

## FY14 NDAA

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1 cility and, if so, where the individual had been in  
2 such custody or under such effective control; and

3 (3) whether the individual has been directly  
4 linked to the death of any member of the United  
5 States Armed Forces or any United States Govern-  
6 ment employee.

7 (b) DECLASSIFICATION REVIEW.—Upon submittal of  
8 the classified report required under subsection (a), the  
9 Secretary of Defense shall conduct a declassification re-  
10 view of such report to determine what information, if any,  
11 may be made publicly available in an unclassified sum-  
12 mary of the information contained in the report. In con-  
13 ducting such declassification review, the Secretary shall  
14 make such summary information publicly available to the  
15 maximum extent practicable, consistent with national se-  
16 curity.

17 **SEC. 1037. GRADE OF CHIEF PROSECUTOR AND CHIEF DE-**  
18 **FENSE COUNSEL IN MILITARY COMMISSIONS**  
19 **ESTABLISHED TO TRY INDIVIDUALS DE-**  
20 **TAINED AT GUANTANAMO.**

21 (a) IN GENERAL.—For purposes of any military com-  
22 mission established under chapter 47A of title 10, United  
23 States Code, to try an alien unprivileged enemy belligerent  
24 (as such terms are defined in section 948a of such title)  
25 who is detained at United States Naval Station, Guanta-

1 namo Bay, Cuba, the chief defense counsel and the chief  
2 prosecutor shall have the same grade (as that term is de-  
3 fined in section 101(b)(7) of such title).

4 (b) WAIVER.—

5 (1) IN GENERAL.—The Secretary of Defense  
6 may temporarily waive the requirement specified in  
7 subsection (a), if the Secretary determines that com-  
8 pliance with such subsection would—

9 (A) be infeasible due to a non-availability  
10 of qualified officers of the same grade to fill the  
11 billets of chief defense counsel and chief pros-  
12 ecutor; or

13 (B) cause a significant disruption to pro-  
14 ceedings established under chapter 47A of title  
15 10, United States Code.

16 (2) REPORTS.—Not later than 30 days after  
17 the Secretary issues a waiver under paragraph (1),  
18 the Secretary shall submit to the Committees on  
19 Armed Services of the Senate and the House of Rep-  
20 resentatives the following:

21 (A) A copy of the waiver and the deter-  
22 mination of the Secretary to issue the waiver.

23 (B) A statement of the basis for the deter-  
24 mination, including an explanation of the non-

1 availability of qualified officers or the signifi-  
2 cant disruption concerned.

3 (C) Notice of the time period during which  
4 the waiver is in effect.

5 (e) GUIDANCE.—Not later than 60 days after the  
6 date of the enactment of this Act, the Secretary of Defense  
7 shall issue guidance to ensure that the office of the chief  
8 defense counsel and the office of the chief prosecutor re-  
9 ceive equitable resources, personnel support, and logistical  
10 support for conducting their respective duties in connec-  
11 tion with any military commission established under chap-  
12 ter 47A of title 10, United States Code, to try an alien  
13 unprivileged enemy belligerent (as such terms are defined  
14 in section 948a of such title) who is detained at United  
15 States Naval Station, Guantanamo Bay, Cuba.

16 **SEC. 1038. REPORT ON CAPABILITY OF YEMENI GOVERN-**  
17 **MENT TO DETAIN, REHABILITATE, AND PROS-**  
18 **ECUTE INDIVIDUALS DETAINED AT GUANTA-**  
19 **NAMO WHO ARE TRANSFERRED TO YEMEN.**

20 (a) REPORT REQUIRED.—Not later than 120 days  
21 after the date of the enactment of this Act, the Secretary  
22 of Defense and the Secretary of State shall jointly submit  
23 to the congressional defense committees, the Committee  
24 on Foreign Affairs of the House of Representatives, and  
25 the Committee on Foreign Relations of the Senate a re-

1 **SEC. 713. ELECTRONIC HEALTH RECORDS OF THE DEPART-**  
2 **MENT OF DEFENSE AND THE DEPARTMENT**  
3 **OF VETERANS AFFAIRS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that—

6 (1) the Secretary of Defense and the Secretary  
7 of Veterans Affairs have failed to implement a solu-  
8 tion that allows for seamless electronic sharing of  
9 medical health care data; and

10 (2) despite the significant amount of read-only  
11 information shared between the Department of De-  
12 fense and Department of Veterans Affairs, most of  
13 the information shared as of the date of the enact-  
14 ment of this Act is not standardized or available in  
15 real time to support all clinical decisions.

16 (b) IMPLEMENTATION.—The Secretary of Defense  
17 and the Secretary of Veterans Affairs—

18 (1) shall each ensure that the electronic health  
19 record systems of the Department of Defense and  
20 the Department of Veterans Affairs are interoper-  
21 able with an integrated display of data, or a single  
22 electronic health record, by complying with the na-  
23 tional standards and architectural requirements  
24 identified by the Interagency Program Office of the  
25 Departments (in this section referred to as the “Of-  
26 fice”), in collaboration with the Office of the Na-

1 tional Coordinator for Health Information Tech-  
2 nology of the Department of Health and Human  
3 Services; and

4 (2) shall each deploy modernized electronic  
5 health record software supporting clinicians of the  
6 Departments by no later than December 31, 2016,  
7 while ensuring continued support and compatibility  
8 with the interoperability platform and full stand-  
9 ards-based interoperability.

10 (c) DESIGN PRINCIPLES.—The interoperable elec-  
11 tronic health records with integrated display of data, or  
12 a single electronic health record, established under sub-  
13 section (b) shall adhere to the following principles:

14 (1) To the extent practicable, efforts to estab-  
15 lish such records shall be based on objectives, activi-  
16 ties, and milestones established by the Joint Execu-  
17 tive Committee Joint Strategic Plan Fiscal Years  
18 2013–2015, as well as future addendums or revi-  
19 sions.

20 (2) Transition the current data exchanges be-  
21 tween the Departments and private sector health  
22 care providers where practical to modern, open-ar-  
23 chitecture frameworks that use computable data  
24 mapped to national standards to make data available

1 for determining medical trends and for enhanced cli-  
2 nician decision support.

3 (3) Principles with respect to open architecture  
4 standards, including—

5 (A) adoption of national data standards;

6 (B) if such national standards do not exist  
7 as of the date on which the record is being es-  
8 tablished, adoption of the articulation of data of  
9 the Health Data Dictionary until such national  
10 standards are established;

11 (C) use of enterprise investment strategies  
12 that maximize the use of commercial best prac-  
13 tices to ensure robust competition and best  
14 value;

15 (D) aggressive life-cycle sustainment plan-  
16 ning that uses proven technology insertion  
17 strategies and product upgrade techniques;

18 (E) enforcement of system design trans-  
19 parency, continuous design disclosure and im-  
20 provement, and peer reviews that align with the  
21 requirements of the Federal Acquisition Regula-  
22 tion; and

23 (F) strategies for data management rights  
24 to ensure a level competitive playing field and

1 access to alternative solutions and sources  
2 across the life-cycle of the programs.

