

111TH CONGRESS  
1ST SESSION

# H. R. 840

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.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2009

Ms. SLAUGHTER (for herself, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. COSTA, Mr. CUMMINGS, Ms. EDWARDS of Maryland, Ms. DELAURO, Mr. FARR, Mr. GRIJALVA, Mr. HOLT, Ms. LEE of California, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MICHAUD, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, and Mr. STARK) 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

---

## 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.

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. Sexual Assault and Domestic Violence Conference.

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 Jus-  
tice.

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. Travel and transportation of household effects or motor vehicle in response to dependent abuse.
- Sec. 237. 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.

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.
- Sec. 322. Sex offender treatment program.

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 Servicemembers Civil Relief 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) DATING VIOLENCE.—The term ‘dating vio-

6 lence’ means violence committed by a person who is

7 or has been in a social relationship of a romantic or

8 intimate nature with the victim.

9 “(2) DOMESTIC VIOLENCE.—The term ‘domes-

10 tic violence’ has the meaning given that term in sec-

11 tion 40002(a)(6) of the Violence Against Women

12 Act of 1994 (42 U.S.C. 13925(a)(6)).

13 “(3) FAMILY VIOLENCE.—The term ‘family vio-

14 lence’ has the meaning given that term in section

15 320(1) of the Family Violence Prevention and Serv-

16 ices Act (42 U.S.C. 10421(1)).

17 “(4) SEXUAL ASSAULT.—The term ‘sexual as-

18 sault’ has the meaning given that term in section

19 40002(a)(23) of the Violence Against Women Act of

20 1994 (42 U.S.C. 13925(a)(23)).

21 “(5) SEXUAL HARASSMENT.—The term ‘sexual

22 harassment’ means any conduct involving sexual

23 harassment that—

24 “(A) in the case of conduct of a person

25 who is subject to the provisions of chapter 47

26 of this title (the Uniform Code of Military Jus-

1           tice), comprises a violation of a provision of  
2           subchapter X of such chapter (relating to puni-  
3           tive articles of such Code) or an applicable reg-  
4           ulation, directive, or guideline regarding sexual  
5           harassment that is prescribed by the Secretary  
6           of Defense or the Secretary of a military de-  
7           partment; and

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

15          “(6) SEXUAL VIOLENCE.—The term ‘sexual vio-  
16          lence’ means any of the following:

17                 “(A) Sexual abuse.

18                 “(B) Sexual assault.

19                 “(C) Sexual battery.

20                 “(D) Rape.

21          “(7) STALKING.—The term ‘stalking’ has the  
22          meaning given that term in section 40002(a)(24) of  
23          the Violence Against Women Act of 1994 (42 U.S.C.  
24          13925(a)(24)).

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

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

7               “(A) by or upon a member of the armed  
8       forces;

9               “(B) by or upon a family member of a  
10       member of the armed forces;

11              “(C) by or upon a person who shares a  
12       child in common with a member of the armed  
13       forces;

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

17              “(E) by or upon a person similarly situ-  
18       ated to a spouse of a member of the armed  
19       forces; or

20              “(F) by or upon any other person who is  
21       protected from the acts of a member of the  
22       Armed Forces or an officer or employee of the  
23       Department of Defense in the official capacity  
24       of that member, officer, or employee.

1           “(2) REPRESENTATIVE OF THE VICTIM.—The  
2           term ‘representative of the victim’ means, with re-  
3           spect to a victim who is deceased, the person who is  
4           listed first among the following (other than a person  
5           who is considered a perpetrator with respect to the  
6           victim):

7                     “(A) The surviving spouse.

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

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

11                    “(D) A surviving adult relative.

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

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

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

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

21                    “(C) A person who is cohabiting with or  
22           has cohabited as a spouse by regularly residing  
23           in the household.

24                    “(D) A person similarly situated to a  
25           spouse.



1 “(E) A former spouse.

2 “(c) DEFINITIONS RELATING TO PROGRAMS AND OR-  
3 GANIZATIONS.—The following definitions apply in this  
4 title:

5 “(1) VICTIMS’ ADVOCATES PROGRAM.—The  
6 term ‘victims’ advocates program’ means a program  
7 established within a military department pursuant to  
8 section 1814(a) of this title.

9 “(2) FAMILY ADVOCACY PROGRAM.—The term  
10 ‘family advocacy program’ has the meaning provided  
11 in Department of Defense Directive 6400.1, issued  
12 by the Office of Family Policy of the Department of  
13 Defense.

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

20 “(d) OTHER.—The following definitions apply in this  
21 title:

22 “(1) PERSONALLY IDENTIFYING INFORMA-  
23 TION.—The term ‘personally identifying information’  
24 has the meaning given that term in section 1816(b)  
25 of this title.

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

4           “(3) TRANSITIONAL HOUSING.—The term  
5       ‘transitional housing’ has the meaning given that  
6       term in section 424(b) of the McKinney-Vento  
7       Homeless Assistance Act (42 U.S.C. 11384(b)), ex-  
8       cept that the term includes short-term housing.

9           “(4) COMPLAINT.—The term ‘complaint’, with  
10      respect to an allegation of family violence, sexual as-  
11      sault, stalking, or domestic violence, includes a re-  
12      port of such allegation.

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

19          “(e) PROOF OF RELATIONSHIP.—For purposes of ap-  
20      plying the definitions in subsection (a)(1) (relating to dat-  
21      ing violence) and subsection (b)(3) (relating to partner),  
22      the existence of a relationship as described in that sub-  
23      section shall be determined based on a consideration of—

24              “(1) the length of the relationship;

25              “(2) the type of relationship; and

1 “(3) the frequency of interaction between the  
2 persons involved in the relationship.”.

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

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

6 **Subtitle B—Office of Victims’ Advo-**  
7 **cate and Department of Defense**  
8 **Interdisciplinary Council**

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

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

13 **“CHAPTER 90—OFFICE OF THE VICTIMS’**  
14 **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 prevention  
of and response to domestic violence, family violence, sexual as-  
sault 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.

1   **“§ 1811. Office of the Victims’ Advocate: establish-**  
2                           **ment; Director**

3           “(a) ESTABLISHMENT.—There is in the Office of the  
4 Secretary of Defense an Office of the Victims’ Advocate  
5 (hereinafter in this chapter referred to as the ‘Office’).

6           “(b) DIRECTOR.—(1) The head of the Office is a Di-  
7 rector, who shall be a person with knowledge of victims’  
8 rights, advocacy, social services, and Federal, State, and  
9 military systems. The Director shall oversee the victims’  
10 advocate programs and the family advocacy programs of  
11 the Department of Defense.

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

17           “(3) The position of Director is a Senior Executive  
18 Service position. The Secretary of Defense shall designate  
19 the position as a career reserved position under section  
20 3132(b) of title 5.

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

24           “(c) VICTIMS’ ADVOCATES.—(1) Victims’ advocates  
25 shall be assigned to, employed by, or contracted for by  
26 the Director and shall be assigned to the Director.

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

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

9 **“§ 1812. Office of the Victims’ Advocate: responsibil-**  
 10 **ities**

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

14 “(2) The Office shall provide for victim advocates in  
 15 the Department of Defense for purposes of victims’ advo-  
 16 cates programs of the Department. Victims’ advocates  
 17 may be Department of Defense employees or contractor  
 18 employees. The Director shall ensure that victim advocates  
 19 receive or have received specialized training in the coun-  
 20 seling and support of victims.

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

1           “(1) must have a degree in counseling or a re-  
2           lated field or have one year of counseling experience,  
3           at least six months of which must have been in the  
4           counseling of sexual assault or domestic violence vic-  
5           tims; and

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

9                   “(A) History of domestic violence and sex-  
10                  ual assault.

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

13                  “(C) Societal attitudes.

14                  “(D) Peer counseling techniques.

15                  “(E) Housing.

16                  “(F) Public and private assistance avail-  
17                  able to victims.

18                  “(G) Financial resources for victims.

19                  “(H) Safety and protection resources for  
20                  victims.

21                  “(I) Victim and transitional compensation.

22                  “(J) Benefits.

23                  “(K) Referral services available to victims.

1                   “(L) Military culture and an under-  
2                   standing of how to operate within a military  
3                   chain of command.

4           “(c) HEALTH CARE ASSISTANCE.—Upon request of  
5 a victim of domestic violence, family violence, sexual as-  
6 sault, or stalking, the Director shall assist the victim in  
7 obtaining from any facility of the uniformed services or  
8 any other health care facility of the United States or, by  
9 contract, from any other source, medical services, coun-  
10 seling, and other mental health services appropriate for  
11 treatment of injuries resulting from the domestic violence,  
12 family violence, sexual assault, or stalking, as otherwise  
13 authorized by law, including—

14           “(1) rape evidence kits;

15           “(2) DNA testing;

16           “(3) sexually transmitted diseases screening and  
17 treatment, including Hepatitis B and Hepatitis C screen-  
18 ing and treatment;

19           “(4) HIV screening and treatment;

20           “(5) pregnancy testing;

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

23           “(7) reproductive health services; and

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

1       “(d) GENERAL COORDINATION FUNCTIONS.—The  
2 Director shall coordinate programs and activities of the  
3 military departments relative to services and treatment for  
4 victims of domestic violence, family violence, sexual as-  
5 sault, and stalking.

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

9           “(1) Evaluation of the policies and protocols es-  
10 tablished by the military departments providing serv-  
11 ices and treatment referred to in subsection (e), with  
12 a view towards the rights of victims of domestic vio-  
13 lence, family violence, sexual assault, and stalking.

14          “(2) Evaluation of the programs established by  
15 the military departments providing services to vic-  
16 tims of domestic violence, family violence, sexual as-  
17 sault, and stalking.

18          “(3) Evaluation of the delivery of services of  
19 the military departments that provide services and  
20 treatment to victims of domestic violence, family vio-  
21 lence, sexual assault, and stalking through funds  
22 provided by the Department of Defense, Department  
23 of Justice, or Department of Health and Human  
24 Services.



1           “(4) Annual review of the facilities of the De-  
2           partment of Defense providing services to victims of  
3           domestic violence, family violence, sexual assault, or  
4           stalking.

5           “(5) Annual review of the National Domestic  
6           Violence Hotline, the National Sexual Assault Hot-  
7           line, and the American Women Overseas Hotline rel-  
8           ative to projects for military personnel, families, and  
9           partners and for victims of domestic violence, family  
10          violence, sexual assault, or stalking.

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

13          “(7) Review of information from an individual  
14          (and of any investigation resulting from the submis-  
15          sion of such information) indicating that a victim  
16          may be in need of, or would benefit from, assistance  
17          from a victim advocate.

18          “(f) EDUCATION AND TRAINING RESPONSIBIL-  
19          ITIES.—(1) The Director shall conduct, or provide for the  
20          conduct of, training and shall provide technical assistance  
21          related to domestic violence, family violence, sexual as-  
22          sault, and stalking within the military departments. Such  
23          training shall be mandatory, as prescribed by the Director,  
24          except to the extent necessary due to military exigencies.

1       “(2) The Director shall develop curricula for manda-  
 2       tory training of personnel, including first responders, secu-  
 3       rity forces, law enforcement, medical personnel, command  
 4       staff, military justice personnel, and military criminal in-  
 5       vestigators.

