

111TH CONGRESS  
2D SESSION

# H. R. 5197

To implement recommendations of the Defense Task Force on Sexual Assault  
in the Military Services.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2010

Ms. TSONGAS (for herself, Mr. TURNER, Ms. SHEA-PORTER, Mrs. MCMORRIS  
RODGERS, Ms. GIFFORDS, Ms. DELAURO, Ms. HARMAN, Mr. WALZ, Mr.  
MCGOVERN, Mrs. CAPPS, and Mr. CLEAVER) introduced the following  
bill; which was referred to the Committee on Armed Services

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## A BILL

To implement recommendations of the Defense Task Force  
on Sexual Assault in the Military Services.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Defense Sexual Trau-  
5       ma Response Oversight and Good Governance Act” (the  
6       “Defense STRONG Act”).

1 **SEC. 2. SEXUAL ASSAULT PREVENTION AND RESPONSE OF-**  
2 **FICE.**

3 (a) APPOINTMENT OF DIRECTOR; DUTIES.—Chapter  
4 3 of title 10, United States Code, is amended by inserting  
5 after section 136a the following new section:

6 **“§ 136b. Director of Sexual Assault Prevention and**  
7 **Response Office**

8 “(a) APPOINTMENT.—There is a Director of the Sex-  
9 ual Assault Prevention and Response Office who shall be  
10 a general or flag officer or an employee of the Department  
11 of Defense in a comparable Senior Executive Service posi-  
12 tion.

13 “(b) DUTIES.—The Director of the Sexual Assault  
14 Prevention and Response Office serves as the Depart-  
15 ment’s single point of authority, accountability, and over-  
16 sight for Department policy regarding prevention and re-  
17 sponse to sexual assault and provides oversight to ensure  
18 that the sexual assault programs of the military depart-  
19 ments comply with Department policy.

20 “(c) STANDARDIZATION.—The Secretary of Defense  
21 shall require the use of consistent sexual assault preven-  
22 tion and response terminology, position descriptions, min-  
23 imum program standards, and organizational structures  
24 throughout the armed forces.”.

25 (b) CLERICAL AMENDMENT.—The table of sections  
26 at the beginning of such chapter is amended by inserting

1 after the item relating to section 136a the following new  
 2 item:

“136b. Director of Sexual Assault Prevention and Response Office.”.

3 **SEC. 3. SEXUAL ASSAULT RESPONSE COORDINATORS AND**  
 4 **SEXUAL ASSAULT VICTIM ADVOCATES.**

5 (a) ASSIGNMENT AND TRAINING.—Chapter 80 of  
 6 title 10, United States Code, is amended by adding at the  
 7 end the following new section:

8 **“§ 1568. Sexual assault prevention and response: Sex-**  
 9 **ual Assault Response Coordinators and**  
 10 **Victim Advocates**

11 “(a) ASSIGNMENT OF COORDINATORS.—(1) At least  
 12 one full-time Sexual Assault Response Coordinator shall  
 13 be assigned at the brigade or equivalent or higher unit  
 14 level. The Secretary concerned may assign additional Sex-  
 15 ual Assault Response Coordinators as necessary based on  
 16 the demographics or needs of the unit. Any additional Sex-  
 17 ual Assault Response Coordinator for a unit shall also  
 18 serve on a full-time basis.

19 “(2) To ensure access to members of the Armed  
 20 Forces in response to a report of a sexual assault involving  
 21 a member, only members of the Armed Forces and civilian  
 22 employees of the Department of Defense may be assigned  
 23 to duty as a Sexual Assault Response Coordinator. Con-  
 24 tractor employees may not serve as a Sexual Assault Re-

1 sponse Coordinator, except on a temporary, emergency  
2 basis.

3 “(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At  
4 least one full-time Sexual Assault Victim Advocate shall  
5 be assigned to each battalion or equivalent unit. The Sec-  
6 retary concerned may assign additional Victim Advocates  
7 as necessary based on the demographics or needs of the  
8 unit. The additional Victim Advocates may serve on a full-  
9 time or part-time basis at the discretion of the Secretary.

10 “(2) Only members of the armed forces and civilian  
11 employees of the Department of Defense may be assigned  
12 to duty as a Victim Advocate. Contractor employees may  
13 not serve as a Victim Advocate, except on a temporary,  
14 emergency basis.

15 “(c) TRAINING AND CERTIFICATION.—(1) The Sec-  
16 retary of Defense shall establish a professional and uni-  
17 form training and certification program for Sexual Assault  
18 Response Coordinators and Victim Advocates. In devel-  
19 oping the program, the Secretary of Defense shall work  
20 with the National Organization for Victim Advocates. The  
21 program shall be structured and administered in a manner  
22 similar to the professional training available for Equal Op-  
23 portunity Advisors through the Defense Equal Oppor-  
24 tunity Management Institute.