3 (4) By the point of deployment, such record  
4 must be at a generation 3 level or better for a health  
5 information technology system.

6 (5) To the extent the Secretaries consider fea-  
7 sible and advisable, principles with respect to—

8 (A) the creation of a health data authori-  
9 tative source by the Department of Defense and  
10 the Department of Veterans Affairs that can be  
11 accessed by multiple providers and standardizes  
12 the input of new medical information;

13 (B) the ability of patients of both the De-  
14 partment of Defense and the Department of  
15 Veterans Affairs to download, or otherwise re-  
16 ceive electronically, the medical records of the  
17 patient; and

18 (C) the feasibility of establishing a secure,  
19 remote, network-accessible computer storage  
20 system to provide members of the Armed  
21 Forces and veterans the ability to upload the  
22 health care records of the member or veteran if  
23 the member or veteran elects to do so and allow  
24 medical providers of the Department of Defense  
25 and the Department of Veterans Affairs to ac-

1           cess such records in the course of providing  
2           care to the member or veteran.

3           (d) PROGRAMS PLAN.—Not later than January 31,  
4 2014, the Secretaries shall prepare and brief the appro-  
5 priate congressional committees with a detailed programs  
6 plan for the oversight and execution of the interoperable  
7 electronic health records with an integrated display of  
8 data, or a single electronic health record, established  
9 under subsection (b). This briefing and supporting docu-  
10 mentation shall include—

11           (1) programs objectives;

12           (2) organization;

13           (3) responsibilities of the Departments;

14           (4) technical objectives and design principles;

15           (5) milestones, including a schedule for the de-  
16 velopment, acquisition, or industry competitions for  
17 capabilities needed to satisfy the technical system re-  
18 quirements;

19           (6) data standards being adopted by the pro-  
20 grams;

21           (7) outcome-based metrics proposed to measure  
22 the performance and effectiveness of the programs;  
23 and

24           (8) the level of funding for fiscal years 2014  
25 through 2017.

1 (e) LIMITATION ON FUNDS.—Not more than 25 per-  
2 cent of the amounts authorized to be appropriated by this  
3 Act or otherwise made available for development, procure-  
4 ment, modernization, or enhancement of the interoperable  
5 electronic health records with an integrated display of  
6 data, or a single electronic health record, established  
7 under subsection (b) for the Department of Defense or  
8 the Department of Veterans Affairs may be obligated or  
9 expended until the date on which the Secretaries brief the  
10 appropriate congressional committees of the programs  
11 plan under subsection (d).

12 (f) REPORTING.—

13 (1) QUARTERLY REPORTING.—On a quarterly  
14 basis, the Secretaries shall submit to the appropriate  
15 congressional committees a detailed financial sum-  
16 mary.

17 (2) NOTIFICATION.—The Secretary of Defense  
18 and Secretary of Veterans Affairs shall submit to  
19 the appropriate congressional committees written no-  
20 tification prior to obligating funds for any contract  
21 or task order for electronic health record system  
22 modernization efforts that is in excess of  
23 \$5,000,000.

24 (g) REQUIREMENTS.—

1           (1) IN GENERAL.—Not later than October 1,  
2           2014, all health care data contained in the Depart-  
3           ment of Defense AHLTA and the Department of  
4           Veterans Affairs VistA systems shall be computable  
5           in real time and comply with the existing national  
6           data standards and have a process in place to ensure  
7           data is standardized as national standards continue  
8           to evolve. On a quarterly basis, the Secretaries shall  
9           submit to the appropriate congressional committees  
10          updates on the progress of data sharing.

11          (2) CERTIFICATION.—At such time as the oper-  
12          ational capability described in subsection (b)(1) is  
13          achieved, the Secretaries shall jointly certify to the  
14          appropriate congressional committees that the Secre-  
15          taries have complied with such data standards de-  
16          scribed in paragraph (1).

17          (3) RESPONSIBLE OFFICIAL.—The Secretaries  
18          shall each identify a senior official to be responsible  
19          for the modern platforms supporting an interoper-  
20          able electronic health record with an integrated dis-  
21          play of data, or a single electronic health record, es-  
22          tablished under subsection (b). The Secretaries shall  
23          also each identify a senior official to be responsible  
24          for modernizing the electronic health record software  
25          of the respective Department. Such official shall

1 have included within their performance evaluation  
2 performance metrics related to the execution of the  
3 responsibilities under this paragraph. Not later than  
4 30 days after the date of the enactment of this Act,  
5 each Secretary shall submit to the appropriate con-  
6 gressional committees the name of each senior offi-  
7 cial selected under this paragraph.

8 (4) COMPTROLLER GENERAL ASSESSMENT.—If  
9 both Secretaries do not meet the requirements under  
10 paragraph (1), the Comptroller General of the  
11 United States shall submit to the appropriate con-  
12 gressional committees an assessment of the perform-  
13 ance of the compliance of both Secretaries of such  
14 requirements.

15 (h) EXECUTIVE COMMITTEE.—

16 (1) ESTABLISHMENT.—Not later than 60 days  
17 after the date of the enactment of this Act, the Sec-  
18 retaries shall jointly establish an executive com-  
19 mittee to support the development and validation of  
20 adopted standards, required architectural platforms  
21 and structure, and the capacity to enforce such  
22 standards, platforms, and structure as the Secre-  
23 taries execute requirements and develop pro-  
24 grammatic assessment as needed by the Secretaries  
25 to ensure interoperable electronic health records with

1 an integrated display of data, or a single electronic  
2 health record, are established pursuant to the re-  
3 quirements of subsection (b). The Executive Com-  
4 mittee shall annually certify to the appropriate con-  
5 gressional committees that such record meets the  
6 definition of “integrated” as specified in subsection  
7 (k)(4).

8 (2) MEMBERSHIP.—The Executive Committee  
9 established under paragraph (1) shall consist of not  
10 more than 6 members, appointed by the Secretaries  
11 as follows:

12 (A) Two co-chairs, one appointed by each  
13 of the Secretaries.

14 (B) One member from the technical com-  
15 munity of the Department of Defense appointed  
16 by the Secretary of Defense.

17 (C) One member from the technical com-  
18 munity of the Department of Veterans Affairs  
19 appointed by the Secretary of Veterans Affairs.

20 (D) One member from the clinical commu-  
21 nity of the Department of Defense appointed by  
22 the Secretary of Defense.

23 (E) One member from the clinical commu-  
24 nity of the Department of Veterans Affairs ap-  
25 pointed by the Secretary of Veterans Affairs.

1           (3) REPORTING.—Not later than June 1, 2014,  
2           and on a quarterly basis thereafter, the Executive  
3           Committee shall submit to the appropriate congress-  
4           sional committees a report on the activities of the  
5           Committee.