6       “(3) The Director shall conduct education and out-  
 7       reach programs. Such programs shall include the develop-  
 8       ment and distribution of brochures, booklets, posters, and  
 9       handbooks outlining hotlines, services, contact informa-  
 10      tion, policies, and protocols for victims.

11      **“§ 1813. Office of the Victims’ Advocate: comprehen-**  
 12                      **sive policy on prevention of and response**  
 13                      **to domestic violence, family violence, sex-**  
 14                      **ual assault and stalking involving mem-**  
 15                      **bers of the Armed Forces and their fami-**  
 16                      **lies and partners**

17      “(a) RESPONSIBILITY.—The Secretary of Defense,  
 18      acting through the Director of the Office, shall implement  
 19      the comprehensive policy developed pursuant to subsection  
 20      (c), subject to such modifications as the Secretary con-  
 21      siders advisable.

22      “(b) APPLICATION OF COMPREHENSIVE POLICY TO  
 23      MILITARY DEPARTMENTS.—The Secretary shall ensure  
 24      that, to the maximum extent practicable, the policy imple-

1 mented pursuant to subsection (a) is implemented uni-  
2 formly by the Secretaries of the military departments.

3 “(c) POLICY.—(1) The Director shall recommend to  
4 the Secretary of Defense a comprehensive policy on pre-  
5 vention of and response to domestic violence, family vio-  
6 lence, sexual assault and stalking involving members of  
7 the armed forces and their families and partners. The  
8 comprehensive policy should be as uniform as practicable  
9 throughout the Department of Defense and shall, to the  
10 extent feasible, incorporate and strengthen policies pre-  
11 viously in existence.

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

16 “(A) Prevention measures.

17 “(B) Education and training on prevention and  
18 response.

19 “(C) Investigation of complaints by command  
20 and law enforcement personnel.

21 “(D) Medical treatment of victims.

22 “(E) Confidential reporting of incidents.

23 “(F) Victim advocacy and response.

1           “(G) Oversight by commanders of administra-  
2           tive and disciplinary actions in response to substan-  
3           tiated incidents.

4           “(H) Disposition of victims, including review by  
5           appropriate authority of administrative separation  
6           actions involving victims.

7           “(I) Disposition of members of the armed  
8           forces accused of domestic violence, family violence,  
9           sexual assault, or stalking.

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

12          “(K) Uniform collection of data on the inci-  
13          dence of complaints of domestic violence, family vio-  
14          lence, sexual assault, and stalking and on discipli-  
15          nary actions taken in those cases, with such data to  
16          be disaggregated by service and by major installa-  
17          tion.

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

20               “(A) A program to promote awareness of the  
21               incidence of domestic violence, family violence, sex-  
22               ual assault, and stalking involving members of the  
23               armed forces.

24               “(B) A program to provide victim advocacy and  
25               intervention for members of the armed forces who

1 are victims of domestic violence, family violence, sex-  
2 ual assault, and stalking, which program shall make  
3 available, at military installations and in deployed lo-  
4 cations, victims advocates who are readily available  
5 to intervene on behalf of such victims.

6 “(C) Procedures for members of the armed  
7 forces to follow in the case of an incident of domes-  
8 tic violence, family violence, sexual assault, or stalk-  
9 ing involving a member of the Armed Forces, includ-  
10 ing—

11 “(i) procedures for confidential reporting  
12 and for seeking services with victim advocates;

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

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

17 “(iv) procedures for the preservation of  
18 evidence.

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

22 “(E) Other sanctions authorized to be imposed  
23 in cases of sexual assault by members of the armed  
24 forces.

9           “(d) RECOMMENDATIONS.—The Director shall from  
10 time to time recommend to the Secretary of Defense revi-  
11 sions to Department of Defense policies, personnel, and  
12 procedures for dealing with domestic violence, family vio-  
13 lence, sexual assault, and stalking based on evaluations  
14 carried out under section 1818(b) of this title and as the  
15 Director considers appropriate.

20   **“§ 1814. Victims’ advocates programs in the military**  
21                   **departments**

22       “(a) ESTABLISHMENT.—(1) The Secretary of De-  
23 fense, acting through the Director of the Office, shall re-  
24 quire that policies and regulations of the Department of  
25 Defense with respect to the programs of the Department

1 of Defense specified in paragraph (2) provide within each  
2 of the military departments a victims' advocates program.

3 “(2) Programs referred to in paragraph (1) are the  
4 following:

5 “(A) Victim and witness assistance programs.

6 “(B) Family advocacy programs.

7 “(C) Equal opportunity programs.

8 “(3) In the case of the Department of the Navy, sepa-  
9 rate victims' advocates programs shall be established for  
10 the Navy and for the Marine Corps.

11 “(b) PURPOSE.—A victims' advocates program estab-  
12 lished pursuant to subsection (a) shall provide assistance  
13 described in subsection (d) to members of the armed  
14 forces and their family members and partners who are vic-  
15 tims of any of the following:

16 “(1) Crime.

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

18 “(3) Discrimination or harassment based on  
19 race, gender, ethnic background, national origin, or  
20 religion.

21 “(c) ASSISTANCE.—(1) Under a victims' advocates  
22 program established under subsection (a), individuals  
23 working in the program shall principally serve the inter-  
24 ests of a victim by initiating action to provide the fol-  
25 lowing:

1           “(A) Crisis intervention.

2           “(B) Screening and evaluation of the needs of  
3 victims of domestic violence, family violence, sexual  
4 assault, and stalking.

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

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

10          “(E) Assistance in obtaining the services re-  
11 ferred to in subparagraph (D), including medical  
12 treatment for injuries.

13          “(F) Appropriate referrals to military and civil-  
14 ian community-based domestic violence programs  
15 and sexual assault victim service providers with the  
16 capacity to support members of the armed forces  
17 and their family members or partners.

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

21          “(H) Development and coordination of a safety  
22 plan with appropriate assistance and intervention  
23 components including, law enforcement, command,  
24 and Family Advocacy Program.



1           “(I) Advocacy for victims specified in subsection  
2           (b), including assistance in obtaining and entering  
3           no contact orders from military commands or orders  
4           of protection from a court of appropriate jurisdic-  
5           tion, respectively.

6           “(J) Information on benefits, including Depart-  
7           ment of Defense transitional compensation, victims  
8           of crime compensation, and veterans’ benefits.

9           “(K) Coordination among services, including  
10          medical, legal, and psychological counseling.

11          “(L) Education.

12          “(M) Transportation.

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

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

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

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

23               “(C) Provide for confidential handling of all  
24               documents or conversations relative to victim care,  
25               services, benefits, and treatment.

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

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

8           “(F) Provide other appropriate assistance.

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

13       “(d) STAFFING.—The Secretary of Defense, acting  
14   through the Director of the Office, shall provide for the  
15   assignment of personnel (military or civilian) on a full-  
16   time basis to victims’ advocates programs established  
17   under subsection (a). The Secretary, acting through the  
18   Director, shall ensure that sufficient numbers of such full-  
19   time personnel are assigned to those programs to enable  
20   the programs to be carried out effectively, including the  
21   assignment of victim advocates to deployed units.

22   **“§ 1815. Office of the Victims’ Advocate: access**

23       “(a) ACCESS TO SENIOR OFFICIALS.—The Director  
24   of the Office shall have direct and prompt access to any

1 of the following when necessary for any purpose pertaining  
2 to the performance of the Director's duties:

3           “(1) The Judge Advocate General of the Army,  
4       Navy, or Air Force or the Staff Judge Advocate to  
5       the Commandant of the Marine Corps.

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

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

10          “(4) The senior general or flag officer of one of  
11       the Armed Forces with responsibility specifically for  
12       personnel.

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

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

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

21          “(3) Victim case files, subject to the informed,  
22       written, and time-sensitive authorization of the vic-  
23       tim, in records of law enforcement, criminal inves-  
24       tigative organizations, health care providers, and  
25       command and Family Advocacy Programs, as may

1 be necessary to carry out the responsibilities of the  
2 Office.

3 “(c) FAILURE TO PROVIDE AUTHORIZATION.—The  
4 failure of a victim to provide authorization under sub-  
5 section (b)(3) shall not interfere with a case moving for-  
6 ward.

7 “(d) CONFIDENTIALITY.—To the extent that any in-  
8 formation covered by subsection (b) provides the name and  
9 address of an individual who is the subject of a confiden-  
10 tial proceeding, that name and address (and related infor-  
11 mation that has the effect of identifying that individual)  
12 may not be released to the public without the informed  
13 written consent of such individual.

14 **“§ 1816. Office of the Victims’ Advocate: confiden-**  
15 **tiality**

16 “(a) CONFIDENTIALITY.—(1) Except as provided in  
17 paragraph (2), in order to ensure the safety of victims of  
18 domestic violence, family violence, sexual assault, sexual  
19 misconduct, or stalking and their families, the Director  
20 shall protect the confidentiality and privacy of persons re-  
21 ceiving services. The Director may not disclose any per-  
22 sonally identifying information or individual information  
23 collected in connection with services requested, used, or  
24 denied through its programs. The Director may not reveal  
25 individual victim information without the informed, writ-

1 ten, reasonably time-limited consent of the person (or in  
2 the case of unemancipated minor, the minor and the par-  
3 ent or guardian) about whom information is sought.

4 “(2) If release of information referred to in para-  
5 graph (1) is compelled by law or by court order, the Direc-  
6 tor shall make reasonable attempts to provide notice to  
7 victims affected by the disclosure of the information. If  
8 such personally identifying information is or will be re-  
9 vealed, the Director shall take steps necessary to protect  
10 the privacy and safety of the persons affected by the re-  
11 lease of the information.

12 “(3) The Director may share nonpersonally identi-  
13 fying data in the aggregate regarding services to victims  
14 and nonpersonally identifying demographic information in  
15 order to comply with reporting, evaluation, or data collec-  
16 tion requirements of the armed forces or of Federal, State,  
17 or local or tribal government or the government of the Dis-  
18 trict of Columbia or any territory or commonwealth.

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

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

25 “(1) A first and last name.

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

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

7           “(4) A telephone number.

8           “(5) A Social Security number.

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

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

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

17               “(A) the status of the individual as a  
18               member of an active component or reserve com-  
19               ponent or as a veteran;

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

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

24               “(D) the individual’s current or most re-  
25               cent unit at a level below regiment (or the

1           equivalent), numbered air force (or the equivalent),  
2           lent), or numbered fleet (or the equivalent).

3           “(9) Any other information, including grade  
4           point average, date of birth, academic or occupational  
5           assignments or interests, athletic or extracurricular  
6           interests, racial or ethnic background, or religious  
7           affiliation, that, in combination with information  
8           specified in any of paragraphs (1) through  
9           (8), would serve to identify an individual.

10   **“§ 1817. Office of the Victims’ Advocate: victim protection**  
11                           **actions**

12           “(a) ORDERS OF PROTECTION.—The Director of the  
13   Office of the Victims’ Advocate, when authorized by a victim  
14   of sexual misconduct, sexual assault, family violence,  
15   domestic violence, or stalking, shall assist the victim in  
16   obtaining from any military command a military no-contact  
17   order or from a court of appropriate jurisdiction an order  
18   of protection, respectively, to safeguard the victim  
19   from additional physical or emotional harm.