1       “(2) Effective beginning one year after the date of  
2 the enactment of this section, before a member or civilian  
3 employee may be assigned to duty as a Sexual Assault  
4 Response Coordinator, the member or employee must have  
5 completed the training program required by paragraph (1)  
6 and obtained the certification.

7       “(3) A member or civilian employee assigned to duty  
8 as a Victim Advocate may obtain certification under the  
9 training program required by paragraph (1). At a min-  
10 imum, the Sexual Assault Response Coordinator to whom  
11 a Victim Advocate reports shall train the Victim Advocate  
12 using the same training materials used to train the Sexual  
13 Assault Response Coordinator under the program.

14       “(d) PERFORMANCE EVALUATIONS.—Performance  
15 evaluation reports pertaining to a member of the Armed  
16 Forces assigned to serve as a Sexual Assault Response Co-  
17 ordinator or Victim Advocate shall comment on the per-  
18 formance of the member in the position.”.

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

“1568. Sexual assault prevention and response: Sexual Assault Response Coordi-  
nators and Victim Advocates.”.

1 **SEC. 4. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL**  
2 **COUNSEL AND VICTIM ADVOCATE SERVICES.**

3 (a) ACCESS.—Chapter 53 of title 10, United States  
4 Code, is amended by inserting after section 1044d the fol-  
5 lowing new section:

6 **“§ 1044e. Access to legal assistance and Victim Advo-**  
7 **cate services for victims of sexual assault**

8 “(a) ACCESS.—A member of the Armed Forces or a  
9 dependent of a member of the Armed Forces who is the  
10 victim of a sexual assault is entitled to legal assistance  
11 provided by a military legal assistance counsel and Victim  
12 Advocate services, regardless of whether the member or  
13 dependent elects unrestricted or restricted (confidential)  
14 reporting of the sexual assault.

15 “(b) RESTRICTED REPORTING OPTION.—(1) A mem-  
16 ber or dependent referred to in subsection (a) may con-  
17 fidentially disclose the details of the assault to an indi-  
18 vidual specified in paragraph (2) and receive medical  
19 treatment, legal assistance, or counseling, without trig-  
20 gering an official investigation of the allegations.

21 “(2) Individuals covered by paragraph (1) are the fol-  
22 lowing:

23 “(A) Military legal assistance counsel.

24 “(B) Sexual Assault Response Coordinator.

25 “(C) Victim Advocate.

26 “(D) Healthcare personnel.

1           “(E) Chaplain.

2           “(c) PRIVILEGED COMMUNICATIONS.—(1) Commu-  
3 nications between a member or dependent referred to in  
4 subsection (a) and a Victim Advocate, and records of such  
5 communications created by or for the Department of De-  
6 fense, are confidential and privileged. Such communica-  
7 tions and records may not be disclosed to any person or  
8 entity without the consent of the member or dependent  
9 involved.

10          “(2) No part of any communication or record referred  
11 to in paragraph (1) may be subject to discovery or admit-  
12 ted into evidence in any judicial or administrative pro-  
13 ceeding without the consent of the member or dependent  
14 involved.

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

16               “(1) The term ‘sexual assault’ means any of the  
17 offenses covered by section 920 of this title (article  
18 120).

19               “(2) The term ‘military legal assistance counsel’  
20 means—

21                       “(A) a judge advocate (as defined in sec-  
22 tion 801(13) of this title); or

23                       “(B) a civilian attorney serving as a legal  
24 assistance officer under the provisions of sec-  
25 tion 1044 of this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by inserting  
 3 after the item relating to section 1044d the following new  
 4 item:

“1044e. Access to legal assistance and Victim Advocate services for victims of  
 sexual assault.”.

5 (c) CONFORMING AMENDMENT REGARDING PROVI-  
 6 SION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of  
 7 such title is amended by striking “sections 1044a, 1044b,  
 8 1044c, and 1044d” and inserting “sections 1044a through  
 9 1044e”.

10 **SEC. 5. INCLUSION OF SEXUAL ASSAULT PREVENTION AND**  
 11 **RESPONSE TRAINING MODULE AT EACH**  
 12 **LEVEL OF PROFESSIONAL MILITARY EDU-**  
 13 **CATION.**

14 The Secretary of Defense shall provide for the inclu-  
 15 sion of a sexual assault prevention and response training  
 16 module at each level of professional military education.  
 17 The training shall be tailored to the new responsibilities  
 18 and leadership requirements of members of the Armed  
 19 Forces as they are promoted.

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