

116TH CONGRESS
2D SESSION

S. 3692

To improve the ability of the Department of Defense to effectively prevent, track, and respond to military-connected child abuse.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2020

Mrs. GILLIBRAND (for herself, Mr. ROUNDS, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To improve the ability of the Department of Defense to effectively prevent, track, and respond to military-connected child abuse.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Military-Con-
5 nected Child Abuse and Neglect Act”.

6 **SEC. 2. ACTIONS TO ADDRESS MILITARY-CONNECTED**
7 **CHILD ABUSE.**

8 (a) IN GENERAL.—Consistent with the recommenda-
9 tions of the Government Accountability Office in the re-

1 port titled “Increased Guidance and Collaboration Needed
2 to Improve DOD’s Tracking and Response to Child
3 Abuse” (GAO–20–110), the Secretary of Defense shall
4 carry out activities to improve the ability of the Depart-
5 ment of Defense to effectively prevent, track, and respond
6 to military-connected child abuse.

7 (b) ACTIVITIES REQUIRED.—The activities carried
8 out under subsection (a) shall include the following:

9 (1) The Secretary of Defense shall expand the
10 scope of the Department of Defense’s centralized
11 database on problematic sexual behavior in children
12 and youth to track information on all incidents in-
13 volving child abuse reported to a Family Advocacy
14 Program or investigated by a military law enforce-
15 ment organization, regardless of whether the perpe-
16 trator of the abuse is another child, an adult, or a
17 person in a noncaregiving role at the time of the in-
18 cident.

19 (2) The Secretary of Defense, in consultation
20 with the Secretary of each military department, shall
21 ensure—

22 (A) that each Family Advocacy Program
23 records, in a database of the Program, the date
24 on which the Program notified a military law

1 enforcement organization of a reported incident
2 of child abuse; and

3 (B) that each military law enforcement or-
4 ganization records, in a database of the organi-
5 zation, the date on which the organization noti-
6 fied a Family Advocacy Program of a reported
7 incident of child abuse.

8 (3) The Secretary of Defense, in consultation
9 with the Secretary of each military department, shall
10 issue guidance that clarifies the process through
11 which the Family Advocacy Program of an Armed
12 Force will receive, and incorporate into the Pro-
13 gram's central registry, information regarding child
14 abuse allegations involving members of that Armed
15 Force and dependents of such members in cases in
16 which such allegations were previously recorded by
17 the Family Advocacy Program of another Armed
18 Force. Such guidance shall include a mechanism for
19 monitoring the process to ensure that the process is
20 carried out consistently.

21 (4) Each Armed Force shall develop a process
22 to monitor how reported incidents of child abuse are
23 screened at military installations to help ensure that
24 all reported child abuse incidents that should be pre-

1 sented to an Incident Determination Committee are
2 consistently presented and tracked.

3 (5) The Secretary of Defense shall ensure that
4 the Under Secretary of Defense for Personnel and
5 Readiness, in consultation with the Director of the
6 Department of Defense Education Activity, clarifies
7 Department of Defense Education Activity guidance
8 to define what types of child abuse incidents must
9 be reported as serious incidents to help ensure that
10 all serious incidents of which Department of Defense
11 Education Activity leadership needs to be informed
12 are accurately and consistently reported by school
13 administrators.

14 (6) The Secretary of Defense, in consultation
15 with the Secretaries of the military departments,
16 shall expand the voting membership of each Incident
17 Determination Committee to include medical per-
18 sonnel with requisite knowledge and experience.

19 (7) Each Armed Force shall implement proce-
20 dures to provide the families of child abuse victims
21 with comprehensive information on how reported in-
22 cidents of child abuse will be addressed. Such prac-
23 tices may include the development of a guide that—

24 (A) explains the processes the Family Ad-
25 vocacy Program and military law enforcement

1 organizations will follow to address the report;
2 and

3 (B) identifies services and other resources
4 available to victims and their families.

5 (8) The Secretary of Defense, in consultation
6 with the Secretaries of the military departments,
7 shall issue guidance to clarify the circumstances
8 under which military commanders may exercise the
9 authority to remove a child from a potentially unsafe
10 home on a military installation outside the United
11 States.

12 (9) The Secretary of Defense shall ensure that
13 the Under Secretary of Defense for Personnel and
14 Readiness, in consultation with the Director of the
15 Defense Health Agency, establishes processes that
16 help ensure children who are sexually abused outside
17 the United States have timely access to a certified
18 pediatric sexual assault forensic examiner to conduct
19 an examination. Such processes may include certi-
20 fying pediatricians or adult sexual assault forensic
21 examiners as pediatric examiners during mandatory
22 training or establishing shared regional assets.

23 (10) The Secretary of Defense, in consultation
24 with the Deputy Attorney General, shall seek to im-
25 prove communication between military criminal in-

1 vestigative organizations and United States Attor-
2 neys for relevant cases involving child victims, in-
3 cluding by seeking to ensure that military investiga-
4 tors are notified when a prosecution is declined and
5 that such notice includes the reasons for the declina-
6 tion when appropriate.

7 (11) The Secretary of each military department
8 shall seek to develop a memorandum of under-
9 standing with the National Children’s Alliance that
10 makes children’s advocacy center services available
11 to all military installations of the department and in-
12 creases awareness of those services across the de-
13 partment.

14 (c) DEADLINE.—The Secretary of Defense shall
15 carry out the activities described in subsection (b) not
16 later than one year after the date of the enactment of this
17 Act.

18 (d) DEFINITIONS.—In this section:

19 (1) The term “Armed Forces” means the
20 Army, Navy, Air Force, and Marine Corps.

21 (2) The term “child abuse” means any abuse of
22 a child (including physical abuse, sexual abuse, emo-
23 tional abuse, and neglect) regardless of whether the
24 perpetrator of the abuse is another child, an adult,
25 or a person in a noncaregiving role.

1 (3) The term “Incident Determination Com-
2 mittee” means a committee established at a military
3 installation that is responsible for reviewing reported
4 incidents of child abuse and determining whether
5 such incidents constitute child abuse according to
6 the applicable criteria of the Department of Defense.

7 (4) The term “military-connected”, when used
8 with respect to child abuse, means child abuse occur-
9 ring on a military installation or involving a depend-
10 ent of a member of the Armed Forces.

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