20           “(b) REMOVAL OF AN ALLEGED OFFENDER.—If the  
21   Director determines that it is appropriate to do so in order  
22   to ensure the safety of a victim, the Director may request  
23   from the appropriate commanding officer an order for the  
24   relocation or reassignment of an alleged offender who is  
25   a member of the armed forces during an investigation, dis-

1 ciplinary action, or court-martial in order to ensure the  
2 safety of a victim.

3 **“§ 1818. Office of the Victims’ Advocate: victims’ advo-**  
4 **cates whistleblower protections**

5 “(a) WHISTLEBLOWER PROTECTIONS.—(1) No per-  
6 son may restrict a victim advocate within the Department  
7 of Defense in communicating with a victim or survivor of  
8 domestic violence, sexual assault, family violence, or stalk-  
9 ing.

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

12 “(b) PROHIBITION OF RETALIATORY PERSONNEL  
13 ACTIONS.—No person may take or threaten to take an  
14 unfavorable personnel action, or withhold or threaten to  
15 withhold a favorable personnel action, against a victim ad-  
16 vocate as a reprisal for—

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

20 “(2) a communication to a Member of Congress  
21 or an Inspector General;

22 “(3) a communication with a military law en-  
23 forcement officer or official, a military criminal in-  
24 vestigator, a judge advocate, or an officer in the  
25 chain of command;



1           “(4) a communication with civilian law enforce-  
2           ment, county, State, or United States attorneys,  
3           court officials, probation officers, or victim service  
4           providers; or

5           “(5) any other person or organization, including  
6           any person or organization in the chain of command,  
7           in the course of providing services to a victim or sur-  
8           vivor.

9           “(c) PROHIBITED PERSONNEL ACTIONS.—Any ac-  
10          tion prohibited by subsection (b), including the threat to  
11          take any unfavorable action and the withholding or threat  
12          to withhold any favorable action, shall be considered for  
13          the purposes of this section to be a personnel action pro-  
14          hibited by this section.

15          “(d) INVESTIGATION OF ALLEGATIONS OF PROHIB-  
16          ITED PERSONNEL ACTIONS.—(1) If a victim advocate  
17          submits to an Inspector General an allegation that a per-  
18          sonnel action prohibited by subsection (b) has been taken  
19          or threatened against the victim advocate with respect to  
20          a communication described in paragraph (2), the Inspec-  
21          tor General shall take the action required in this section.

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

1           “(A) A violation of law or regulation, including  
2           a law or regulation prohibiting domestic violence,  
3           sexual assault, family violence, or stalking.

4           “(B) Gross mismanagement, an abuse of au-  
5           thority, or a substantial danger to community safety  
6           or public health.

7           “(3)(A) If the Inspector General receiving such an  
8           allegation is an Inspector General within a military de-  
9           partment, that Inspector General shall promptly notify the  
10          Inspector General of the Department of Defense of the  
11          allegation. Such notification shall be made in accordance  
12          with regulations prescribed under subsection (e).

13          “(B) An Inspector General of the Department of De-  
14          fense receiving an allegation as described in this section  
15          shall expeditiously determine, in accordance with regula-  
16          tions prescribed under subsection (e), whether there is suf-  
17          ficient evidence to warrant an investigation of the allega-  
18          tion.

19          “(C) Upon determining that an investigation of an  
20          allegation under this section is warranted, the Inspector  
21          General making the determination shall expeditiously in-  
22          vestigate the allegation.

23          “(4) The Inspector General of the Department of De-  
24          fense shall ensure that the Inspector General conducting  
25          the investigation of an allegation under this subsection is

1 outside the immediate chain of command of both the vic-  
2 tim advocate submitting the allegation and the individual  
3 or individuals alleged to have taken the retaliatory action.

4 “(5) Upon receiving an allegation under this sub-  
5 section, the Inspector General shall conduct a separate in-  
6 vestigation of the information that the victim advocate  
7 making the allegation believes constitutes evidence of  
8 wrongdoing as described in subparagraph (A) or (B) of  
9 paragraph (2) if there previously has not been such an  
10 investigation or if the Inspector General determines that  
11 the original investigation was biased or otherwise inad-  
12 equate.

13 “(6)(A) After completion of an investigation under  
14 paragraphs (3), (4), or (5), the Inspector General con-  
15 ducting the investigation shall submit a report on the re-  
16 sults of the investigation to the Secretary of Defense and  
17 the Director of the Office of the Victims’ Advocate and  
18 shall transmit a copy of the report on the results of the  
19 investigation to the victim advocate who made the allega-  
20 tion investigated. The report shall be transmitted to the  
21 Secretary of Defense and the Director of the Office of the  
22 Victims’ Advocate, and the copy of the report shall be  
23 transmitted to the victim advocate, not later than 30 days  
24 after the completion of the investigation.

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

14       “(C) If, in the course of an investigation of an allega-  
15 tion under this section, the Inspector General determines  
16 that it is not possible to submit the report required by  
17 subparagraph (A) within 180 days after the date of receipt  
18 of the allegation being investigated, the Inspector General  
19 shall provide to the Secretary of Defense and to the victim  
20 advocate making the allegation a notice—

21               “(i) of that determination including the reasons  
22 why the report may not be submitted within that  
23 time; and

24               “(ii) of the time when the report will be sub-  
25 mitted.

1       “(D) The report on the results of the investigation  
2 shall contain a thorough review of the facts and cir-  
3 cumstances relevant to the allegation and the complaint  
4 or disclosure and shall include documents acquired during  
5 the course of the investigation, including summaries of  
6 interviews conducted. The report may include a rec-  
7 ommendation as to the disposition of the complaint.

8       “(e) REGULATIONS.—(1) The Secretary of Defense  
9 shall prescribe regulations to carry out this section. In pre-  
10 scribing regulations under this section, the Secretary of  
11 Defense shall provide for appropriate procedural protec-  
12 tions for the subject of any investigation carried out under  
13 the provisions of this section, including a process of appeal  
14 and review of investigative findings.

15       “(2) The Secretary shall provide in the regulations  
16 that a violation of the prohibition by a person subject to  
17 chapter 47 of this title is punishable as a violation of sec-  
18 tion 892 of this title (article 92 of the Uniform Code of  
19 Military Justice).

20 **“§ 1819. Office of the Victims’ Advocate: annual as-**  
21 **essment**

22       “(a) DATA COMPLIANCE AND REPORTING.—The Di-  
23 rector of the Office of the Victims’ Advocate shall annually  
24 compile data collected during the preceding year by the  
25 military departments relating to incidents of domestic vio-

1 lence, family violence, sexual assault, and stalking. The  
2 data shall be compiled pursuant to policies set forth by  
3 the Director.

4 “(b) ASSESSMENT OF POLICIES AND PROCE-  
5 DURES.—Not later than January 15 each year, the Direc-  
6 tor shall conduct an assessment of the implementation  
7 during the preceding fiscal year of the policies and proce-  
8 dures of the military departments on the prevention of and  
9 response to domestic violence, family violence, sexual as-  
10 sault, and stalking involving members of the armed forces  
11 in order to determine the effectiveness of such policies and  
12 procedures during such fiscal year.

13 “(c) PERSONNEL ANALYSIS.—The annual assess-  
14 ment under subsection (b) shall include a review of per-  
15 sonnel, including staffing levels, assignments, accessibility,  
16 availability, training, and duties of victim advocates, vic-  
17 tim witness liaisons, sexual assault nurse examiners, and  
18 others considered appropriate by the Director assigned to  
19 assist victims of domestic violence, sexual assault, family  
20 violence, and stalking. The assessment shall include a re-  
21 view of personnel assigned to deployed units, along with  
22 recommendations to enhance availability, accessibility, and  
23 training for such personnel.

24 “(d) ASSESSMENT OF STATUTES AND DIRECTIVES.—  
25 In order to enhance the foundation of law and policy with-

1 in the military departments in response to domestic vio-  
 2 lence, family violence, sexual assault, and stalking, the an-  
 3 nual assessment under subsection (b) shall include a re-  
 4 view of—

5 “(1) chapter 47 of this title (the Uniform Code  
 6 of Military Justice), the provisions of law in force at  
 7 the time of the assessment that were originally en-  
 8 acted by the Victims’ Rights and Restitution Act or  
 9 the Violence Against Women Act, and other Federal  
 10 statutes applicable to domestic violence, sexual as-  
 11 sault, family violence, and stalking;

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

13 “(3) regulations of the military departments  
 14 considered appropriate by the Director.

15 **“§ 1820. Office of the Victims’ Advocate: annual re-**  
 16 **port**

17 “(a) ANNUAL REPORT.—(1) Not later than January  
 18 15 of each year, the Director shall submit to the Secretary  
 19 of Defense a report on domestic violence, family violence,  
 20 sexual assault, and stalking involving members of the  
 21 Armed Forces during the preceding year.

22 “(2) Each report under paragraph (1) shall include  
 23 the following:

24 “(A) The most recent compilation of data under  
 25 section 1819(a) of this title; together with a com-

1       parison of that data (or subsets of that data) with  
2       comparable data from the civilian sector.

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

5           “(C) The number of incidents of domestic vio-  
6       lence, family violence, sexual assault, and stalking  
7       committed by or upon members of the armed forces  
8       that were reported to military officials during the  
9       year covered by the report and the number of the  
10      cases so reported that were substantiated.

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

13          “(E) The policies, procedures, and processes  
14      implemented by the military departments during the  
15      year covered by the report in response to incidents  
16      of domestic violence, family violence, sexual assault,  
17      and stalking involving members of the armed forces.

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

23          “(b) TRANSMISSION OF REPORT TO CONGRESSIONAL  
24      COMMITTEES.—The Secretary of Defense shall transmit  
25      to the Committee on Armed Services of the Senate and



1 the Committee on Armed Services of the House of Rep-  
2 resentatives each annual report submitted to the Secretary  
3 under subsection (a), together with the comments of the  
4 Secretary on such report. The Secretary shall transmit the  
5 report for any year not later than March 15 of the fol-  
6 lowing year.

7 **“§ 1821. Requirements on use of funds**

8 “(a) REQUIREMENTS.—Of the amounts appropriated  
9 to carry out the functions of the Office for any fiscal year,  
10 the Secretary—

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

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

21 “(b) TECHNICAL ASSISTANCE AND TRAINING.—  
22 Technical assistance and training under subsection (a)(2)  
23 may be offered to the elements of the Armed Forces, in-  
24 stallations, or commands in the process of developing com-

1 munity responses, whether they are receiving funds under  
2 this section or not.”

3 (b) TRANSITION PROVISIONS.—

4 (1) COMPREHENSIVE POLICY.—The policy re-  
5 quired by section 1812(a) of title 10, United States  
6 Code, as added by subsection (a), shall be prescribed  
7 by the Secretary of Defense not later than the end  
8 of the 120-day period beginning on the date of the  
9 enactment of this Act.

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

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

19 (A) shall be submitted to the Secretary of  
20 Defense not later than April 1 of the year after  
21 the year in which this Act is enacted (notwith-  
22 standing the date specified in that subsection);  
23 and

24 (B) shall be transmitted by the Secretary  
25 to the Committee on Armed Services of the

1 Senate and Committee on Armed Services of  
 2 the House of Representatives pursuant to sub-  
 3 section (b) of that section not later than May  
 4 1 of that year (notwithstanding the date speci-  
 5 fied in that subsection).