6           (i) INDEPENDENT REVIEW.—The Secretary of De-  
7           fense shall request the Defense Science Board to conduct  
8           an annual review of the progress of the Secretary toward  
9           achieving the requirements in paragraphs (1) and (2) of  
10          subsection (b). The Defense Science Board shall submit  
11          to the Secretary a report of the findings of the review.  
12          Not later than 30 days after receiving the report, the Sec-  
13          retary shall submit to the appropriate congressional com-  
14          mittees the report with any comments considered appro-  
15          priate by the Secretary.

16          (j) DEADLINE FOR COMPLETION OF IMPLEMENTA-  
17          TION OF THE HEALTHCARE ARTIFACT AND IMAGE MAN-  
18          AGEMENT SOLUTION PROGRAM.—

19                 (1) DEADLINE.—The Secretary of Defense shall  
20                 complete the implementation of the Healthcare Arti-  
21                 fact and Image Management Solution program of  
22                 the Department of Defense by not later than the  
23                 date that is 180 days after the date of the enact-  
24                 ment of this Act.

1           (2) REPORT.—Upon completion of the imple-  
2           mentation of the Healthcare Artifact and Image  
3           Management Solution program, the Secretary shall  
4           submit to the appropriate congressional committees  
5           a report describing the extent of the interoperability  
6           between the Healthcare Artifact and Image Manage-  
7           ment Solution program and the Veterans Benefits  
8           Management System of the Department of Veterans  
9           Affairs.

10          (k) DEFINITIONS.—In this section:

11           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
12           TEES.—The term “appropriate congressional com-  
13           mittees” means—

14           (A) the congressional defense committees;

15           and

16           (B) the Committees on Veterans’ Affairs of  
17           the Senate and the House of Representatives.

18           (2) GENERATION 3.—The term “generation 3”  
19           means, with respect to an electronic health system,  
20           a system that has the technical capability to bring  
21           evidence-based medicine to the point of care and  
22           provide functionality for multiple care venues.

23           (3) INTEROPERABLE.—The term “interoper-  
24           able” refers to the ability of different electronic  
25           health records systems or software to meaningfully

1 exchange information in real time and provide useful  
2 results to one or more systems.

3 (4) INTEGRATED.—The term “integrated” re-  
4 fers to the integration of health data from the De-  
5 partment of Defense and the Department of Vet-  
6 erans Affairs and outside providers to provide clini-  
7 cians with a comprehensive medical record that al-  
8 lows data existing on disparate systems to be shared  
9 or accessed across functional or system boundaries  
10 in order to make the most informed decisions when  
11 treating patients.

## 12 **Subtitle C—Reports and Other** 13 **Matters**

14 **SEC. 721. DISPLAY OF BUDGET INFORMATION FOR EMBED-**  
15 **DED MENTAL HEALTH PROVIDERS OF THE**  
16 **RESERVE COMPONENTS.**

17 (a) IN GENERAL.—Chapter 9 of title 10, United  
18 States Code, is amended by adding after section 236, as  
19 added by section 141 of this Act, the following new sec-  
20 tion:

21 **“§ 237. Embedded mental health providers of the re-**  
22 **serve components: display of budget in-**  
23 **formation**

24 “The Secretary of Defense shall submit to Congress,  
25 as a part of the documentation that supports the Presi-

1 **SEC. 584. REVIEW OF SECURITY OF MILITARY INSTALLA-**  
2 **TIONS, INCLUDING BARRACKS, TEMPORARY**  
3 **LODGING FACILITIES, AND MULTI-FAMILY**  
4 **RESIDENCES.**

5 (a) REVIEW OF SECURITY MEASURES.—The Sec-  
6 retary of Defense shall conduct a review of security meas-  
7 ures on United States military installations, specifically  
8 with regard to access to barracks, temporary lodging fa-  
9 cilities, and multi-family residences on military installa-  
10 tions, for the purpose of ensuring the safety of members  
11 of the Armed Forces and their dependents who reside on  
12 military installations.

13 (b) ELEMENTS OF STUDY.—In conducting the review  
14 under subsection (a), the Secretary shall—

15 (1) identify security gaps on military installa-  
16 tions; and

17 (2) evaluate the feasibility and effectiveness of  
18 using 24-hour electronic monitoring or other security  
19 measures to protect members and their dependents.

20 (c) SUBMISSION OF RESULTS.—Not later than 180  
21 days after the date of the enactment of this Act, the Sec-  
22 retary shall submit to Congress a report containing the  
23 results of the study conducted under subsection (a), in-  
24 cluding proposed security measures and an estimate of the  
25 costs—

1 (1) to eliminate all security gaps identified  
2 under subsection (b)(1); and

3 (2) to provide 24-hour security monitoring or  
4 other security measures as evaluated under sub-  
5 section (b)(2).

6 **SEC. 585. AUTHORITY TO ENTER INTO CONCESSIONS CON-**  
7 **TRACTS AT ARMY NATIONAL MILITARY CEME-**  
8 **TERIES.**

9 (a) IN GENERAL.—Chapter 446 of title 10, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing new section:

12 **“§ 4727. Cemetery concessions contracts**

13 “(a) CONTRACTS AUTHORIZED.—The Secretary of  
14 the Army may enter into a contract with an appropriate  
15 entity for the provision of transportation, interpretative,  
16 or other necessary or appropriate concession services to  
17 visitors at the Army National Military Cemeteries.

18 “(b) SPECIAL REQUIREMENTS.—(1) The Secretary  
19 of the Army shall establish and include in each concession  
20 contract such requirements as the Secretary determines  
21 are necessary to ensure the protection, dignity, and solem-  
22 nity of the cemetery at which services are provided under  
23 the contract.

1 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
2 referred to in subsection (a) are the actions of then First  
3 Lieutenant Alonzo H. Cushing while in command of Bat-  
4 tery A, 4th United States Artillery, Army of the Potomac,  
5 at Gettysburg, Pennsylvania, on July 3, 1863, during the  
6 Civil War.

7 **Subtitle H—Other Studies,**  
8 **Reviews, Policies, and Reports**

9 **SEC. 571. REPORT ON FEASIBILITY OF EXPANDING PER-**  
10 **FORMANCE EVALUATION REPORTS TO IN-**  
11 **CLUDE 360-DEGREE ASSESSMENT APPROACH.**

12 Not later than 180 days after the date of the enact-  
13 ment of this Act, the Secretary of Defense shall submit  
14 to the Committees on Armed Services of the Senate and  
15 the House of Representatives a report containing the re-  
16 sults of an assessment of the feasibility of including a 360-  
17 degree assessment approach, modeled after the current  
18 Department of the Army Multi-Source Assessment and  
19 Feedback (MSAF) Program, as part of performance eval-  
20 uation reports.

1 the Secretary of Defense or the Secretary of a military  
2 department to create or use a different grading standard  
3 on any test, assessment, or screening tool utilized for the  
4 purpose of identifying graduates of a secondary school (as  
5 defined in section 9101(38) of the Elementary and Sec-  
6 ondary Education Act of 1965 (20 U.S.C. 7801(38)), in-  
7 cluding all persons described in subsection (a)(2) of sec-  
8 tion 532 of the National Defense Authorization Act for  
9 Fiscal Year 2012, for recruitment and enlistment in the  
10 Armed Forces.

