner, or family member or person re-  
16               lated by consanguinity or affinity, in the course  
17               of or as a result of which the accused commits  
18               a crime of violence against the spouse, intimate  
19               partner, or family member or person related by  
20               consanguinity or affinity; or

21               “(C) uses force, coercion, duress, or fraud  
22               to facilitate, commit, or attempt to commit a  
23               crime of violence against a spouse, former  
24               spouse, intimate partner, or family member.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to offenses committed  
3 after the date of the enactment of this Act.

4 (d) INTERIM MAXIMUM PUNISHMENTS.—Until the  
5 President otherwise provides pursuant to section 856 of  
6 title 10, United States Code (article 56 of the Uniform  
7 Code of Military Justice), the punishment which a court-  
8 martial may direct for an offense under subsection (b)(3)  
9 of section 928 of such title (article 128 of the Uniform  
10 Code of Military Justice) may not exceed the following  
11 limits:

12 (1) For an assault involving domestic violence  
13 or family violence if the death of the victim results,  
14 such punishment may not exceed dishonorable dis-  
15 charge, forfeiture of pay and allowances, and con-  
16 finement for life without eligibility for parole.

17 (2) For an assault involving domestic violence  
18 or family violence if permanent disfigurement or life  
19 threatening bodily injury to the victim results, such  
20 punishment may be twice that as provided including  
21 dishonorable discharge, forfeiture of pay and allow-  
22 ances, and confinement for 30 years.

23 (3) For an assault involving domestic violence  
24 or family violence if serious bodily injury to the vic-  
25 tim results or if the accused uses a dangerous weap-

1 on, such punishment may not exceed dishonorable  
2 discharge, forfeiture of all pay and allowances, and  
3 confinement for 20 years.

4 (4) For an assault involving domestic violence  
5 or family violence, such punishment may not exceed  
6 dishonorable discharge, forfeiture of all pay and al-  
7 lowances, and confinement for 10 years.

8 **SEC. 317. PROTECTIVE ORDERS.**

9 (a) ENFORCEMENT OF PROTECTIVE ORDERS.—Sec-  
10 tion 892 of title 10, United States Code (article 92 of the  
11 Uniform Code of Military Justice), is amended—

12 (1) by inserting “(a)” before “Any person”;

13 (2) by striking “or” at the end of paragraph  
14 (2);

15 (3) by inserting “or” at the end of paragraph  
16 (3);

17 (4) by inserting after paragraph (3) the fol-  
18 lowing new paragraph:

19 “(4) violates or fails to obey a no contact order  
20 or protective order;”; and

21 (5) by adding at the end of such section the fol-  
22 lowing new subsection:

23 “(b) In this section, the term ‘no contact order or  
24 protective order’ includes—

1 “(1) a no contact order issued by a command  
2 or supervisor to a member to safeguard a spouse,  
3 former spouse, intimate partner, or family member  
4 of a member;

5 “(2) a protection order as defined in section  
6 2266(5) of title 18; and

7 “(3) a protective order as defined in section  
8 1561a of this title.”.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply with respect to offenses committed  
11 after the date of the enactment of this Act.

## 12 **Subtitle C—Treatment Services for** 13 **Perpetrators**

### 14 **SEC. 321. ENHANCED CAPACITY OF THE DEPARTMENT OF** 15 **DEFENSE FOR TREATMENT SERVICES FOR** 16 **PERPETRATORS.**

17 (a) CONTRACTS AUTHORIZED.—

18 (1) IN GENERAL.—The Secretary of Defense,  
19 acting through the Undersecretary of Defense for  
20 Personnel and Readiness, may enter into contracts  
21 with eligible entities for the provision of treatment  
22 services, including a batterers program, for members  
23 of the Armed Forces who have been assessed to have  
24 committed domestic violence, family violence, sexual  
25 assault, or stalking.

1 (2) DEFINITIONS.—In this section:

2 (A) ELIGIBLE ENTITIES.—The term “eligi-  
3 ble entity” means a public or private, nonprofit  
4 or nongovernmental entity the primary purpose  
5 of which is to provide treatment services to per-  
6 petrators of domestic violence, family violence,  
7 sexual assault, or stalking.