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

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

11 **SEC. 112. DEPARTMENT OF DEFENSE INTERDISCIPLINARY**  
 12 **COUNCIL.**

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

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

18 **“§ 188. Department of Defense Interdisciplinary**  
 19 **Council**

20 “(a) DEPARTMENT OF DEFENSE COUNCIL.—The  
 21 Secretary of Defense, in consultation with the Director of  
 22 the Office of the Victims’ Advocate of the Department of  
 23 Defense, shall establish a Department of Defense inter-  
 24 disciplinary council to coordinate and oversee victims’ ad-  
 25 vocates programs of the Department of Defense and to

1 oversee the efforts of the Department of Defense to pre-  
2 vent and respond to violence against women and men.

3 “(b) COMPOSITION.—(1) The Council shall consist of  
4 12 members, appointed by the Secretary of Defense. The  
5 Council shall include members appointed from each of the  
6 Army, Navy, Air Force, and Marine Corps and shall in-  
7 clude an equal number of personnel of the Department  
8 of Defense and persons from outside the Department of  
9 Defense. The six members appointed as personnel of the  
10 Department of Defense may include retired members of  
11 the Armed Forces.

12 “(2) The six members appointed from outside the De-  
13 partment of Defense may be appointed from other Federal  
14 departments and agencies, from State and local agencies,  
15 and from the private sector, but may not be members of  
16 the Armed Forces in a retired status.

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

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

21 “(A) shall be an individual who has dem-  
22 onstrated expertise and experience in the fields of  
23 sexual assault, domestic violence, family violence, or  
24 stalking, as well as expertise and experience in civil-  
25 ian-military cooperation; or

1           “(B) shall be appointed from one of the fol-  
2       lowing:

3           “(i) The Centers for Disease Control and  
4       Prevention of the Department of Health and  
5       Human Services.

6           “(ii) Civilian law enforcement.

7           “(iii) A judicial policy organization.

8           “(iv) A national crime victim organization.

9           “(v) A victim service organization.

10          “(vi) A survivor of domestic violence, sex-  
11       ual assault, family violence, or stalking in which  
12       the perpetrator was a member of the Armed  
13       Forces.

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

19          “(c) CO-CHAIRS.—There shall be two co-chairs of the  
20       Interdisciplinary Council. One of the co-chairs shall be  
21       designated by the Secretary of Defense at the time of ap-  
22       pointment from among the Department of Defense per-  
23       sonnel on the Interdisciplinary Council. The other co-chair  
24       shall be selected among the members appointed from out-  
25       side the Department of Defense by those members.

1       “(d) ADMINISTRATIVE SUPPORT.—The Director of  
2 the Office of the Victims’ Advocate, under the direction  
3 of the Secretary of Defense, shall provide oversight of the  
4 Interdisciplinary Council. The Office of the Victims’ Advo-  
5 cate shall provide the Interdisciplinary Council with per-  
6 sonnel facilities and other administrative support as nec-  
7 essary for the performance of the Interdisciplinary Coun-  
8 cil’s duties.

9       “(e) COMPENSATION.—Each member of the Inter-  
10 disciplinary Council who is a member of the Armed Forces  
11 or a civilian officer or employee of the United States shall  
12 serve without compensation (other than compensation to  
13 which entitled as a member of the armed forces or an offi-  
14 cer or an employee of the United States, as the case may  
15 be). Other members of the Interdisciplinary Council shall  
16 be appointed in accordance with, and subject to, section  
17 3161(d) of title 5, but shall serve without pay.

18       “(f) MILITARY DEPARTMENT LIAISONS.—The Sec-  
19 retary of each military department shall select a represent-  
20 ative of that department to serve as a liaison between the  
21 Interdisciplinary Council and that military department.  
22 Each such representative shall be responsible for ensur-  
23 ing—

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

4           “(2) that the Interdisciplinary Council is aware  
5       of problems in the military departments related to  
6       domestic violence, family violence, sexual assault,  
7       and stalking.

8           “(g) INSTALLATION VISITS.—The Director of the Of-  
9       fice of the Victims’ Advocate shall coordinate with the Sec-  
10      retaries of the military departments to provide for visits  
11      by members of the Interdisciplinary Council to military in-  
12      stallations.”.

13           (2) CLERICAL AMENDMENT.—The table of sec-  
14      tions at the beginning of such chapter is amended  
15      by adding at the end the following new item:

“188. Department of Defense Interdisciplinary Council.”.

16           (b) DEADLINE FOR INITIAL APPOINTMENTS.—Mem-  
17      bers of the Interdisciplinary Council under section 188 of  
18      title 10, United States Code, as added by subsection (a),  
19      shall be appointed not later than 90 days after the date  
20      of the enactment of this Act.

21           (c) REPORT.—Not later than 18 months after the  
22      date on which all members of the Interdisciplinary Council  
23      under section 188 of title 10, United States Code, as  
24      added by subsection (a), have been appointed, the Inter-  
25      disciplinary Council shall submit to the Secretary of De-

1 fense a report recommending specific ways in which the  
2 Office of the Victims' Advocate and victim advocates may  
3 more effectively address matters relative to sexual assault,  
4 domestic violence, family violence, and stalking committed  
5 by or upon members of the Armed Forces. The report  
6 shall include an assessment of, and recommendations con-  
7 cerning, the following:

8 (1) Victim safety programs.

9 (2) Confidentiality of communications for vic-  
10 tims.

11 (3) Offender accountability.

12 (4) Prevention of sexual assault, domestic vio-  
13 lence, family violence, and stalking.

14 (5) Collaboration among military organizations  
15 with responsibility or jurisdiction with respect to  
16 sexual assault, domestic violence, family violence,  
17 and stalking.

18 (6) Coordination between military and civilian  
19 communities including service organizations and law  
20 enforcement with respect to sexual assault, domestic  
21 violence, family violence and stalking.

22 (7) Adaptation of best professional practices  
23 within the civilian communities with respect to sex-  
24 ual assault, domestic violence, family violence and  
25 stalking.



1           (8) Data collection, case management, and  
2 tracking.

3           (9) Curricula and training including standard-  
4 ized training for armed forces personnel and commu-  
5 nity-based advocates, organizations, and service pro-  
6 viders.

7           (10) Standardization of guidelines, directives,  
8 and statutes.

9           (11) Other issues identified by the Interdiscipli-  
10 nary Council.

11       (d) APPLICABILITY OF CERTAIN DEFINITIONS.—The  
12 definitions in section 102 of title 10, United States Code,  
13 as added by section 101(a), apply to subsection (c).

14       (e) CONFORMING REPEAL.—Section 534 of the Na-  
15 tional Defense Authorization Act for Fiscal Year 1995  
16 (Public Law 103–337; 10 U.S.C. 113 note) is repealed.

17 **Subtitle C—National and Inter-**  
18 **national Hotlines Awareness,**  
19 **Prevention, and Intervention**  
20 **Campaign**

21 **SEC. 121. AWARENESS, PREVENTION, AND INTERVENTION**  
22 **CAMPAIGN.**

23       (a) CONTRACTS AUTHORIZED.—The Secretary of De-  
24 fense, acting through the Director of the Office of the Vic-  
25 tims' Advocate, may enter into contracts with appropriate

1 entities to support the crisis intervention services of the  
2 Department of Defense for victims of domestic violence,  
3 sexual assault, family violence, and stalking in the Depart-  
4 ment of Defense.

5 (b) PURPOSE OF CONTRACT.—A contract under sub-  
6 section (a) shall provide for the entity awarded the con-  
7 tract to perform the following functions, to the extent pro-  
8 vided in the contract:

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

12 (2) Ensure that information about services and  
13 resources available to military personnel, families,  
14 and partners—

15 (A) is revised and updated as appropriate;

16 (B) is made available to the Office of the  
17 Victims’ Advocate and other Department of De-  
18 fense entities for distribution and posting at ap-  
19 propriate facilities within the Department of  
20 Defense; and

21 (C) is made available through appropriate  
22 public information services.

23 (3) Provide free and confidential support serv-  
24 ices for members of the Armed Forces and their  
25 families and partners for the purpose of developing

1 and strengthening prevention and intervention poli-  
2 cies for assistance to members of the Armed Forces  
3 and their family members or partners experiencing  
4 domestic violence, family violence, sexual assault,  
5 and stalking.

6 (4) Develop and implement policies regarding  
7 appropriate, safe responses and referral procedures  
8 for members of the Armed Forces and their family  
9 members or partners experiencing domestic violence,  
10 family violence, sexual assault, and stalking.

11 (5) Provide linguistically and culturally appro-  
12 priate services, or linkages to existing services in the  
13 community, as needed to address the needs of vic-  
14 tims and survivors associated with the Armed  
15 Forces.

16 (6) Provide the necessary staffing for respond-  
17 ing to the needs of members of the Armed Forces  
18 and their family members or partners who are expe-  
19 riencing domestic violence, family violence, sexual as-  
20 sault, or stalking, such as a resource person or liai-  
21 son who is either on-site or on-call and who pos-  
22 sesses demonstrated experience as a service provider  
23 to victims associated with the Armed Forces.

24 (c) APPLICATIONS.—

1           (1) IN GENERAL.—An entity that desires to re-  
2       ceive a contract under this section shall submit to  
3       the Secretary an application at such time, in such  
4       manner, and containing such information as the Sec-  
5       retary may require, consistent with the requirements  
6       in this section.

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

12      (d) CONSIDERATIONS.—

13           (1) TRAINING.—In providing information on  
14      services, resources, counseling, and advocacy avail-  
15      able to members of the Armed Forces and their fam-  
16      ily members and partners, the Secretary shall ensure  
17      that the personnel who provide assistance under this  
18      section are trained to provide to persons who have  
19      experienced sexual assault, domestic violence, family  
20      violence, and stalking information about the services,  
21      care, and treatment relating to domestic violence,  
22      family violence, sexual assault, and stalking available  
23      in the communities in which the victim resides, in-  
24      cluding care and services available under programs  
25      of the Department of Defense and the Department

1 of Veterans Affairs and from non-military and non-  
2 veteran agencies and organizations.

3 (2) CONFIDENTIALITY.—The Secretary shall  
4 ensure that the telephone assistance service shall be  
5 operated in a manner that protects the confiden-  
6 tiality of persons who place a call to the service.

7 (3) IMMEDIATE ACCESS.—The Secretary shall  
8 ensure that the telephone assistance service provides  
9 immediate access to a trained counselor. The Sec-  
10 retary may not utilize call-back services or answer-  
11 ing services.

12 (4) DISSEMINATION OF INFORMATION.—The  
13 Secretary shall ensure that information about the  
14 availability of the telephone assistance service is visi-  
15 bly posted in medical facilities, commissary and ex-  
16 change facilities, and Family Advocacy Program and  
17 Victims' Advocate Program facilities of the Depart-  
18 ment and is advertised through public service an-  
19 nouncements and pamphlets, and by other means.

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

23 (f) CONFIDENTIALITY.—The Secretary shall include  
24 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

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

4 (j) APPLICABILITY OF CERTAIN DEFINITIONS.—The  
 5 definitions in section 102 of title 10, United States Code,  
 6 as added by section 101(a), apply to this section.