11 **SEC. 574. COMPTROLLER GENERAL REPORT ON USE OF DE-**  
12 **TERMINATION OF PERSONALITY DISORDER**  
13 **OR ADJUSTMENT DISORDER AS BASIS TO**  
14 **SEPARATE MEMBERS FROM THE ARMED**  
15 **FORCES.**

16 Not later than one year after the date of the enact-  
17 ment of this Act, the Comptroller General of the United  
18 States shall submit to the Committees on Armed Services  
19 of the Senate and the House of Representatives a report  
20 evaluating—

21 (1) the use by the Secretaries of the military  
22 departments, since January 1, 2007, of the author-  
23 ity to separate members of the Armed Forces from  
24 the Armed Forces due of unfitness for duty because  
25 of a mental condition not amounting to disability,

1 including separation on the basis of a personality  
2 disorder or adjustment disorder and the total num-  
3 ber of members separated on such basis;

4 (2) the extent to which the Secretaries failed to  
5 comply with regulatory requirements in separating  
6 members of the Armed Forces on the basis of a per-  
7 sonality or adjustment disorder; and

8 (3) the impact of such a separation on the abil-  
9 ity of veterans so separated to access service-con-  
10 nected disability compensation, disability severance  
11 pay, and disability retirement pay.

## 12 **Subtitle I—Other Matters**

### 13 **SEC. 581. ACCOUNTING FOR MEMBERS OF THE ARMED** 14 **FORCES AND DEPARTMENT OF DEFENSE CI-** 15 **VILIAN EMPLOYEES LISTED AS MISSING AND** 16 **RELATED REPORTS.**

17 (a) SYSTEM FOR ACCOUNTING FOR MISSING PER-  
18 SONS.—Section 1501(a)(1) of title 10, United States  
19 Code, is amended—

20 (1) in subparagraph (B), by striking “and” at  
21 the end;

22 (2) in subparagraph (C), by striking the period  
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following new sub-  
25 paragraph:

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

“4727. Cemetery concessions contracts.”.

4 **SEC. 586. MILITARY SALUTE DURING RECITATION OF**  
5 **PLEDGE OF ALLEGIANCE BY MEMBERS OF**  
6 **THE ARMED FORCES NOT IN UNIFORM AND**  
7 **BY VETERANS.**

8 Section 4 of title 4, United States Code, is amended  
9 by adding at the end the following new sentence: “Mem-  
10 bers of the Armed Forces not in uniform and veterans may  
11 render the military salute in the manner provided for per-  
12 sons in uniform.”.

13 **SEC. 587. IMPROVED CLIMATE ASSESSMENTS AND DISSEMI-**  
14 **NATION OF RESULTS.**

15 (a) IMPROVED DISSEMINATION OF RESULTS IN  
16 CHAIN OF COMMAND.—The Secretary of Defense shall en-  
17 sure that the results of command climate assessments are  
18 provided to the relevant individual commander and to the  
19 next higher level of command.

20 (b) EVIDENCE OF COMPLIANCE.—The Secretary of  
21 each military department shall require in the performance  
22 evaluations and assessments used by each Armed Force  
23 under the jurisdiction of the Secretary a statement by the  
24 commander regarding whether the commander has con-  
25 ducted the required command climate assessments.

1           (c) EFFECT OF FAILURE TO CONDUCT ASSESS-  
2 MENT.—The failure of a commander to conduct the re-  
3 quired command climate assessments shall be noted in the  
4 commander’s performance evaluation.

## 5   **TITLE VI—COMPENSATION AND** 6   **OTHER PERSONNEL BENEFITS**

### Subtitle A—Pay and Allowances

- Sec. 601. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 602. Recognition of additional means by which members of the National Guard called into Federal service for a period of 30 days or less may initially report for duty for entitlement to basic pay.

### Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. One-year extension of authority to provide incentive pay for members of precommissioning programs pursuing foreign language proficiency.
- Sec. 617. Authority to provide bonus to certain cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.
- Sec. 618. Health Professions Stipend Program to obtain commissioned officers in the reserve components.

### Subtitle C—Travel and Transportation Allowances

- Sec. 621. Technical and standardizing amendments to Department of Defense travel and transportation authorities in connection with reform of such authorities.

### Subtitle D—Disability, Retired Pay, and Survivor Benefits

- Sec. 631. Clarification of prevention of retired pay inversion in the case of members whose retired pay is computed using high-three.
- Sec. 632. Periodic notice to members of the Ready Reserve on early retirement credit earned for significant periods of active Federal status or active duty.
- Sec. 633. Improved assistance for Gold Star spouses and other dependents.

1 Federal Acquisition Regulation shall be revised, to  
2 implement this section and the amendments made by  
3 this section.

4 (4) APPLICABILITY.—Any regulations promul-  
5 gated pursuant to paragraph (3) shall apply to con-  
6 tracts entered into after the last day of the fiscal  
7 year in which the regulations are promulgated.

8 **SEC. 1615. INAPPLICABILITY OF REQUIREMENT TO REVIEW**  
9 **AND JUSTIFY CERTAIN CONTRACTS.**

10 In the case of a contract to which the provisions of  
11 section 46 of the Small Business Act (15 U.S.C. 657s)  
12 apply, the requirements under section 802 of the National  
13 Defense Authorization Act for Fiscal Year 2013 (Public  
14 Law 112–239; 126 Stat. 1824; 10 U.S.C. 2304 note) do  
15 not apply.

16 **TITLE XVII—SEXUAL ASSAULT**  
17 **PREVENTION AND RESPONSE**  
18 **AND RELATED REFORMS**

Subtitle A—Reform of Uniform Code of Military Justice

- Sec. 1701. Extension of crime victims' rights to victims of offenses under the Uniform Code of Military Justice.
- Sec. 1702. Revision of Article 32 and Article 60, Uniform Code of Military Justice.
- Sec. 1703. Elimination of five-year statute of limitations on trial by court-martial for additional offenses involving sex-related crimes.
- Sec. 1704. Defense counsel interview of victim of an alleged sex-related offense in presence of trial counsel, counsel for the victim, or a Sexual Assault Victim Advocate.
- Sec. 1705. Discharge or dismissal for certain sex-related offenses and trial of such offenses by general courts-martial.
- Sec. 1706. Participation by victim in elemeney phase of courts-martial process.
- Sec. 1707. Repeal of the offense of consensual sodomy under the Uniform Code of Military Justice.

- Sec. 1708. Modification of Manual for Courts-Martial to eliminate factor relating to character and military service of the accused in rule on initial disposition of offenses.
- Sec. 1709. Prohibition of retaliation against members of the Armed Forces for reporting a criminal offense.