8 (B) BATTERERS PROGRAM.—The term  
9 “batterers program” means a program ap-  
10 proved or certified by a State that is operated  
11 by a public or not-for-profit organization for the  
12 purpose of providing battering prevention and  
13 educational services and the goal of which is to  
14 help perpetrators end abusive behaviors.

15 (b) TERMS OF CONTRACT.—A contract awarded  
16 under this section shall provide that the entity awarded  
17 the contract—

18 (1) may provide for collaboration with existing  
19 services in the civilian community for the provision  
20 of appropriate treatment services;

21 (2) when appropriate treatment services are not  
22 available in the civilian community or are not acces-  
23 sible, may provide such services on military installa-  
24 tions;

1           (3) shall not, under the contract, provide couple  
2       counseling or mediation, but may provide referrals  
3       for such counseling or mediation upon successful  
4       completion of a certified batterers program and at  
5       the request of the victim.

6       (c) TERMS OF BATTERERS PROGRAM.—The Sec-  
7       retary shall ensure that the batterers program shall have  
8       policies regarding—

9           (1) referrals for those for whom a batterers  
10      program is not appropriate;

11          (2) suicide and homicide threats by clients; and

12          (3) confidentiality, in accordance with stand-  
13      ards prescribed by the Secretary.

14       (d) APPLICATION.—An eligible entity that desires to  
15      receive a contract under this section shall submit to the  
16      Secretary an application at such time, in such manner,  
17      and containing such information as the Secretary may re-  
18      quire, consistent with the requirements specified in this  
19      section.

20       (e) TREATMENT STANDARDS.—The treatment pro-  
21      gram under the batterers program must meet the fol-  
22      lowing standards:

23          (1) All treatment shall be based upon a full,  
24      complete clinical assessment, including—

1 (A) current and past violence history relat-  
2 ing to domestic violence, family violence, sexual  
3 assault, or stalking;

4 (B) a complete diagnostic evaluation;

5 (C) a substance abuse assessment; and

6 (D) criminal history.

7 (2) All treatment shall be based on a treatment  
8 plan that adequately and appropriately addresses  
9 treatment needs of the individual.

10 (3) The program shall require the perpetrator  
11 to review the following notices:

12 (A) A notice that the program will inform  
13 the victim and victims' advocate that the perpe-  
14 trator is in treatment.

15 (B) A notice that prior and current treat-  
16 ment agencies will provide information on the  
17 perpetrator to the program.

18 (C) A notice that the program will provide  
19 relevant information on the perpetrator to rel-  
20 evant legal and military entities.

21 (4) Treatment of a perpetrator must be for a  
22 minimum treatment period established by the Sec-  
23 retary by regulation.

24 (5) Satisfactory completion of treatment must  
25 be contingent upon the perpetrator meeting specific

1 criteria, defined by the Secretary, and not just upon  
2 the end of a certain period of time or attendance of  
3 the perpetrator at a certain number of sessions.

4 (6) The program shall have a policy and proce-  
5 dures for dealing with recidivism.

6 (7) The program shall have a policy and proce-  
7 dures for dealing with noncompliance.

8 (8) All evaluation and treatment services shall  
9 be provided by, and under the supervision of, quali-  
10 fied personnel.

11 (f) DURATION OF CONTRACTS.—A contract awarded  
12 under this section shall be for a period of three fiscal  
13 years. Such a contract may be renewed.

14 (g) REPORTS.—An entity awarded a contract under  
15 this section shall submit to the Secretary every six months  
16 a report that describes, at a minimum—

17 (1) how the funds under the contract were  
18 used;

19 (2) the extent to which military personnel were  
20 served;

21 (3) the adequacy of staff training and services;

22 (4) the existence of barriers to the provision of  
23 services;

24 (5) pertinent and appropriate factors con-  
25 cerning perpetrators in the program, including age,



1 education, income, marital status, number of chil-  
2 dren and their ages, any substance abuse, and per-  
3 sonal history of family violence;

4 (6) the total number of persons referred to the  
5 program, and the referral source;

6 (7) total number of persons determined to be  
7 inappropriate for services and reasons therefor; and

8 (8) the number of persons participating in the  
9 program, the number completing the program, the  
10 number failing to complete the program, and rea-  
11 sons therefor.