## 7 **Subtitle D—Prevention and** 8 **Intervention Training**

### 9 **SEC. 131. PREVENTION AND INTERVENTION TRAINING** 10 **CONTRACTS.**

11 (a) AWARDS AUTHORIZED.—

12 (1) IN GENERAL.—The Secretary of Defense,  
 13 acting through the Director of the Office of the Vic-  
 14 tims’ Advocate, shall enter into contracts under this  
 15 section with eligible entities for the purposes of pro-  
 16 viding training and technical assistance to the De-  
 17 partment of Defense relative to prevention of domes-  
 18 tic violence, sexual assault, family violence, and  
 19 stalking.

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

22 (A) a public or nonprofit private organiza-  
 23 tion having demonstrated expertise in preven-  
 24 tion, intervention, developing community col-  
 25 laboration, and system response to domestic vi-

1           olence, sexual assault, family violence, and  
2           stalking; or

3           (B) a community-based organization experienced in providing services to members of the  
4           Armed Forces and their family members or  
5           partners who experience domestic violence, sexual  
6           assault, family violence, or stalking.

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

10           (1) provide training in the dynamics of domestic  
11           violence, sexual assault, family violence, and  
12           stalking, including safety, risk assessment, potential  
13           lethality, and appropriate interventions;

14           (2) provide education programs for members of  
15           the Armed Forces and their family members or partners that are linguistically and culturally appropriate  
16           and are designed to meet any unique needs of the  
17           population by adapting and implementing existing  
18           curricula;

19           (3) provide media center materials and educational materials to the population that address the  
20           needs and concerns of members of the Armed Forces  
21           and their family members or partners who experience domestic violence, sexual assault, or stalking  
22           and the impact of the violence by identifying, adapt-



1 ing, and disseminating appropriate existing mate-  
2 rials; and

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

6 (c) APPLICATION.—

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

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

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

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

21 (C) ensure that communities or agencies  
22 affected by the training are adequately rep-  
23 resented in the development of the application,  
24 training, and follow on activities to be under-

1 taken and that they have a significant role in  
2 evaluating the success of the project;

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

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

15 (F) describe how the training and activities  
16 will enhance or ensure the safety and security  
17 of members of the Armed Forces and their fam-  
18 ily members or partners where both domestic  
19 violence and sexual assault occurs by providing  
20 appropriate resources, protection, and support  
21 to victims;

22 (G) outline methods and means partici-  
23 pating entities will use to ensure that all serv-  
24 ices are provided in a linguistically and cul-

1           turally competent manner and will use commu-  
2           nity-based supports and resources; and

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

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

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

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

15           (2) the adequacy of staff training and services  
16          to ensure that the needs of members of the Armed  
17          Forces and their family members or partners are  
18          met; and

19           (3) the existence of barriers the entity faces to  
20          more fully addressing the needs of members of the  
21          Armed Forces and their family members or part-  
22          ners.

23          (f) REQUIREMENT.—

1           (1) SET-ASIDE.—Of the amounts appropriated  
2       to carry out this section for any fiscal year, the Sec-  
3       retary—

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

8           (B) shall use not less than 5 percent for  
9       technical assistance and training to be provided  
10      by organizations having demonstrated expertise  
11      in developing collaborative community and sys-  
12      tem responses to domestic violence, sexual as-  
13      sault, and stalking.

14          (2) TECHNICAL ASSISTANCE AND TRAINING.—  
15      Technical assistance and training under paragraph  
16      (1)(B) may be offered to the elements of the Armed  
17      Forces, installations, or commands in the process of  
18      developing community responses, whether they are  
19      receiving funds under this section or not.

20          (g) APPLICABILITY OF CERTAIN DEFINITIONS.—The  
21      definitions in section 102 of title 10, United States Code,  
22      as added by section 101(a), apply to this section.

1 **Subtitle E—Biennial Conference on**  
2 **Sexual Assault and Domestic Vi-**  
3 **olence**

4 **SEC. 141. SEXUAL ASSAULT AND DOMESTIC VIOLENCE CON-**  
5 **ERENCE.**

6 (a) CONFERENCE REQUIRED.—Not later than one  
7 year after the date of the enactment of this Act, and every  
8 two years thereafter, the Secretary of Defense, acting  
9 through the Director of the Office of the Victims' Advo-  
10 cate of the Department of Defense, shall convene a na-  
11 tional conference to review current policies for prevention  
12 of, and response to, domestic violence, sexual assault, fam-  
13 ily violence, and stalking (as those terms are defined in  
14 section 102 of title 10, United States Code) involving  
15 members of the Armed Forces and to make recommenda-  
16 tions for changes, as warranted, to those policies.

17 (b) CONFERENCE ACTIVITIES.—The conferences  
18 shall provide a forum for the civilian leadership of the De-  
19 partment of Defense, military commanders, family advo-  
20 cacy personnel, military criminal investigators, military  
21 law enforcement personnel, and security forces to consider  
22 problems, policies, and recommendations relating to do-  
23 mestic violence, sexual assault, family violence, and stalk-  
24 ing involving members of the Armed Forces.

25 (c) FIRST CONFERENCE.—

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

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

7                   (B) The Department of Defense Task  
8           Force on Domestic Violence.

9                   (C) The Department of Defense Task  
10          Force of Sexual Harassment and Misconduct at  
11          the Military Academies.

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

16                   (A) involve more civilian leaders of the De-  
17          partment of Defense, military commanders, and  
18          members of the Armed Forces in prevention  
19          and other activities designed to end domestic vi-  
20          olence, sexual assault, family violence, and  
21          stalking in the Armed Forces; and

22                   (B) facilitate the Secretaries of the mili-  
23          tary departments implementation of policies on  
24          domestic violence, sexual assault, family vio-  
25          lence, and stalking in the Armed Forces.

1 (d) CONFERENCE PARTICIPANTS.—The Secretary  
2 shall provide for participants in conferences under this  
3 section to include the following:

4 (1) Representatives from a broad cross-section  
5 of military authorities, including leadership, com-  
6 mands, services, departments, and programs.

7 (2) Representatives of Federal, State, national  
8 and local government agencies.

9 (3) Representatives of law enforcement organi-  
10 zations.

11 (4) Criminal justice professionals, including  
12 prosecutors, investigators, attorneys, and advocates.

13 (5) Representatives of nonprofit, private, or  
14 nongovernmental service providers and of public and  
15 private organizations working in the field of domes-  
16 tic violence, sexual assault, family violence, and  
17 stalking.

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

21 (7) Individuals with demonstrated expertise in  
22 addressing the issues confronting the Armed Forces  
23 relative to domestic violence, sexual assault, family  
24 violence, and stalking.

1           (8) Victims of domestic violence, sexual assault,  
2           family violence, and stalking.

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

6           (10) Representatives of the Department of Vet-  
7           erans Affairs.

8           (11) Advocates, counselors, and therapists en-  
9           gaged in providing services to victims associated  
10          with the Armed Forces.

11 **Subtitle F—Memorandums of Un-**  
12 **derstanding With Civil Organi-**  
13 **zations**

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

15          (a) MEMORANDUMS OF UNDERSTANDING.—Congress  
16 expects and encourages the Secretary of Defense to enter  
17 into memorandums of understanding with civilian organi-  
18 zations to provide services to victims of sexual assault, do-  
19 mestic violence, family violence, and stalking (as those  
20 terms are defined in section 102 of title 10, United States  
21 Code).

22          (b) CONFIDENTIALITY.—When entering into a  
23 memorandum of understanding with a civilian organiza-  
24 tion as described in subsection (a), the Secretary of De-  
25 fense should not enter into, and may not enforce, any pro-



1 vision in the memorandum that would be in direct viola-  
2 tion of any law protecting confidential information and  
3 personal identifying information.

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

7 **Subtitle A—Protection of Persons**  
8 **Reporting Sexual Assault or Do-**  
9 **mestic Violence**

10 **SEC. 201. PROTECTION OF COMMUNICATIONS BETWEEN**  
11 **VICTIMS AND ADVOCATES.**

12 (a) RESTRICTING COMMUNICATION PROHIBITED.—  
13 Subsection (a) of section 1034 of title 10, United States  
14 Code, is amended—

15 (1) by striking “Congress or” and inserting  
16 “Congress,”; and

17 (2) by inserting before the period at the end the  
18 following: “or the Office of the Victims’ Advocate or  
19 a Victims’ Advocate within the Department of De-  
20 fense”.

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

23 (1) in subparagraph (A), by striking “or an In-  
24 spector General” and inserting “, an Inspector Gen-

eral, or the Office of the Victims' Advocate or a Victims' Advocate"; and

(2) in subparagraph (B)—

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

(B) by inserting after clause (ii) the following new clause:

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

(c) INSPECTOR GENERAL INVESTIGATIONS.—Subsection (c)(2)(A) of such section is amended by inserting “, sexual assault, domestic violence, family violence, stalking,” after “sexual harassment”.

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

(a) PRIVILEGES ESTABLISHED.—

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

1 **“§ 940a. Art. 140a. Privilege for communication with**  
2 **victim service organization or health**  
3 **care professional**

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

16 “(b) DEFINITIONS.—In this section:

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

22 “(2) The term ‘victim service organization’  
23 means an organization (whether public or private)  
24 that provides advice, counseling, or assistance to vic-  
25 tims of domestic violence, family violence, dating vio-

1 lence, stalking, or sexual assault, or to the families  
2 of such victims.

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

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

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

14 “(B) those reasonably necessary for dis-  
15 closing under subparagraph (A).

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

20 “(1) the name, address, location, or telephone  
21 number of a safe house, abuse shelter, or other facil-  
22 ity that provided temporary emergency shelter to the  
23 victim of the offense or transaction that is the sub-  
24 ject of the proceeding; or

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

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

14          “(e) EXCEPTIONS.—There is no privilege under this  
15          section—

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

18               “(2) to the extent the communication reports  
19               child abuse;

20               “(3) when a victim service organization, health  
21               care professional, or representative believes that a  
22               mental or emotional condition of the client makes  
23               the client a danger to any person, including the cli-  
24               ent; or

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

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

“940a. 140a. Privilege for communication with victim service organization or  
 health care professional.”.

11 (b) APPLICABILITY.—Section 940a of title 10, United  
 12 States Code (article 140a of the Uniform Code of Military  
 13 Justice), as added by subsection (a), applies to commu-  
 14 nications made after the date of the enactment of this Act.

15 **Subtitle B—Medical Care and**  
 16 **Treatment for Victims of Sexual**  
 17 **and Domestic Violence**

18 **SEC. 211. ENHANCED DEPARTMENT OF DEFENSE TREAT-**  
 19 **MENT CAPACITY.**

20 To the extent funds are available for such purpose,  
 21 funds available to the Department of Defense shall be  
 22 used to employ at least one medical professional trained  
 23 as a sexual assault nurse examiner and at least one psy-  
 24 chiatrist, and a complimentary clinical team, at each mili-

1 tary treatment facility operated by the Department of De-  
2 fense.

