

116TH CONGRESS  
1ST SESSION

# S. 1526

To enhance efforts to prevent sexual assault in the Armed Forces, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Ms. SINEMA (for herself and Ms. ERNST) introduced the following bill; which  
was read twice and referred to the Committee on Armed Services

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## A BILL

To enhance efforts to prevent sexual assault in the Armed  
Forces, and for other purposes.

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

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Prevention of Sexual  
5       Assault in the Armed Forces Act”.

**6 SEC. 2. DEFENSE ADVISORY COMMITTEE FOR THE PREVEN-**

**7                   TION OF SEXUAL MISCONDUCT.**

8       (a) ESTABLISHMENT REQUIRED.—

9                   (1) IN GENERAL.—The Secretary of Defense  
10               shall establish and maintain within the Department

1 of Defense an advisory committee to be known as  
2 the “Defense Advisory Committee for the Prevention  
3 of Sexual Misconduct” (in this section referred to as  
4 the “Advisory Committee”).

5 (2) DEADLINE FOR ESTABLISHMENT.—The  
6 Secretary shall establish the Advisory Committee not  
7 later than 180 days after the date of the enactment  
8 of this Act.

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—The Advisory Committee  
11 shall consist of not more than 20 members, ap-  
12 pointed by the Secretary from among individuals  
13 who have an expertise appropriate for the work of  
14 the Advisory Committee, including at least one indi-  
15 vidual with each expertise as follows:

16 (A) Expertise in the prevention of sexual  
17 assault and behaviors on the sexual assault con-  
18 tinuum of harm.

19 (B) Expertise in the prevention of suicide.

20 (C) Expertise in the change of culture of  
21 large organizations.

22 (D) Expertise in implementation science.

23 (2) BACKGROUND OF INDIVIDUALS.—Individ-  
24 uals appointed to the Advisory Committee may in-  
25 clude individuals with expertise in sexual assault

1 prevention efforts of institutions of higher education,  
2 public health officials, and such other individuals as  
3 the Secretary considers appropriate.

4 (3) PROHIBITION ON MEMBERSHIP OF MEM-  
5 BERS OF ARMED FORCES ON ACTIVE DUTY.—A  
6 member of the Armed Forces serving on active duty  
7 may not serve as a member of the Advisory Com-  
8 mittee.

9 (c) DUTIES.—

10 (1) IN GENERAL.—The Advisory Committee  
11 shall advise the Secretary on the following:

12 (A) The prevention of sexual assault (in-  
13 cluding rape, forcible sodomy, other sexual as-  
14 sault, and other sexual misconduct (including  
15 behaviors on the sexual assault continuum of  
16 harm)) involving members of the Armed Forces.

17 (B) The policies, programs, and practices  
18 of each military department, each Armed Force,  
19 and each military service academy for the pre-  
20 vention of sexual assault as described in sub-  
21 paragraph (A).

22 (2) BASIS FOR PROVISION OF ADVICE.—For  
23 purposes of providing advice to the Secretary pursu-  
24 ant to this subsection, the Advisory Committee shall  
25 review, on an ongoing basis, the following:

(A) Cases involving allegations of sexual assault described in paragraph (1).

(B) Efforts of institutions of higher education to prevent sexual assault among students.

6 (C) Any other information or matters that  
7 the Advisory Committee or the Secretary con-  
8 siders appropriate.

17 (d) ANNUAL REPORT.—Not later than March 30  
18 each year, the Advisory Committee shall submit to the  
19 Secretary and the Committees on Armed Services of the  
20 Senate and the House of Representatives a report on the  
21 activities of the Advisory Committee pursuant to this sec-  
22 tion during the preceding year.

23 (e) SEXUAL ASSAULT CONTINUUM OF HARM.—In  
24 this section, the term “sexual assault continuum of harm”  
25 includes—

1 (1) inappropriate actions (such as sexist jokes),  
2 sexual harassment, gender discrimination, hazing,  
3 cyber bullying, or other behavior that contributes to  
4 a culture that is tolerant of, or increases risk for,  
5 sexual assault; and

6 (2) maltreatment or ostracism of a victim for a  
7 report of sexual misconduct.

8 SEC. 3. NOTICE TO VICTIMS OF ALLEGED SEXUAL ASSAULT  
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11  
12

OF PENDENCY OF FURTHER ADMINISTRA-  
TIVE ACTION FOLLOWING A DETERMINATION  
NOT TO REFER TO TRIAL BY COURT-MAR-  
TIAL.

Under regulations prescribed by the Secretary of Defense, upon a determination not to refer a case of alleged sexual assault for trial by court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the commander making such determination shall periodically notify the victim of the status of a final determination on further action on such case, whether non-judicial punishment under section 815 of such title (article 15 of the Uniform Code of Military Justice), other administrative action, or no further action. Such notifications shall continue not less frequently than monthly until such final determination.