12 **TITLE IV—COUNSELING AND**  
13 **TREATMENT PROGRAMS OF**  
14 **DEPARTMENT OF VETERANS**  
15 **AFFAIRS**

16 **SEC. 401. RESEARCH ON BEST PRACTICES TO OVERCOME**  
17 **STIGMA RELATED TO MILITARY SEXUAL**  
18 **TRAUMA.**

19 It is the sense of Congress that the Secretary of Vet-  
20 erans Affairs, in cooperation with Secretary of Defense,  
21 should conduct research into best practices that allow vet-  
22 erans who have been victims of sexual assault while in the  
23 Armed Forces to overcome stigma in order to report the  
24 crime, seek treatment, and recover.

1 **SEC. 402. TRAINING FOR DEPARTMENT OF VETERANS AF-**  
2 **FAIRS PRIMARY CARE PROVIDERS.**

3 (a) TRAINING REQUIRED.—The Secretary of Vet-  
4 erans Affairs shall ensure that all primary care providers  
5 who are employed by the Department of Veterans Affairs  
6 (or who treat veterans for the Department on a fee or  
7 contract basis) receive training in (1) effective screening  
8 methods for identifying veterans who have suffered from  
9 military sexual trauma, and (2) the process for referring  
10 for appropriate treatment and services veterans who are  
11 so identified. For those providers who are so employed as  
12 of the date of the enactment of this Act and who have  
13 not previously received such training, such training shall  
14 be completed not later than the end of the one-year period  
15 beginning on the date of the enactment of this Act.

16 (b) ELEMENTS OF TRAINING.—The training under  
17 subsection (a) shall require that all primary care providers  
18 to be able to do the following:

19 (1) Describe the Department of Veterans Af-  
20 fairs mandate and the prevalence of military sexual  
21 trauma.

22 (2) Describe the relevance of military sexual  
23 trauma to Department of Veterans Affairs clini-  
24 cians.

25 (3) Identify the health correlates of sexual trau-  
26 ma.

1           (4) Explain the effective screening methods for  
2 military sexual trauma.

3           (5) List the steps to be taken by a clinician  
4 when responding to disclosure of military sexual  
5 trauma.

6           (6) Explain the referral process of a patient  
7 who experienced military sexual trauma to mental  
8 health and social services.

9           (7) Describe the mental health treatment for  
10 military sexual trauma.

11           (8) Describe the documentation requirements  
12 for military sexual trauma treatment and compensa-  
13 tion.

14           (9) Explain the compensation issues associated  
15 with military sexual trauma.

16           (10) Describe the complex patient-provider rela-  
17 tionship issues associated with military sexual trau-  
18 ma.

19           (11) Identify the risk factors that could cause  
20 post-traumatic stress disorder flares in military sex-  
21 ual trauma survivors.

22           (12) Define revictimization.

23           (13) Assess intimate partner violence.

24           (14) Describe treatment of acute sexual trauma  
25 victims.

1           (15) Recognize how clinicians can care for  
2           themselves and avoid burnout.

3 **SEC. 403. PILOT PROGRAM ON WAYS TO IDENTIFY VET-**  
4 **ERANS WHO ARE VICTIMS OF MILITARY SEX-**  
5 **UAL TRAUMA.**

6           (a) PILOT PROGRAM.—The Secretary of Veterans Af-  
7 fairs shall conduct a pilot program to identify effective  
8 ways of screening and referral processes for primary care  
9 providers to identify veterans who are victims of military  
10 sexual trauma.

11          (b) DURATION.—The pilot program under this sec-  
12 tion shall be commenced not later than six months after  
13 the date of the enactment of this Act and shall be con-  
14 ducted for a period of three years.