3 **SEC. 212. COMMUNITY LEVEL PROGRAM.**

4 (a) PROGRAM.—The Secretary of Defense, acting  
5 through the Assistant Secretary of Defense for Health Af-  
6 fairs, shall carry out a program at the community level  
7 for members of the Armed Forces on active duty and fam-  
8 ily members of such members who are victims of domestic  
9 violence, sexual assault, family violence, or stalking (as  
10 those terms are defined in section 102 of title 10, United  
11 States Code).

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 perience 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 (as those terms  
4 are defined in section 102 of title 10, United States Code).

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

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

10       (a) CONTRACTS AUTHORIZED.—

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

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

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

1 services for members of the Armed Forces and  
2 their family members or partners;

3 (B) a nonprofit nongovernmental entity  
4 providing services primarily to members of the  
5 Armed Forces and their family members or  
6 partners who are victims of domestic violence,  
7 family violence, sexual assault, 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 mem-  
13 bers of the Armed Forces and their families.

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 (g) APPLICABILITY OF CERTAIN DEFINITIONS.—The  
 16 definitions in section 102 of title 10, United States Code,  
 17 as added by section 101(a), apply to this section.

## 18 **Subtitle D—Victim’s Rights and** 19 **Restitution**

### 20 **SEC. 231. MILITARY LAW ENFORCEMENT AND VICTIMS’** 21 **RIGHTS.**

22 (a) VICTIMS’ RIGHTS.—After an allegation of a do-  
 23 mestic violence, sexual assault, family violence, or stalking  
 24 offense that is reported to, or investigated by military law

1 enforcement agency, the victim (or alleged victim) shall  
2 have the following rights:

3 (1) Victims' rights set out under section 502(b)  
4 of the Victims' Rights and Restitution Act of 1990  
5 (42 U.S.C. 10606(b)).

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

11 (3) The right to be informed of legal procedures  
12 and resources available for the protection of the vic-  
13 tim, including military no contact orders and protec-  
14 tion orders, civilian orders of protection referred to  
15 in section 1561a of title 10, United States Code, and  
16 the full faith and credit given to protection orders  
17 pursuant to section 2265 of title 18, United States  
18 Code.

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

1           (5) The right to be informed of the military law  
2           enforcement agency report number for the case, if  
3           available, other identifying information, and the fol-  
4           lowing statement: “If within 30 days you are not no-  
5           tified of an arrest in your case, you may call (the  
6           military law enforcement agency’s telephone num-  
7           ber) for information on the status of your case.”.

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

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

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

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

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

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

7                   (A) Victims' rights under section 502(b) of  
8                   the Victims' Rights and Restitution Act of 1990  
9                   (42 U.S.C. 10606(b)).

10                   (B) The availability of crisis intervention  
11                   services and resources and medical services and,  
12                   when applicable, that medical services arising  
13                   out of the need to secure evidence may be reim-  
14                   bursed.

15                   (C) The legal procedures and resources  
16                   available for the protection of the victim, in-  
17                   cluding military no contact orders and protec-  
18                   tion orders, civilian orders of protection referred  
19                   to in section 1561a of title 10, United States  
20                   Code, and the full faith and credit given to pro-  
21                   tection orders pursuant to section 2265 of title  
22                   18, United States Code.

23                   (D) The names and telephone numbers of  
24                   public and private assistance programs, includ-  
25                   ing victim compensation programs, transitional

1 compensation programs, and programs that  
2 provide counseling, treatment, shelter, and sup-  
3 port services.

4 (E) The military law enforcement agency  
5 report number for the case, if available, other  
6 identifying information, and the following state-  
7 ment: “If within 30 days you are not notified  
8 of an arrest in your case, you may call (the  
9 military law enforcement agency’s telephone  
10 number) for information on the status of your  
11 case.”.

12 (F) Regardless of whether the suspect is  
13 an adult or a juvenile, a statement that the vic-  
14 tim will be notified by military law enforcement  
15 authorities of the arrest of the suspect, if the  
16 suspect is arrested.

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



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

2 If at the time of contact with a military law enforcement  
3 agency representative under subsection (a), a victim is  
4 emotionally unable to request or to waive applicable rights,  
5 the military law enforcement agency representative shall  
6 so designate that on the multicopy form and any entity  
7 that is subsequently involved in the case shall presume  
8 that the victim invoked the applicable rights to which the  
9 victim is entitled and, on request, the victim may later  
10 waive those rights.

11 (d) APPLICABILITY OF CERTAIN DEFINITIONS.—The  
12 definitions in section 102 of title 10, United States Code,  
13 as added by section 101(a), apply to this section.

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

15 (a) APPLICABILITY.—A military law enforcement  
16 agency shall provide, without charge, to a victim of domes-  
17 tic violence, sexual assault, family violence, or stalking (or  
18 to the representative of such a victim, if the victim is de-  
19 ceased) a copy of the incident report in the case, a copy  
20 of the incident report summary (referred to as a “face  
21 sheet”), or both, in accordance with subsection (b).

22 (b) TIME FOR AVAILABILITY.—

23 (1) SUMMARIES.—A copy of an incident report  
24 summary shall be made available during regular  
25 business hours to a victim or the victim’s representa-

1       tive no later than 48 hours after being requested by  
2       the victim or the victim's representative, unless the  
3       military law enforcement agency informs the victim  
4       or representative of the reasons why the summary is  
5       not available, in which case the summary shall be  
6       made available to the victim or representative no  
7       later than five working days after the request is  
8       made.

9           (2) INCIDENT REPORTS.—A copy of the inci-  
10       dent report shall be made available during regular  
11       business hours to a victim or the victim's representa-  
12       tive no later than five working days after being re-  
13       quested by a victim or representative, unless the  
14       military law enforcement agency informs the victim  
15       or representative of the reasons why the incident re-  
16       port is not available, in which case the incident re-  
17       port shall be made available to the victim or rep-  
18       resentative no later than 10 working days after the  
19       request is made.

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

24       (d) TIME DURATION.—This section applies to re-  
25       quests for copies of incident reports and summaries of in-

1 cident reports made within five years from the date of  
2 completion of the incident report.

3 (e) VICTIM'S REPRESENTATIVE DEFINED.—

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

8 (A) The surviving spouse.

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

11 (C) A surviving parent of the decedent.

12 (D) A surviving adult relative.

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

15 (2) A victim’s representative does not include  
16 any person who has been convicted of murder under  
17 State or Federal law or any person identified in the  
18 incident report as a suspect.

19 (f) APPLICABILITY OF CERTAIN DEFINITIONS.—The  
20 definitions in section 102 of title 10, United States Code,  
21 as added by section 101(a), apply to this section.

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

23 (a) IN GENERAL.—Any victim making an allegation  
24 of sexual assault, domestic violence, family violence, or  
25 stalking (as those terms are defined in section 102 of title

1 10, United States Code) may have a victim advocate  
2 present at any interview of the victim conducted by any  
3 military law enforcement official.

4 (b) SUPPORT DURING PROCEEDINGS.—In a military  
5 justice proceeding, a victim advocate, upon the request of  
6 the victim, shall be allowed to accompany the victim dur-  
7 ing the proceedings. The victim advocate shall be allowed  
8 to confer orally and in writing with the victim in a reason-  
9 able manner.

10 **SEC. 234. RESTITUTION.**

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

14 **“§ 1561c. Restitution**

15 “(a) RESTITUTION REQUIRED.—In addition to any  
16 other civil, disciplinary, or criminal penalty authorized by  
17 law, the convening authority in a court-martial shall order  
18 restitution for any offense specified in section 920,  
19 892(a)(4), or 1561a of this title.

20 “(b) SCOPE AND NATURE OF ORDER.—

21 “(1) DIRECTIONS.—An order of restitution  
22 under this section shall direct the person convicted  
23 to pay the victim the full amount of the victim’s  
24 losses, as determined by the convening authority  
25 pursuant to paragraph (2).

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

6           “(c) MANDATORY ORDER.—

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

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

11           “(A) the economic circumstances of the  
 12          person convicted; or

13           “(B) the fact that a victim has received, or  
 14          is entitled to receive, compensation for the vic-  
 15          tim’s injuries from the proceeds of insurance,  
 16          transitional compensation, veterans benefits, or  
 17          any other source.

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

19           “(1) FULL AMOUNT OF THE VICTIM’S  
 20          LOSSES.—The term ‘full amount of the victim’s  
 21          losses’ includes any costs incurred by the victim  
 22          for—

23           “(A) medical services relating to physical,  
 24          psychiatric, or psychological care;

1                   “(B) physical and occupational therapy or  
2                   rehabilitation;

3                   “(C) necessary transportation, temporary  
4                   housing, and child care expenses;

5                   “(D) lost income;

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

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

10                  “(2) VICTIM.—The term ‘victim’ means a per-  
11                  son harmed as a result of a commission of a crime  
12                  under this title, including, in the case of a victim  
13                  who is under 18 years of age, incompetent, incapaciti-  
14                  tated, or deceased, the legal guardian of the victim  
15                  or representative of the victim’s estate, another fam-  
16                  ily member, or any other person appointed as suit-  
17                  able by a court, but in no event shall the accused be  
18                  named as such a representative or guardian.”.

19                  (b) CLERICAL AMENDMENT.—The table of sections  
20                  at the beginning of such chapter is amended by inserting  
21                  after the item relating to section 1561b, as added by sec-  
22                  tion 301, the following new item:

                  “1561c. Restitution.”.

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

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

Justice), is amended by inserting after section 940a, as added by section 202, the following new section (article):

**“§ 940b. Art. 140b. Military justice information: transmission to Director of Federal Bureau of Investigation**

“Whenever a member of the Armed Forces is discharged or dismissed from the Armed Forces or is released from active duty, the Secretary concerned shall transmit to the Director of the Federal Bureau of Investigation a copy of records of any disciplinary action against the member involving sexual misconduct during the period of the member’s service in the Armed Forces that is taken under this chapter, including any nonjudicial punishment imposed under section 815 of this title (article 15).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 940a the following new item:

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

**SEC. 236. TRAVEL AND TRANSPORTATION OF HOUSEHOLD EFFECTS OR MOTOR VEHICLE IN RESPONSE TO DEPENDENT ABUSE.**

Section 406(h)(4)(D) of title 37, United States Code, is amended by striking “only if a written agreement of the member, or an order of a court of competent jurisdic-

tion,” and inserting “if an order of a court of competent jurisdiction”.

**SEC. 237. TECHNICAL AMENDMENTS RELATING TO FATALITY REVIEW PANELS.**

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

(1) in subsection (a), by inserting “, acting through the Office of the Victims’ Advocate,” after “Secretary of the Army”; and

(2) in subsection (c), by inserting “, in consultation with the Office of the Victims’ Advocate,” after “Secretary of Defense”.

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

(1) in subsection (a), by inserting “, through the Office of the Victims’ Advocate,” after “Secretary of the Navy”; and

(2) in subsection (c), by inserting “, in consultation with the Office of the Victims’ Advocate,” after “Secretary of Defense”.