1   **SEC. 4. AUTHORITY FOR DETAIL OF CERTAIN ENLISTED**  
2                   **MEMBERS OF THE ARMED FORCES AS STU-**  
3                   **DENTS AT LAW SCHOOLS.**

4       (a) IN GENERAL.—Chapter 101 of title 10, United  
5 States Code, is amended by inserting after section 2004  
6 the following new section:

7   **“§ 2004a. Detail as students at law schools: certain**  
8                   **enlisted members**

9       “(a) IN GENERAL.—The Secretary of each military  
10 department may, under regulations prescribed by the Sec-  
11 retary of Defense, detail enlisted members of the armed  
12 forces as students at accredited law schools, located in the  
13 United States, for a period of training leading to the de-  
14 gree of bachelor of laws or juris doctor. No more than  
15 twenty-five officers from each military department may  
16 commence such training in any single fiscal year.

17       “(b) ELIGIBILITY FOR DETAIL.—To be eligible for  
18 detail under subsection (a), a member must be a citizen  
19 of the United States and must—

20               “(1) as of the time training is to begin—

21                   “(A) have served on active duty for a pe-  
22                   riod of not less than four years nor more than  
23                   eight years;

24                   “(B) be in pay grade E-5 or E-6; and

1                   “(C) meet all requirements for acceptance  
2                   of a commission as a commissioned officer in  
3                   the armed forces; and

4                   “(2) sign an agreement that, unless sooner sep-  
5                   arated, the member will—

6                   “(A) complete the educational course of  
7                   legal training;

8                   “(B) upon completion of the educational  
9                   course of legal training—

10                  “(i) accept a commission as a commis-  
11                  sioned officer in the armed forces; and

12                  “(ii) accept transfer or detail as a  
13                  judge advocate or law specialist within the  
14                  department concerned; and

15                  “(C) agree to serve on active duty fol-  
16                  lowing completion or other termination of the  
17                  educational course of legal training for a period  
18                  of two years for each year or part thereof of  
19                  such training.

20                  “(c) SELECTION.—Members detailed for legal train-  
21                  ing under subsection (a) shall be selected on a competitive  
22                  basis by the Secretary of the military department con-  
23                  cerned, under the regulations required by subsection (a).

24                  “(d) SERVICE AND SERVICE OBLIGATIONS.—(1) Ex-  
25                  cept as provided in paragraph (2), any service obligation

1 incurred by a member under an agreement entered into  
2 under subsection (b) shall be in addition to any service  
3 obligation incurred by the member under any other provi-  
4 sion of law or agreement.

5       “(2)(A) A member who does not successfully com-  
6 plete a course of legal training to which detailed pursuant  
7 to this section shall cease such detail and return to the  
8 armed force concerned as an enlisted member.

9       “(B) Any time of a member described by subpara-  
10 graph (A) in a course of legal training described in that  
11 subparagraph shall not count toward satisfaction of any  
12 period of service required under the current contract or  
13 agreement of the member for enlistment in the armed  
14 forces.

15       “(e) LIMITATION ON NUMBER DETAILABLE.—The  
16 aggregate number of enlisted members detailed under this  
17 section and commissioned officers detailed under section  
18 2004 of this title in any fiscal year by a Secretary of a  
19 military department may not exceed 25.

20       “(f) OTHER ADMINISTRATIVE MATTERS.—Sub-  
21 sections (d) and (f) of section 2004 of this title shall apply  
22 to the detail of members under this section, except that  
23 any reference in such section to an ‘officer’ shall be  
24 deemed to be a reference to an ‘enlisted member’ for such  
25 purposes.”.

## 1       (b) CONFORMING AMENDMENTS.—

2               (1) IN GENERAL.—Section 2004 of such title is  
3               amended—4                       (A) in subsection (a), by striking the sec-  
5               ond sentence; and

6                       (B) in subsection (f)—

7                               (i) by inserting “(1)” after “(f)”; and  
8                               (ii) by adding at the end the following  
9               new paragraph:10               “(2) The aggregate number of commissioned officers  
11               detailed under this section and enlisted members detailed  
12               under section 2004s of this title in any fiscal year by a  
13               Secretary of a military department may not exceed 25.”.14               (2) HEADING AMENDMENT.—The heading of  
15               section 2004 of such title is amended to read as fol-  
16               lows:17       **“§ 2004. Detail as students at law schools: commis-  
18               sioned officers”.**19               (c) CLERICAL AMENDMENT.—The table of sections  
20               at the beginning of chapter 101 of such title is amended  
21               by striking the item relating to section 2004 and inserting  
22               the following new items:

“2004. Detail as students at law schools: commissioned officers.

“2004a. Detail as students at law schools: certain enlisted members.”.