15          (c) REPORT.—Not later than one year after the date  
16 of the completion of the pilot program under this section,  
17 the Secretary shall submit to the Committees on Armed  
18 Services and on Veterans' Affairs of the Senate and House  
19 of Representatives a report on the Secretary's evaluation  
20 of the pilot program.

1 **SEC. 404. PILOT PROGRAM ON TREATMENT OF ACTIVE-**  
2 **DUTY MILITARY PERSONNEL THROUGH FA-**  
3 **CILITIES OF THE DEPARTMENT OF VET-**  
4 **ERANS AFFAIRS.**

5 (a) **PILOT PROGRAM.**—The Secretary of Veterans Af-  
6 fairs shall conduct a pilot program with the Secretary of  
7 Defense under which active-duty military personnel who  
8 are victims of military sexual trauma may be provided con-  
9 fidential treatment for such trauma through facilities of  
10 the Department of Veterans Affairs. The pilot program  
11 shall be carried out pursuant to a memorandum of agree-  
12 ment between the two Secretaries.

13 (b) **DURATION.**—The pilot program under this sec-  
14 tion shall be commenced not later than six months after  
15 the date of the enactment of this Act and shall be con-  
16 ducted for a period of three years.

17 (c) **REPORT.**—Not later than one year after the date  
18 of the completion of the pilot program under this section,  
19 the Secretary of Veterans Affairs shall submit to the Com-  
20 mittees on Armed Services and on Veterans' Affairs of the  
21 Senate and House of Representatives a report on the Sec-  
22 retary's evaluation of the pilot program.

1       **TITLE V—OTHER MATTERS**  
 2       **Subtitle A—Administration Matters**

3       **SEC. 501. PERFORMANCE EVALUATIONS AND BENEFITS.**

4       The Secretary of Defense and the Secretary of the  
 5       military department concerned may not approve for pres-  
 6       entation of a financial award for performance of work or  
 7       duties, and may not approve for promotion, an officer or  
 8       employee of the Department of Defense or a member of  
 9       the Armed Forces who—

10               (1) has been convicted of a criminal offense in-  
 11               volving domestic violence, family violence, sexual as-  
 12               sault, or stalking; or

13               (2) has received any other disciplinary action or  
 14               adverse personnel action on the basis of having en-  
 15               gaged in domestic violence, family violence, sexual  
 16               assault, or stalking.

17       **SEC. 502. CLOSURE OF ARTICLE 32 INVESTIGATIONS IN**  
 18                       **CASES OF SEXUAL ASSAULT OR DOMESTIC VI-**  
 19                       **OLENCE.**

20       Section 832 of title 10, United States Code (article  
 21       32 of the Uniform Code of Military Justice), is amended  
 22       by adding at the end the following new subsection:

23               “(f) In an investigation under this article that in-  
 24       cludes a charge or specification (or an uncharged offense  
 25       included in the investigation pursuant to subsection (d))

1 of sexual assault or domestic violence, the investigating  
 2 officer shall give particular consideration to closing the in-  
 3 vestigation to the public.”.

## 4 **Subtitle B—Enhancement of Armed** 5 **Forces Domestic Security Act**

### 6 **SEC. 511. AMENDMENTS TO SERVICEMEMBERS CIVIL RE-** 7 **LIEF ACT.**

8 (a) EXCEPTION TO AUTHORITY TO ORDER STAYS IN  
 9 CIVIL PROCEEDINGS.—Section 202(b)(1) of the  
 10 Servicemembers Civil Relief Act (50 U.S.C. App.  
 11 522(b)(1)) is amended by inserting “, except in the case  
 12 of an order of protection or restraining order,” after “pro-  
 13 ceeding”.

14 (b) CHANGE IN REFERENCES FROM “DEPENDENTS”  
 15 TO “FAMILY MEMBERS”.—

16 (1) Section 101(4) of such Act (50 U.S.C. App.  
 17 511(4)) is amended—

18 (A) in the heading, by striking “DEPEND-  
 19 ENT” and inserting “FAMILY MEMBER”; and

20 (B) by striking “dependent” and inserting  
 21 “family member”.