(c) AIR FORCE.—Section 9061 of such title is amended—

(1) in subsection (a), by inserting “, through the Office of the Victims’ Advocate,” after “Secretary of the Air Force”; and



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

4 **TITLE III—REPORTING, PROS-**  
 5 **ECUTION, AND TREATMENT**  
 6 **OF PERPETRATORS**

7 **Subtitle A—Reporting of Sexual As-**  
 8 **sault, Domestic Violence, and**  
 9 **Stalking Within the Department**  
 10 **of Defense**

11 **SEC. 301. COMPLAINTS OF SEXUAL ASSAULT AND DOMES-**  
 12 **TIC VIOLENCE.**

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

16 **“§ 1561b. Complaints of sexual assault, domestic vio-**  
 17 **lence, family violence, or stalking: inves-**  
 18 **tigation by commanding officers**

19 “(a) ACTION ON COMPLAINTS.—(1) A commanding  
 20 officer or officer in charge of a unit, vessel, facility, or  
 21 area of the Army, Navy, Air Force, or Marine Corps who  
 22 receives a qualifying complaint shall carry out an inves-  
 23 tigation of the matter in accordance with this section.

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

1           “(A) that is from a victim, or from a member  
2           of the command, or a civilian employee under the  
3           supervision of the officer, or a victim advocate of the  
4           Department of Defense; and

5           “(B) that alleges sexual assault, domestic vio-  
6           lence, family violence, or stalking by a member of  
7           the Armed Forces or a civilian employee of the De-  
8           partment of Defense

9           “(b) COMMENCEMENT OF INVESTIGATION.—To the  
10          extent practicable, a commanding officer or officer in  
11          charge receiving a qualifying complaint shall, within 72  
12          hours after receipt of the complaint—

13           “(1) forward the complaint, or a detailed de-  
14          scription of the allegation in the complaint, to the  
15          next superior officer in that officer’s chain of com-  
16          mand who is authorized to convene a general court-  
17          martial;

18           “(2) commence, or cause the commencement of,  
19          an investigation of the complaint, including engaging  
20          law enforcement, criminal investigators, judge advo-  
21          cates, victim advocates, and victim witness liaisons;  
22          and

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

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

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

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

19               “(1) submit a final report on the results of the  
20 investigation, including any action taken as a result  
21 of the investigation, to the next superior officer re-  
22 ferred to in subsection (b)(1) within 30 days after  
23 the date on which the investigation is commenced; or

24               “(2) submit a report on the progress made in  
25 completing the investigation to the next superior of-

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

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

18      “(g) ANNUAL REPORT TO SECRETARY OF DEFENSE  
19      AND CONGRESS.—(1) Not later than January 15 of each  
20      year, each Secretary of a military department receiving a  
21      report under subsection (g) shall submit to the Secretary  
22      of Defense a report on the complaints and investigations  
23      of sexual assault, domestic violence, family violence, and  
24      stalking.

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

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

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

13 **SEC. 302. RESPONSE OF MILITARY LAW ENFORCEMENT OF-**  
 14 **FICIALS TO DOMESTIC VIOLENCE INCIDENTS.**

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

18 **“§ 1567. Domestic violence: responsibilities of mili-**  
 19 **tary law enforcement officers**

20 “(a) CIRCUMSTANCES REQUIRING ARREST.—A mili-  
 21 tary law enforcement officer shall arrest and take into cus-  
 22 tody a person subject to arrest or apprehension by the offi-  
 23 cer if—

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

5           “(2) any of the following circumstances is  
6           present:

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

10                   “(B) There is evidence of physical injury  
11                   to the alleged victim.

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

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

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

22                   “(2) Intentional impairment of physical condi-  
23                   tion.

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

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

6               “(1) a description of physical injuries observed,  
7 if any;

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

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

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

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

24              “(B) When the officer has reasonable grounds  
25 to believe that the spouses or former spouses or

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

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



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

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

22          “(3) The policies under paragraph (1) shall include  
23          a procedure for notifying the alleged victim of the incident  
24          of domestic violence services from which the victim may  
25          receive assistance. The military law enforcement officer

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

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

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

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

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

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

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

21 “(2) If a military law enforcement officer has reason-  
22 able grounds to arrest a person who is committing or has  
23 committed domestic violence and that person’s actions  
24 constitute the commission of a crime, the officer shall pre-  
25 pare a written statement detailing why the person was not

1 arrested. The report shall be sent to the judge advocate  
2 for the command of the suspect where the acts took place,  
3 immediately upon the completion of the investigation of  
4 the incident. The judge advocate shall review the report  
5 to determine whether the person involved in the incident  
6 should be charged with the commission of a crime.

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

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

16 “(A) The relationship of the parties.

17 “(B) The sex of the parties.

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

19 “(D) The number of domestic violence calls in-  
20 vestigated.

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

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

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

1           “(H) The action taken by the law enforcement  
2 officer.

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

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

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

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

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

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

23           “(B) shall avoid contacting or causing any per-  
24 son, other than law enforcement officers or military

1 criminal investigators, judge advocates, or com-  
2 manders, to contact the alleged victim.

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

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

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

22 “(g) **CONDITIONAL RELEASE.**—A person arrested  
23 and taken into custody for a domestic violence incident  
24 is eligible for conditional release. Unless there is a waiver  
25 under section (f), as part of the conditions of any such

1 release that occurs within 72 hours immediately following  
2 such an arrest, the person shall be made to comply with  
3 the requirements under subsection (f)(1) and to sign the  
4 acknowledgment under subsection (f)(2).

5 **“§ 1568. Domestic violence: prosecution policies**

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

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

13 “(A) solely upon the absence of visible in-  
14 dications of injury;

15 “(B) consent of the victim;

16 “(C) consideration of the relationship of  
17 the parties; or

18 “(D) the character, rank, rate, or quality  
19 of service of members of the Armed Forces, of-  
20 ficers or employees.

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

1       than 28 days after the date on which the judge ad-  
2       vocate general has received notice of the incident.

3   **“§ 1569. Domestic violence: annual reports**

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

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

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

19           “(3) A listing of the number of arrests, pros-  
20       ecutions, and convictions under paragraphs (1) and  
21       (2) shall include categories by statutory reference of  
22       offenses under chapter 47 of this title (the Uniform  
23       Code of Military Justice) and include totals for all  
24       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  
8 Department 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  
16 Department 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 **“§ 145. 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 “(i) by a commander of a member of  
19 the Armed Forces alleged to have engaged  
20 in sexual misconduct, sexual assault, do-  
21 mestic violence, family violence, or stalking  
22 or to have been the victim of sexual mis-  
23 conduct, sexual assault, domestic violence,  
24 family violence, or stalking; or

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

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

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

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

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

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

24               “(2) To request such information or assistance  
25       as may be necessary for carrying out the Director’s

1 duties from any Federal, State, or local govern-  
2 mental agency or unit thereof.

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

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

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

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

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

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

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

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

12          “(h) STAFF.—The Director shall have access to—

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

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

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

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

“145. 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           **CHAPTER 2—UNIFORM CODE OF**  
 18           **MILITARY JUSTICE**

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

20           (a) ASSAULT.—Section 928(b) of title 10, United  
 21   States Code (article 128(b) of the Uniform Code of Mili-  
 22   tary Justice), is amended—

23                   (1) by striking “or” at the end of paragraph  
 24                   (1);

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

3           (3) by inserting after paragraph (2) the fol-  
4           lowing new paragraph:

5           “(3) commits an assault involving domestic vio-  
6           lence or family violence;”.

7           (b) ASSAULT INVOLVING DOMESTIC VIOLENCE OR  
8           FAMILY VIOLENCE DEFINED.—Such section is further  
9           amended by adding at the end the following new sub-  
10          section:

11          “(c) In this section, the term ‘assault involving do-  
12          mestic violence or family violence’ means—

13               “(1) an assault—

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

18                   “(B) in which the accused intentionally in-  
19                   flicts bodily harm with or without a weapon  
20                   upon a spouse, former spouse, intimate partner,  
21                   or family member, or any other person related  
22                   by consanguinity or affinity; or

23                   “(C) in which the accused places a person  
24                   in reasonable fear of imminent bodily injury to  
25                   that person or to another person;

1 “(2) a sexual assault; or

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

3 “(A) places a person in reasonable fear of  
4 imminent bodily injury to that person or to an-  
5 other;

6 “(B) harasses or intimidates a spouse, inti-  
7 mate partner, or family member or person re-  
8 lated by consanguinity or affinity, in the course  
9 of or as a result of which the accused commits  
10 a crime of violence against the spouse, intimate  
11 partner, or family member or person related by  
12 consanguinity or affinity; or

13 “(C) uses force, coercion, duress, or fraud  
14 to facilitate, commit, or attempt to commit a  
15 crime of violence against a spouse, former  
16 spouse, intimate partner, or family member.”.

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

20 (d) INTERIM MAXIMUM PUNISHMENTS.—Until the  
21 President otherwise provides pursuant to section 856 of  
22 title 10, United States Code (article 56 of the Uniform  
23 Code of Military Justice), the punishment which a court-  
24 martial may direct for an offense under subsection (b)(3)  
25 of section 928 of such title (article 128 of the Uniform

1 Code of Military Justice) may not exceed the following  
2 limits:

3           (1) For an assault involving domestic violence  
4           or family violence if the death of the victim results,  
5           such punishment may not exceed dishonorable dis-  
6           charge, forfeiture of pay and allowances, and con-  
7           finement for life without eligibility for parole.

8           (2) For an assault involving domestic violence  
9           or family violence if permanent disfigurement or life  
10          threatening bodily injury to the victim results, such  
11          punishment may be twice that as provided including  
12          dishonorable discharge, forfeiture of pay and allow-  
13          ances, and confinement for 30 years.

14          (3) For an assault involving domestic violence  
15          or family violence if serious bodily injury to the vic-  
16          tim results or if the accused uses a dangerous weap-  
17          on, such punishment may not exceed dishonorable  
18          discharge, forfeiture of all pay and allowances, and  
19          confinement for 20 years.

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

1 **SEC. 317. PROTECTIVE ORDERS.**

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

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

6 (2) by striking “or” at the end of paragraph  
7 (2);

8 (3) by inserting “or” at the end of paragraph  
9 (3);

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

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

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

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

18 “(1) a no contact order issued by a command  
19 or supervisor to a member to safeguard a spouse,  
20 former spouse, intimate partner, or family member  
21 of a member;

22 “(2) a protection order as defined in section  
23 2266(5) of title 18; and

24 “(3) a protective order as defined in section  
25 1561a of this title.”.

1 (b) 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 **Subtitle C—Treatment Services for**  
5 **Perpetrators**

6 **SEC. 321. ENHANCED CAPACITY OF THE DEPARTMENT OF**  
7 **DEFENSE FOR TREATMENT SERVICES FOR**  
8 **PERPETRATORS.**

9 (a) CONTRACTS AUTHORIZED.—

10 (1) IN GENERAL.—The Secretary of Defense,  
11 acting through the Undersecretary of Defense for  
12 Personnel and Readiness, may enter into contracts  
13 with eligible entities for the provision of treatment  
14 services, including a batterers program, for members  
15 of the Armed Forces who have been assessed to have  
16 committed domestic violence, family violence, sexual  
17 assault, or stalking.

18 (2) DEFINITIONS.—In this section:

19 (A) ELIGIBLE ENTITIES.—The term “eligi-  
20 ble entity” means a public or private, nonprofit  
21 or nongovernmental entity the primary purpose  
22 of which is to provide treatment services to per-  
23 petrators of domestic violence, family violence,  
24 sexual assault, or stalking.