Subtitle B—Other Amendments to Title 10, United States Code

- Sec. 1711. Prohibition on service in the Armed Forces by individuals who have been convicted of certain sexual offenses.
- Sec. 1712. Issuance of regulations applicable to the Coast Guard regarding consideration of request for permanent change of station or unit transfer by victim of sexual assault.
- Sec. 1713. Temporary administrative reassignment or removal of a member of the Armed Forces on active duty who is accused of committing a sexual assault or related offense.
- Sec. 1714. Expansion and enhancement of authorities relating to protected communications of members of the Armed Forces and prohibited retaliatory actions.
- Sec. 1715. Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.
- Sec. 1716. Designation and availability of Special Victims' Counsel for victims of sex-related offenses.

Subtitle C—Amendments to Other Laws

- Sec. 1721. Tracking of compliance of commanding officers in conducting organizational climate assessments for purposes of preventing and responding to sexual assaults.
- Sec. 1722. Advancement of submittal deadline for report of independent panel on assessment of military response systems to sexual assault.
- Sec. 1723. Retention of certain forms in connection with Restricted Reports and Unrestricted Reports on sexual assault involving members of the Armed Forces.
- Sec. 1724. Timely access to Sexual Assault Response Coordinators by members of the National Guard and Reserves.
- Sec. 1725. Qualifications and selection of Department of Defense sexual assault prevention and response personnel and required availability of Sexual Assault Nurse Examiners.
- Sec. 1726. Additional responsibilities of Sexual Assault Prevention and Response Office for Department of Defense sexual assault prevention and response program.

Subtitle D—Studies, Reviews, Policies, and Reports

- Sec. 1731. Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.
- Sec. 1732. Review and policy regarding Department of Defense investigative practices in response to allegations of Uniform Code of Military Justice violations.
- Sec. 1733. Review of training and education provided members of the Armed Forces on sexual assault prevention and response.
- Sec. 1734. Report on implementation of Department of Defense policy on the retention of and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

Sec. 1735. Review of the Office of Diversity Management and Equal Opportunity role in sexual harassment cases.

Subtitle E—Other Matters

Sec. 1741. Enhanced protections for prospective members and new members of the Armed Forces during entry-level processing and training.

Sec. 1742. Commanding officer action on reports on sexual offenses involving members of the Armed Forces.

Sec. 1743. Eight-day incident reporting requirement in response to unrestricted report of sexual assault in which the victim is a member of the Armed Forces.

Sec. 1744. Review of decisions not to refer charges of certain sex-related offenses for trial by court-martial.

Sec. 1745. Inclusion and command review of information on sex-related offenses in personnel service records of members of the Armed Forces.

Sec. 1746. Prevention of sexual assault at military service academies.

Sec. 1747. Required notification whenever members of the Armed Forces are completing Standard Form 86 of the Questionnaire for National Security Positions.

Subtitle F—Sense of Congress Provisions

Sec. 1751. Sense of Congress on commanding officer responsibility for command climate free of retaliation.

Sec. 1752. Sense of Congress on disposition of charges involving certain sexual misconduct offenses under the Uniform Code of Military Justice through courts-martial.

Sec. 1753. Sense of Congress on the discharge in lieu of court-martial of members of the Armed Forces who commit sex-related offenses.

1           **Subtitle A—Reform of Uniform**  
2                           **Code of Military Justice**

3   **SEC. 1701. EXTENSION OF CRIME VICTIMS' RIGHTS TO VIC-**  
4                           **TIMS OF OFFENSES UNDER THE UNIFORM**  
5                           **CODE OF MILITARY JUSTICE.**

6           (a) VICTIMS' RIGHTS.—

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

1 **“§ 806b. Art. 6b. Rights of the victim of an offense**  
2 **under this chapter**

3 “(a) RIGHTS OF A VICTIM OF AN OFFENSE UNDER  
4 THIS CHAPTER.—A victim of an offense under this chap-  
5 ter has the following rights:

6 “(1) The right to be reasonably protected from  
7 the accused.

8 “(2) The right to reasonable, accurate, and  
9 timely notice of any of the following:

10 “(A) A public hearing concerning the con-  
11 tinuation of confinement prior to trial of the ac-  
12 cused.

13 “(B) A preliminary hearing under section  
14 832 of this title (article 32) relating to the of-  
15 fense.

16 “(C) A court-martial relating to the of-  
17 fense.

18 “(D) A public proceeding of the service  
19 clemency and parole board relating to the of-  
20 fense.

21 “(E) The release or escape of the accused,  
22 unless such notice may endanger the safety of  
23 any person.

24 “(3) The right not to be excluded from any  
25 public hearing or proceeding described in paragraph  
26 (2) unless the military judge or investigating officer,

1 as applicable, after receiving clear and convincing  
2 evidence, determines that testimony by the victim of  
3 an offense under this chapter would be materially al-  
4 tered if the victim heard other testimony at that  
5 hearing or proceeding.

6 “(4) The right to be reasonably heard at any of  
7 the following:

8 “(A) A public hearing concerning the con-  
9 tinuation of confinement prior to trial of the ac-  
10 cused.

11 “(B) A sentencing hearing relating to the  
12 offense.

13 “(C) A public proceeding of the service  
14 clemency and parole board relating to the of-  
15 fense.

16 “(5) The reasonable right to confer with the  
17 counsel representing the Government at any pro-  
18 ceeding described in paragraph (2).

19 “(6) The right to receive restitution as provided  
20 in law.

21 “(7) The right to proceedings free from unrea-  
22 sonable delay.

23 “(8) The right to be treated with fairness and  
24 with respect for the dignity and privacy of the victim  
25 of an offense under this chapter.

1           “(b) VICTIM OF AN OFFENSE UNDER THIS CHAPTER  
2   DEFINED.—In this section, the term ‘victim of an offense  
3   under this chapter’ means a person who has suffered di-  
4   rect physical, emotional, or pecuniary harm as a result of  
5   the commission of an offense under this chapter (the Uni-  
6   form Code of Military Justice).

7           “(c) LEGAL GUARDIAN FOR CERTAIN VICTIMS.—In  
8   the case of a victim of an offense under this chapter who  
9   is under 18 years of age, incompetent, incapacitated, or  
10   deceased, the military judge shall designate a legal guard-  
11   ian from among the representatives of the estate of the  
12   victim, a family member, or other suitable person to as-  
13   sume the victim’s rights under this section. However, in  
14   no event may the person so designated be the accused.

15           “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
16   tion (article) shall be construed—

17           “(1) to authorize a cause of action for damages;  
18   or

19           “(2) to create, to enlarge, or to imply any duty  
20   or obligation to any victim of an offense under this  
21   chapter or other person for the breach of which the  
22   United States or any of its officers or employees  
23   could be held liable in damages.”.

24           “(2) CLERICAL AMENDMENT.—The table of sec-  
25   tions at the beginning of subchapter I of chapter 47

1 of such title (the Uniform Code of Military Justice)  
2 is amended by adding at the end the following new  
3 item:

“806b. Art. 6b. Rights of the victim of an offense under this chapter.”.