22 (2) Such Act is further amended by by striking  
 23 “dependent” and “dependents” each place they ap-  
 24 pear and inserting “family member” and “family  
 25 members”, respectively.

1           (3)(A) The heading for section 308 of such Act  
2           (50 U.S.C. App. 538) is amended to read as follows:

3   **“§ 308. Extension of protections to family members.”.**

4           (B) The item relating to such section in the  
5           table of contents in section 1(b) of such Act (50  
6           U.S.C. App. 501(b)) is amended to conform to the  
7           amendment made by subparagraph (A).

8   **Subtitle C—Research on Preva-**  
9   **lence, Needs Assessment, Serv-**  
10   **ices, and Accountability**

11   **SEC. 521. RESEARCH ON SEXUAL ASSAULT, DOMESTIC VIO-**  
12           **LENCE, AND FAMILY VIOLENCE IN THE**  
13           **ARMED FORCES.**

14           (a) IN GENERAL.—The Secretary of Defense, in con-  
15           junction with the Attorney General, shall carry out a com-  
16           prehensive research study on the prevalence and nature  
17           of sexual assault, domestic violence, and family violence  
18           in the Armed Forces. To the extent that incidents of sex-  
19           ual assault are also incidents of domestic violence or fam-  
20           ily violence, research activities for the purpose of the study  
21           under this section can be conducted simultaneously and  
22           in collaboration. The research study shall include the iden-  
23           tification of—



1           (1) the common characteristics (if any) of vic-  
2           tims of sexual assault, domestic violence, and family  
3           violence;

4           (2) the common characteristics (if any) of per-  
5           petrators of sexual assault, domestic violence, and  
6           family violence;

7           (3) the situations and environments in which  
8           sexual assault, domestic violence, and family violence  
9           occur; and

10          (4) the affect of deployments, duty stations,  
11          combat service, and veteran and active duty status  
12          on sexual assault, domestic violence, and family vio-  
13          lence.

14          (b) CATEGORIZATION OF DATA.—The research study  
15          under this section shall be conducted with statistically sig-  
16          nificant random samples of men and women who are ac-  
17          tively serving in each of the Armed Forces. The selection  
18          shall include enough men and women so that the data col-  
19          lected are representative of men and women in each  
20          branch and comparisons can be made across several broad  
21          subgroup categories, such as age, race, rank, and length  
22          of service in the Armed Forces.

23          (c) PROTECTION OF HUMAN SUBJECTS.—The Sec-  
24          retary shall ensure the confidentiality of each survey par-  
25          ticipant.

1       (d) DATA ANALYSIS AND REPORTING.—Once data  
2 have been collected, the Secretary shall conduct appro-  
3 priate analyses to determine the extent and nature of sex-  
4 ual assault, family violence, and domestic violence within  
5 the Armed Forces.

6       (e) REPORT.—Not later than 36 months after the  
7 date of the enactment of this Act, the Secretary shall sub-  
8 mit to Congress a report providing the results of the study  
9 under this section. The report shall include the following:

10           (1) The incidence and prevalence of sexual as-  
11 sault, family violence, and domestic violence involv-  
12 ing members of the Armed Forces.

13           (2) The number of legal, judicial, nonjudicial,  
14 and rehabilitative responses to sexual assault and  
15 domestic violence, disaggregated by service.

16           (3) The extent to which such responses are ef-  
17 fective at ensuring victim safety, requiring offender  
18 accountability, and imposing sanctions on the of-  
19 fender.

20           (4) A review of the availability and accessibility  
21 of the prevention and intervention programs avail-  
22 able to members of the Armed Forces and their fam-  
23 ilies and partners and the effectiveness of those pro-  
24 grams at increasing victim safety.

1           (5) Recommendations for improvements to De-  
2       partment of Defense procedures and programs to  
3       prevent and intervene in cases of sexual assault,  
4       family violence, and domestic violence involving  
5       members of the Armed Forces.