1 (B) BATTERERS PROGRAM.—The term  
2 “batterers program” means a program ap-  
3 proved or certified by a State that is operated  
4 by a public or not-for-profit organization for the  
5 purpose of providing battering prevention and  
6 educational services and the goal of which is to  
7 help perpetrators end abusive behaviors.

8 (b) TERMS OF CONTRACT.—A contract awarded  
9 under this section shall provide that the entity awarded  
10 the contract—

11 (1) may provide for collaboration with existing  
12 services in the civilian community for the provision  
13 of appropriate treatment services;

14 (2) when appropriate treatment services are not  
15 available in the civilian community or are not acces-  
16 sible, may provide such services on military installa-  
17 tions;

18 (3) shall not, under the contract, provide couple  
19 counseling or mediation, but may provide referrals  
20 for such counseling or mediation upon successful  
21 completion of a certified batterers program and at  
22 the request of the victim.

23 (c) TERMS OF BATTERERS PROGRAM.—The Sec-  
24 retary shall ensure that the batterers program shall have  
25 policies regarding—

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

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

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

6       (d) APPLICATION.—An eligible entity that desires to  
7       receive a contract under this section shall submit to the  
8       Secretary an application at such time, in such manner,  
9       and containing such information as the Secretary may re-  
10      quire, consistent with the requirements specified in this  
11      section.

12      (e) TREATMENT STANDARDS.—The treatment pro-  
13      gram under the batterers program must meet the fol-  
14      lowing standards:

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

17           (A) current and past violence history relat-  
18           ing to domestic violence, family violence, sexual  
19           assault, or stalking;

20           (B) a complete diagnostic evaluation;

21           (C) a substance abuse assessment; and

22           (D) criminal history.

23           (2) All treatment shall be based on a treatment  
24      plan that adequately and appropriately addresses  
25      treatment needs of the individual.



1           (3) The program shall require the perpetrator  
2       to review the following notices:

3           (A) A notice that the program will inform  
4       the victim and victims' advocate that the perpe-  
5       trator is in treatment.

6           (B) A notice that prior and current treat-  
7       ment agencies will provide information on the  
8       perpetrator to the program.

9           (C) A notice that the program will provide  
10      relevant information on the perpetrator to rel-  
11      evant legal and military entities.

12          (4) Treatment of a perpetrator must be for a  
13      minimum treatment period established by the Sec-  
14      retary by regulation.

15          (5) Satisfactory completion of treatment must  
16      be contingent upon the perpetrator meeting specific  
17      criteria, defined by the Secretary, and not just upon  
18      the end of a certain period of time or attendance of  
19      the perpetrator at a certain number of sessions.

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

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

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

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

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

10           (1) how the funds under the contract were  
11       used;

12           (2) the extent to which military personnel were  
13       served;

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

15           (4) the existence of barriers to the provision of  
16       services;

17           (5) pertinent and appropriate factors con-  
18       cerning perpetrators in the program, including age,  
19       education, income, marital status, number of chil-  
20       dren and their ages, any substance abuse, and per-  
21       sonal history of family violence;

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

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

1           (8) the number of persons participating in the  
2           program, the number completing the program, the  
3           number failing to complete the program, and rea-  
4           sons therefor.

5           (h) APPLICABILITY OF CERTAIN DEFINITIONS.—The  
6           definitions in section 102 of title 10, United States Code,  
7           as added by section 101(a), apply to this section.

8           **SEC. 322. SEX OFFENDER TREATMENT PROGRAM.**

9           (a) DEFINITION.—In this section, the term “sex of-  
10          fender treatment program” means a program approved or  
11          certified by a State that is operated by a public or non-  
12          profit organization for the purpose of providing treatment  
13          services for sex offenders.

14          (b) TERMS OF CONTRACT.—A contract awarded  
15          under this section shall provide that the sex offender treat-  
16          ment program awarded the contract—

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

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

24          (c) QUALIFIED TREATMENT PROVIDERS.—The Sec-  
25          retary of Defense, acting through the Under Secretary of

1 Defense for Personnel and Readiness shall ensure that the  
2 providers of sex offender treatment in the contracted pro-  
3 gram meet the licensing or certification standards of the  
4 State in which services are provided. The treatment pro-  
5 viders shall—

6 (1) have education, training and experience in  
7 the evaluation, treatment and management of indi-  
8 viduals who sexually offend;

9 (2) possess a graduate degree and possess a  
10 minimum of 2000 hours of clinical assessment and  
11 treatment of sexual abusers and obtain annual con-  
12 tinuing education in the field of sexual abuse; and

13 (3) adhere to the professional conduct code of  
14 their clinical profession.

15 (d) TREATMENT STANDARDS.—The sex offender  
16 treatment program for contracted sex offender treatment  
17 shall—

18 (1) utilize psychosexual evaluations—

19 (A) to determine an offender's risk to re-  
20 offend;

21 (B) to identify dynamic risk factors; and

22 (C) to develop appropriate treatment and  
23 supervision plans;

24 (2) provide interventions that are—

1 (A) designed to assist the offender to man-  
2 age thoughts, feelings, attitudes, and behaviors  
3 associated with their risk to reoffend;

4 (B) utilize recognized treatment modalities  
5 that are considered most effective in reducing  
6 rates of reoffense; and

7 (C) manage offenders in the community  
8 utilizing a risk management team approach.

9 **TITLE IV—COUNSELING AND**  
10 **TREATMENT PROGRAMS OF**  
11 **DEPARTMENT OF VETERANS**  
12 **AFFAIRS**

13 **SEC. 401. RESEARCH ON BEST PRACTICES TO OVERCOME**  
14 **STIGMA RELATED TO MILITARY SEXUAL**  
15 **TRAUMA.**

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

22 **SEC. 402. TRAINING FOR DEPARTMENT OF VETERANS AF-**  
23 **FAIRS PRIMARY CARE PROVIDERS.**

24 (a) **TRAINING REQUIRED.**—The Secretary of Vet-  
25 erans Affairs shall ensure that all primary care providers

1 who are employed by the Department of Veterans Affairs  
2 (or who treat veterans for the Department on a fee or  
3 contract basis) receive training in—

4 (1) effective screening methods for identifying  
5 veterans who have suffered from military sexual  
6 trauma; and

7 (2) the process for referring for appropriate  
8 treatment and services veterans who are so identi-  
9 fied.

10 (b) CURRENT PROVIDERS.—For those primary care  
11 providers referred to in subsection (a) who are employed  
12 as of the date of the enactment of this Act and who have  
13 not previously received the training described in such sub-  
14 section, such training shall be completed not later than  
15 the end of the one-year period beginning on the date of  
16 the enactment of this Act.

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

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

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

1           (3) Identify the health correlates of sexual trauma.  
2

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

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

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

11          (7) Describe the mental health treatment for  
12 military sexual trauma.

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

16          (9) Explain the compensation issues associated  
17 with military sexual trauma.

18          (10) Describe the complex patient-provider rela-  
19 tionship issues associated with military sexual trauma.  
20

21          (11) Identify the risk factors that could cause  
22 post-traumatic stress disorder flares in military sexual  
23 trauma survivors.

24          (12) Define revictimization.

25          (13) Assess intimate partner violence.

1           (14) Describe treatment of acute sexual trauma  
2       victims.

3           (15) Recognize how clinicians can care for  
4       themselves and avoid burnout.

5       **SEC. 403. PILOT PROGRAM ON WAYS TO IDENTIFY VET-**  
6                       **ERANS WHO ARE VICTIMS OF MILITARY SEX-**  
7                       **UAL TRAUMA.**

8       (a) PILOT PROGRAM.—The Secretary of Veterans Af-  
9       fairs shall conduct a pilot program to identify effective  
10      ways of screening and referral processes for primary care  
11      providers to identify veterans who are victims of military  
12      sexual trauma.

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 shall submit to the Committees on Armed  
20      Services and on Veterans' Affairs of the Senate and House  
21      of Representatives a report on the Secretary's evaluation  
22      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 (as those terms are defined in sec-  
13           tion 102 of title 10, United States Code); or

14           (2) has received any other disciplinary action or  
15           adverse personnel action on the basis of having en-  
16           gaged in domestic violence, family violence, sexual  
17           assault, or stalking.

18       **SEC. 502. CLOSURE OF ARTICLE 32 INVESTIGATIONS IN**  
19                       **CASES OF SEXUAL ASSAULT OR DOMESTIC VI-**  
20                       **OLENCE.**

21       Section 832 of title 10, United States Code (article  
22       32 of the Uniform Code of Military Justice), is amended  
23       by adding at the end the following new subsection:

24       “(f) In an investigation under this article that in-  
25       cludes a charge or specification (or an uncharged offense

1 included in the investigation pursuant to subsection (d))  
 2 of sexual assault or domestic violence, the investigating  
 3 officer shall give particular consideration to closing the in-  
 4 vestigation to the public.”.

## 5       **Subtitle B—Enhancement of** 6       **Servicemembers Civil Relief Act**

### 7       **SEC. 511. AMENDMENTS TO SERVICEMEMBERS CIVIL RE-** 8       **LIEF ACT.**

9       (a) EXCEPTION TO AUTHORITY TO ORDER STAYS IN  
 10       CIVIL PROCEEDINGS.—Section 202(b)(1) of the  
 11       Servicemembers Civil Relief Act (50 U.S.C. App.  
 12       522(b)(1)) is amended by inserting “, except in the case  
 13       of an order of protection or restraining order,” after “pro-  
 14       ceeding”.

15       (b) CHANGE IN REFERENCES FROM “DEPENDENTS”  
 16       TO “FAMILY MEMBERS”.—

17               (1) Section 101(4) of such Act (50 U.S.C. App.  
 18       511(4)) is amended—

19                       (A) in the heading, by striking “DEPEND-  
 20       ENT” and inserting “FAMILY MEMBER”; and

21                       (B) by striking “dependent” and inserting  
 22       “family member”.

23               (2) Such Act is further amended by striking  
 24       “dependent” and “dependents” each place they ap-

1       pear and inserting “family member” and “family  
2       members”, respectively.

3               (3)(A) The heading for section 308 of such Act  
4       (50 U.S.C. App. 538) is amended to read as follows:  
5       **“§ 308. Extension of protections to family members.”.**

6               (B) The item relating to such section in the  
7       table of contents in section 1(b) of such Act (50  
8       U.S.C. App. 501(b)) is amended to conform to the  
9       amendment made by subparagraph (A).

10       **Subtitle C—Research on Preva-**  
11       **lence, Needs Assessment, Serv-**  
12       **ices, and Accountability**

13       **SEC. 521. RESEARCH ON SEXUAL ASSAULT, DOMESTIC VIO-**  
14               **LENCE, AND FAMILY VIOLENCE IN THE**  
15               **ARMED FORCES.**

16       (a) IN GENERAL.—The Secretary of Defense, in con-  
17       junction with the Attorney General, shall carry out a com-  
18       prehensive research study on the prevalence and nature  
19       of sexual assault, domestic violence, and family violence  
20       in the Armed Forces. To the extent that incidents of sex-  
21       ual assault are also incidents of domestic violence or fam-  
22       ily violence, research activities for the purpose of the study  
23       under this section can be conducted simultaneously and  
24       in collaboration. The research study shall include the iden-  
25       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.