4 (b) IMPLEMENTATION.—

5 (1) ISSUANCE.—Not later than one year after  
6 the date of the enactment of this Act—

7 (A) the Secretary of Defense shall rec-  
8 ommend to the President changes to the Man-  
9 ual for Courts-Martial to implement section  
10 806b of title 10, United States Code (article 6b  
11 of the Uniform Code of Military Justice), as  
12 added by subsection (a); and

13 (B) the Secretary of Defense and Sec-  
14 retary of Homeland Security (with respect to  
15 the Coast Guard when it is not operating as a  
16 service in the Navy) shall prescribe such regula-  
17 tions as each such Secretary considers appro-  
18 priate to implement such section.

19 (2) MECHANISMS FOR AFFORDING RIGHTS.—  
20 The recommendations and regulations required by  
21 paragraph (1) shall include the following:

22 (A) Mechanisms for ensuring that victims  
23 are notified of, and accorded, the rights speci-  
24 fied in section 806b of title 10, United States

1 Code (article 6b of the Uniform Code of Mili-  
2 tary Justice), as added by subsection (a).

3 (B) Mechanisms for ensuring that mem-  
4 bers of the Armed Forces and civilian personnel  
5 of the Department of Defense and the Coast  
6 Guard make their best efforts to ensure that  
7 victims are notified of, and accorded, the rights  
8 specified in such section.

9 (C) Mechanisms for the enforcement of  
10 such rights, including mechanisms for applica-  
11 tion for such rights and for consideration and  
12 disposition of applications for such rights.

13 (D) The designation of an authority within  
14 each Armed Force to receive and investigate  
15 complaints relating to the provision or violation  
16 of such rights.

17 (E) Disciplinary sanctions for members of  
18 the Armed Forces and other personnel of the  
19 Department of Defense and Coast Guard who  
20 willfully or wantonly fail to comply with require-  
21 ments relating to such rights.

22 **SEC. 1702. REVISION OF ARTICLE 32 AND ARTICLE 60, UNI-**  
23 **FORM CODE OF MILITARY JUSTICE.**

24 (a) USE OF PRELIMINARY HEARINGS.—

1           (1) IN GENERAL.—Section 832 of title 10,  
2           United States Code (article 32 of the Uniform Code  
3           of Military Justice), is amended to read as follows:

4   **“§ 832. Art. 32. Preliminary hearing**

5           “(a) PRELIMINARY HEARING REQUIRED.—(1) No  
6           charge or specification may be referred to a general court-  
7           martial for trial until completion of a preliminary hearing.

8           “(2) The purpose of the preliminary hearing shall be  
9           limited to the following:

10           “(A) Determining whether there is probable  
11           cause to believe an offense has been committed and  
12           the accused committed the offense.

13           “(B) Determining whether the convening au-  
14           thority has court-martial jurisdiction over the of-  
15           fense and the accused.

16           “(C) Considering the form of charges.

17           “(D) Recommending the disposition that should  
18           be made of the case.

19           “(b) HEARING OFFICER.—(1) A preliminary hearing  
20           under subsection (a) shall be conducted by an impartial  
21           judge advocate certified under section 827(b) of this title  
22           (article 27(b)) whenever practicable or, in exceptional cir-  
23           cumstances in which the interests of justice warrant, by  
24           an impartial hearing officer who is not a judge advocate.  
25           If the hearing officer is not a judge advocate, a judge ad-

1 vocate certified under section 827(b) of this title (article  
2 27(b)) shall be available to provide legal advice to the  
3 hearing officer.

4 “(2) Whenever practicable, when the judge advocate  
5 or other hearing officer is detailed to conduct the prelimi-  
6 nary hearing, the officer shall be equal to or senior in  
7 grade to military counsel detailed to represent the accused  
8 or the Government at the preliminary hearing.

9 “(c) REPORT OF RESULTS.—After conducting a pre-  
10 liminary hearing under subsection (a), the judge advocate  
11 or other officer conducting the preliminary hearing shall  
12 prepare a report that addresses the matters specified in  
13 subsections (a)(2) and (f).

14 “(d) RIGHTS OF ACCUSED AND VICTIM.—(1) The ac-  
15 cused shall be advised of the charges against the accused  
16 and of the accused’s right to be represented by counsel  
17 at the preliminary hearing under subsection (a). The ac-  
18 cused has the right to be represented at the preliminary  
19 hearing as provided in section 838 of this title (article 38)  
20 and in regulations prescribed under that section.

21 “(2) The accused may cross-examine witnesses who  
22 testify at the preliminary hearing and present additional  
23 evidence in defense and mitigation, relevant to the limited  
24 purposes of the hearing, as provided for in paragraph (4)  
25 and subsection (a)(2).

1           “(3) A victim may not be required to testify at the  
2 preliminary hearing. A victim who declines to testify shall  
3 be deemed to be not available for purposes of the prelimi-  
4 nary hearing.

5           “(4) The presentation of evidence and examination  
6 (including cross-examination) of witnesses at a prelimi-  
7 nary hearing shall be limited to the matters relevant to  
8 the limited purposes of the hearing, as provided in sub-  
9 section (a)(2).

10          “(e) RECORDING OF PRELIMINARY HEARING.—A  
11 preliminary hearing under subsection (a) shall be recorded  
12 by a suitable recording device. The victim may request the  
13 recording and shall have access to the recording as pre-  
14 scribed by the Manual for Courts-Martial.

15          “(f) EFFECT OF EVIDENCE OF UNCHARGED OF-  
16 FENSE.—If evidence adduced in a preliminary hearing  
17 under subsection (a) indicates that the accused committed  
18 an uncharged offense, the hearing officer may consider the  
19 subject matter of that offense without the accused having  
20 first been charged with the offense if the accused—

21                   “(1) is present at the preliminary hearing;

22                   “(2) is informed of the nature of each un-  
23 charged offense considered; and

1           “(3) is afforded the opportunities for represen-  
2           tation, cross-examination, and presentation con-  
3           sistent with subsection (d).

4           “(g) EFFECT OF VIOLATION.—The requirements of  
5           this section are binding on all persons administering this  
6           chapter, but failure to follow the requirements does not  
7           constitute jurisdictional error.

8           “(h) VICTIM DEFINED.—In this section, the term  
9           ‘victim’ means a person who—

10           “(1) is alleged to have suffered a direct phys-  
11           ical, emotional, or pecuniary harm as a result of the  
12           matters set forth in a charge or specification being  
13           considered; and

14           “(2) is named in one of the specifications.”.

15           (2) CLERICAL AMENDMENT.—The table of sec-  
16           tions at the beginning of subchapter VI of chapter  
17           47 of such title is amended by striking the item re-  
18           lating to section 832 and inserting the following new  
19           item:

          “832. Art 32. Preliminary hearing.”.