6   **SEC. 522. RESEARCH ON INSTITUTIONAL PROCEDURES FOR**  
7                   **REPORTING SEXUAL ASSAULT, DOMESTIC VI-**  
8                   **OLENCE, AND FAMILY VIOLENCE IN THE**  
9                   **ARMED FORCES.**

10       (a) **STUDY REQUIRED.**—The Secretary of Defense  
11   shall provide for a study to examine procedures under-  
12   taken after a military official receives a report of an inci-  
13   dent of sexual assault, domestic violence, or family vio-  
14   lence. The study shall be undertaken in consultation with  
15   the Attorney General.

16       (b) **MATTERS TO BE INCLUDED.**—The study under  
17   subsection (a) shall include an analysis of the following:

18           (1) The adequacy of the publication of the defi-  
19       nition applicable to the Armed Forces of each of the  
20       following terms: sexual assault, domestic violence,  
21       and family violence.

22           (2) The publication of the Armed Forces policy  
23       for sexual assault, domestic violence, and family vio-  
24       lence.

1           (3) The individuals to whom reports of sexual  
2 assault, domestic violence, and family violence are  
3 given most often and—

4               (A) how those individuals are trained to re-  
5 spond to such reports; and

6               (B) the extent to which those individuals  
7 are trained.

8           (4) The reporting options that are presented to  
9 persons as available to them if they become a victim  
10 of sexual assault, domestic violence, and family vio-  
11 lence, both as to—

12               (A) reporting and procedure options on  
13 military installation; and

14               (B) reporting and procedure options out-  
15 side of military installations.

16           (5) The resources available for victims' safety,  
17 support, medical health, and confidentiality.

18           (6) Policies and practices that may prevent or  
19 discourage the report of sexual assaults, domestic vi-  
20 olence, and family violence to local crime authorities  
21 or that may otherwise obstruct justice or interfere  
22 with the prosecution of perpetrators of sexual as-  
23 sault, domestic violence, and family violence.

24           (7) Policies and procedures found successful in  
25 aiding the report, and any ensuing investigation or

1 prosecution, of sexual assault, domestic violence, or  
2 family violence.

3 (c) REPORT TO CONGRESS.—The Secretary shall  
4 submit to Congress a report on the study required by sub-  
5 section (a) not later than one year after the date of the  
6 enactment of this Act.

7 **SEC. 523. RESEARCH ON DATING VIOLENCE ASSOCIATED**  
8 **WITH THE ARMED FORCES.**

9 (a) STUDY REQUIRED.—The Secretary of Defense  
10 shall carry out a comprehensive research study on the  
11 prevalence and nature of intimate partner violence in the  
12 Armed Forces, including dating violence and violence  
13 among former spouses or partners who are cohabiting with  
14 or have cohabited with members of the Armed Forces. The  
15 study shall be carried out in cooperation with the Attorney  
16 General.

17 (b) MATTERS TO BE INCLUDED.—The study under  
18 subsection (a) shall include the identification of the com-  
19 mon characteristics of—

20 (1) both victims of intimate partner violence  
21 and perpetrators of intimate partner violence;

22 (2) the situations and environments in which  
23 intimate partner violence occurs; and

1           (3) the effect of deployments, duty stations,  
2       combat service, and veteran, reserve or active duty,  
3       or combat status.

4       (c) CATEGORIZATION OF DATA.—The study under  
5       subsection (a) shall be conducted with statistically signifi-  
6       cant random samples of men and women who are actively  
7       serving in each branch of the Armed Forces and family  
8       members. The selection shall include enough men and  
9       women so the data that are collected are representative  
10      of men and women in each branch and comparisons can  
11      be made across several broad subgroup categories, such  
12      as age, race, rank, and length of service in the Armed  
13      Forces.

14      (d) CONFIDENTIALITY OF SUBJECTS.—The Sec-  
15      retary shall ensure the confidentiality of each survey par-  
16      ticipant.