20           (b) ELIMINATION OF UNLIMITED COMMAND PRE-  
21           ROGATIVE AND DISCRETION; IMPOSITION OF ADDITIONAL  
22           LIMITATIONS.—Subsection (c) of section 860 of title 10,  
23           United States Code (article 60 of the Uniform Code of  
24           Military Justice), is amended to read as follows:

1           “(c)(1) Under regulations of the Secretary concerned,  
2 a commissioned officer commanding for the time being,  
3 a successor in command, or any person exercising general  
4 court-martial jurisdiction may act under this section in  
5 place of the convening authority.

6           “(2)(A) Action on the sentence of a court-martial  
7 shall be taken by the convening authority or by another  
8 person authorized to act under this section. Subject to reg-  
9 ulations of the Secretary concerned, such action may be  
10 taken only after consideration of any matters submitted  
11 by the accused under subsection (b) or after the time for  
12 submitting such matters expires, whichever is earlier.

13           “(B) Except as provided in paragraph (4), the con-  
14 vening authority or another person authorized to act  
15 under this section may approve, disapprove, commute, or  
16 suspend the sentence of the court-martial in whole or in  
17 part.

18           “(C) If the convening authority or another person au-  
19 thorized to act under this section acts to disapprove, com-  
20 mute, or suspend, in whole or in part, the sentence of the  
21 court-martial for an offense (other than a qualifying of-  
22 fense), the convening authority or other person shall pro-  
23 vide, at that same time, a written explanation of the rea-  
24 sons for such action. The written explanation shall be  
25 made a part of the record of the trial and action thereon.

1       “(3)(A) Action on the findings of a court-martial by  
2 the convening authority or by another person authorized  
3 to act under this section is not required.

4       “(B) If the convening authority or another person au-  
5 thorized to act under this section acts on the findings of  
6 a court-martial, the convening authority or other person—

7           “(i) may not dismiss any charge or specifica-  
8 tion, other than a charge or specification for a quali-  
9 fying offense, by setting aside a finding of guilty  
10 thereto; or

11           “(ii) may not change a finding of guilty to a  
12 charge or specification, other than a charge or speci-  
13 fication for a qualifying offense, to a finding of  
14 guilty to an offense that is a lesser included offense  
15 of the offense stated in the charge or specification.

16       “(C) If the convening authority or another person au-  
17 thorized to act under this section acts on the findings to  
18 dismiss or change any charge or specification for an of-  
19 fense (other than a qualifying offense), the convening au-  
20 thority or other person shall provide, at that same time,  
21 a written explanation of the reasons for such action. The  
22 written explanation shall be made a part of the record of  
23 the trial and action thereon.

24       “(D)(i) In this subsection, the term ‘qualifying of-  
25 fense’ means, except in the case of an offense excluded

1 pursuant to clause (ii), an offense under this chapter for  
2 which—

3 “(I) the maximum sentence of confinement that  
4 may be adjudged does not exceed two years; and

5 “(II) the sentence adjudged does not include  
6 dismissal, a dishonorable or bad-conduct discharge,  
7 or confinement for more than six months.

8 “(ii) Such term does not include any of the following:

9 “(I) An offense under subsection (a) or (b) of  
10 section 920 of this title (article 120).

11 “(II) An offense under section 920b or 925 of  
12 this title (articles 120b and 125).

13 “(III) Such other offenses as the Secretary of  
14 Defense may specify by regulation.

15 “(4)(A) Except as provided in subparagraph (B) or  
16 (C), the convening authority or another person authorized  
17 to act under this section may not disapprove, commute,  
18 or suspend in whole or in part an adjudged sentence of  
19 confinement for more than six months or a sentence of  
20 dismissal, dishonorable discharge, or bad conduct dis-  
21 charge.

22 “(B) Upon the recommendation of the trial counsel,  
23 in recognition of the substantial assistance by the accused  
24 in the investigation or prosecution of another person who  
25 has committed an offense, the convening authority or an-

1 other person authorized to act under this section shall  
2 have the authority to disapprove, commute, or suspend the  
3 adjudged sentence in whole or in part, even with respect  
4 to an offense for which a mandatory minimum sentence  
5 exists.

6 “(C) If a pre-trial agreement has been entered into  
7 by the convening authority and the accused, as authorized  
8 by Rule for Courts–Martial 705, the convening authority  
9 or another person authorized to act under this section  
10 shall have the authority to approve, disapprove, commute,  
11 or suspend a sentence in whole or in part pursuant to the  
12 terms of the pre-trial agreement, subject to the following  
13 limitations for convictions of offenses that involve a man-  
14 datory minimum sentence:

15 “(i) If a mandatory minimum sentence of a dis-  
16 honorable discharge applies to an offense for which  
17 the accused has been convicted, the convening au-  
18 thority or another person authorized to act under  
19 this section may commute the dishonorable dis-  
20 charge to a bad conduct discharge pursuant to the  
21 terms of the pre-trial agreement.

22 “(ii) Except as provided in clause (i), if a man-  
23 datory minimum sentence applies to an offense for  
24 which the accused has been convicted, the convening  
25 authority or another person authorized to act under

1       this section may not disapprove, otherwise commute,  
2       or suspend the mandatory minimum sentence in  
3       whole or in part, unless authorized to do so under  
4       subparagraph (B).”.

5       (c) CONFORMING AMENDMENTS.—

6           (1) REFERENCES TO SOLE DISCRETION AND  
7       OTHER PERSONS AUTHORIZED TO ACT UNDER ARTI-  
8       CLE 60.—Section 860 of title 10, United States Code  
9       (article 60 of the Uniform Code of Military Justice),  
10      is further amended—

11           (A) in subsection (b)(2), by striking “or  
12       other person taking action under this section”  
13       and inserting “or another person authorized to  
14       act under this section”;

15           (B) in subsection (d), by striking “or other  
16       person taking action under this section” the  
17       first place it appears and inserting “or another  
18       person authorized to act under this section”;

19           (C) in subsection (e)(1), by striking “or  
20       other person taking action under this section, in  
21       his sole discretion,” and inserting “or another  
22       person authorized to act under this section”;  
23       and

24           (D) in subsection (e)(3), by striking “or  
25       other person taking action under this section”

1           and inserting “or another person authorized to  
2           act under this section”.

3           (2) OTHER AUTHORITY FOR CONVENING AU-  
4           THORITY TO SUSPEND SENTENCE.—Section 871(d)  
5           of such title (article 71(d) of the Uniform Code of  
6           Military Justice) is amended by adding at the end  
7           the following new sentence: “Paragraphs (2) and (4)  
8           of subsection (c) of section 860 of this title (article  
9           60) shall apply to any decision by the convening au-  
10          thority or another person authorized to act under  
11          this section to suspend the execution of any sentence  
12          or part thereof under this subsection.”.

13          (3) REFERENCES TO ARTICLE 32 INVESTIGA-  
14          TION.—(A) Section 802(d)(1)(A) of such title (arti-  
15          cle 2(d)(1)(A) of the Uniform Code of Military Jus-  
16          tice) is amended by striking “investigation under  
17          section 832” and inserting “a preliminary hearing  
18          under section 832”.