17      (e) DATA ANALYSIS AND REPORTING.—Once data  
18      have been collected, the Secretary shall conduct appro-  
19      priate analyses to determine the extent and nature of inti-  
20      mate violence within the Armed Forces, prevention, inter-  
21      vention and response, and needs of victims of intimate  
22      partner violence.

23      (f) REPORT.—Not later than 36 months after the  
24      date of the enactment of this Act, the Secretary shall sub-

1 mit to Congress a report providing the results of the study  
2 under this section. The report shall include the following:

3 (1) The incidence and prevalence of intimate  
4 partner violence involving members of the Armed  
5 Forces.

6 (2) A discussion of the prevention and interven-  
7 tion available to intimate partners of members of the  
8 Armed Forces.

9 (3) A discussion of the legal, judicial, non-  
10 judicial, and rehabilitative responses to intimate  
11 partner violence and how those responses vary  
12 across the services.

13 (4) The extent to which such responses are ef-  
14 fective at ensuring victim safety, requiring offender  
15 accountability, and imposing sanctions on the of-  
16 fender.

17 (5) A review of the availability and accessibility  
18 of the prevention and intervention programs avail-  
19 able to victims who are members on active duty and  
20 victims who are civilians and the effectiveness of  
21 those programs at increasing victim safety.

22 (6) Recommendations for improvements to De-  
23 partment of Defense procedures and programs to  
24 prevent and intervene in cases of intimate partner  
25 violence.

1 **SEC. 524. RESEARCH ON CHILD MALTREATMENT, ABUSE,**  
2 **AND HOMICIDE IN THE ARMED FORCES.**

3 (a) **STUDY REQUIRED.**—The Secretary of Defense  
4 shall carry out a comprehensive research study on the  
5 prevalence and nature of child maltreatment, abuse, sui-  
6 cide, and homicide in the Armed Forces. The study shall  
7 be carried out in cooperation with the Secretary of Health  
8 and Human Services. The study shall include the identi-  
9 fication of the common characteristics of—

10 (1) both victims and perpetrators of child mal-  
11 treatment, abuse, or homicide associated with the  
12 Armed Forces; and

13 (2) the situations and environments in which  
14 child maltreatment, abuse, suicide, or homicide oc-  
15 curs.

16 (b) **SAMPLING TECHNIQUES.**—The research study  
17 under subsection (a) shall be conducted with statistically  
18 significant random samples. The selection shall include  
19 data collected across several broad subgroup categories,  
20 such as age, race, status, and rank in the Armed Forces.

21 (c) **CONFIDENTIALITY.**—The Secretary shall ensure  
22 the confidentiality of each survey participant.

23 (d) **DATA ANALYSIS AND REPORTING.**—Once data  
24 have been collected, the Secretary shall conduct appro-  
25 priate analyses to determine the extent and nature of child



1 maltreatment, abuse, suicide, and homicide within the  
2 Armed Forces.

3 (e) REPORT.—Not later than 24 months after the  
4 date of the enactment of this Act, the Secretary shall sub-  
5 mit to Congress a report providing the results of the study  
6 under this section. The report shall include the following:

7 (1) The incidence and prevalence of child mal-  
8 treatment, abuse, suicide, and homicide involving  
9 members of the Armed Forces.

10 (2) A discussion of the legal, judicial, non-  
11 judicial, and rehabilitative responses to child mal-  
12 treatment, abuse, suicide, and homicide and how  
13 those responses vary across the services.

14 (3) The extent to which such responses are ef-  
15 fective at ensuring victim safety, requiring offender  
16 accountability, and imposing sanctions on the of-  
17 fender.

18 (4) A review of the availability, accessibility,  
19 and effectiveness at increasing victim safety within  
20 the existing prevention and intervention programs  
21 available to victims of child maltreatment, abuse,  
22 suicide, and homicide within the Armed Forces.

- 1           (5) Recommendations for a comprehensive
- 2       strategy for prevention and intervention in cases of
- 3       child maltreatment, abuse, suicide, and homicide.