19          (B) Section 834(a)(2) of such title (article  
20          34(a)(2) of the Uniform Code of Military Justice) is  
21          amended by striking “investigation under section  
22          832 of this title (article 32) (if there is such a re-  
23          port)” and inserting “a preliminary hearing under  
24          section 832 of this title (article 32)”.

1 (C) Section 838(b)(1) of such title (article  
2 38(b)(1) of the Uniform Code of Military Justice) is  
3 amended by striking “an investigation under section  
4 832” and inserting “a preliminary hearing under  
5 section 832”.

6 (D) Section 847(a)(1) of such title (article  
7 47(a)(1) of the Uniform Code of Military Justice) is  
8 amended by striking “an investigation pursuant to  
9 section 832(b) of this title (article 32(b))” and in-  
10 sserting “a preliminary hearing pursuant to section  
11 832 of this title (article 32)”.

12 (E) Section 948b(d)(1)(C) of such title is  
13 amended by striking “pretrial investigation” and in-  
14 sserting “preliminary hearing”.

15 (d) EFFECTIVE DATES.—

16 (1) ARTICLE 32 AMENDMENTS.—The amend-  
17 ments made by subsections (a) and (c)(3) shall take  
18 effect one year after the date of the enactment of  
19 this Act and shall apply with respect to offenses  
20 committed under chapter 47 of title 10, United  
21 States Code (the Uniform Code of Military Justice),  
22 on or after that effective date.

23 (2) ARTICLE 60 AMENDMENTS.—The amend-  
24 ments made by subsection (b) and paragraphs (1)  
25 and (2) of subsection (c) shall take effect 180 days

1 after the date of the enactment of this Act and shall  
2 apply with respect to offenses committed under  
3 chapter 47 of title 10, United States Code (the Uni-  
4 form Code of Military Justice), on or after that ef-  
5 fective date.

6 **SEC. 1703. ELIMINATION OF FIVE-YEAR STATUTE OF LIM-**  
7 **TATIONS ON TRIAL BY COURT-MARTIAL FOR**  
8 **ADDITIONAL OFFENSES INVOLVING SEX-RE-**  
9 **LATED CRIMES.**

10 (a) INCLUSION OF ADDITIONAL OFFENSES.—Section  
11 843(a) of title 10, United States Code (article 43(a) of  
12 the Uniform Code of Military Justice), is amended by  
13 striking “rape, or rape of a child” and inserting “rape  
14 or sexual assault, or rape or sexual assault of a child”.

15 (b) CONFORMING AMENDMENT.—Section  
16 843(b)(2)(B)(i) of title 10, United States Code (article  
17 43(b)(2)(B)(i) of the Uniform Code of Military Justice),  
18 is amended by inserting before the period at the end the  
19 following: “, unless the offense is covered by subsection  
20 (a)”.

21 (c) EFFECTIVE DATE.—The amendments made by  
22 this section shall take effect on the date of the enactment  
23 of this Act, and shall apply with respect to an offense cov-  
24 ered by section 920(b) or 920b(b) of title 10, United  
25 States Code (article 120(b) or 120b(b) of the Uniform

1 Code of Military Justice), that is committed on or after  
2 that date.

3 **SEC. 1704. DEFENSE COUNSEL INTERVIEW OF VICTIM OF**  
4 **AN ALLEGED SEX-RELATED OFFENSE IN**  
5 **PRESENCE OF TRIAL COUNSEL, COUNSEL**  
6 **FOR THE VICTIM, OR A SEXUAL ASSAULT VIC-**  
7 **TIM ADVOCATE.**

8 Section 846 of title 10, United States Code (article  
9 46 of the Uniform Code of Military Justice), is amended—

10 (1) by inserting “(a) OPPORTUNITY TO OBTAIN  
11 WITNESSES AND OTHER EVIDENCE.—”before “The  
12 trial counsel”;

13 (2) by striking “Process issued” and inserting  
14 the following:

15 “(c) PROCESS.—Process issued”; and

16 (3) by inserting after subsection (a), as des-  
17 ignated by paragraph (1), the following new sub-  
18 section (b):

19 “(b) DEFENSE COUNSEL INTERVIEW OF VICTIM OF  
20 ALLEGED SEX-RELATED OFFENSE.—(1) Upon notice by  
21 trial counsel to defense counsel of the name of an alleged  
22 victim of an alleged sex-related offense who trial counsel  
23 intends to call to testify at a preliminary hearing under  
24 section 832 of this title (article 32) or a court-martial

1 under this chapter, defense counsel shall make any request  
2 to interview the victim through trial counsel.

3 “(2) If requested by an alleged victim of an alleged  
4 sex-related offense who is subject to a request for inter-  
5 view under paragraph (1), any interview of the victim by  
6 defense counsel shall take place only in the presence of  
7 trial counsel, a counsel for the victim, or a Sexual Assault  
8 Victim Advocate.

9 “(3) In this subsection, the term ‘alleged sex-related  
10 offense’ means any allegation of—

11 “(A) a violation of section 920, 920a, 920b,  
12 920c, or 925 of this title (article 120, 120a, 120b,  
13 120c, or 125); or

14 “(B) an attempt to commit an offense specified  
15 in a paragraph (1) as punishable under section 880  
16 of this title (article 80).”.

17 **SEC. 1705. DISCHARGE OR DISMISSAL FOR CERTAIN SEX-**  
18 **RELATED OFFENSES AND TRIAL OF SUCH OF-**  
19 **FENSES BY GENERAL COURTS-MARTIAL.**

20 (a) MANDATORY DISCHARGE OR DISMISSAL RE-  
21 QUIRED.—

22 (1) IMPOSITION.—Section 856 of title 10,  
23 United States Code (article 56 of the Uniform Code  
24 of Military Justice), is amended—

1 (A) by inserting “(a)” before “The punish-  
2 ment”; and

3 (B) by adding at the end the following new  
4 subsection:

5 “(b)(1) While a person subject to this chapter who  
6 is found guilty of an offense specified in paragraph (2)  
7 shall be punished as a general court-martial may direct,  
8 such punishment must include, at a minimum, dismissal  
9 or dishonorable discharge, except as provided for in sec-  
10 tion 860 of this title (article 60).

11 “(2) Paragraph (1) applies to the following offenses:

12 “(A) An offense in violation of subsection (a) or  
13 (b) of section 920 of this title (article 120(a) or (b)).

14 “(B) Rape and sexual assault of a child under  
15 subsection (a) or (b) of section 920b of this title (ar-  
16 ticle 120b).

17 “(C) Forcible sodomy under section 925 of this  
18 title (article 125).

19 “(D) An attempt to commit an offense specified  
20 in subparagraph (A), (B), or (C) that is punishable  
21 under section 880 of this title (article 80).”.

22 (2) CLERICAL AMENDMENTS.—

23 (A) SECTION HEADING.—The heading of  
24 such section is amended to read as follows:

1 **“§ 856. Art. 56. Maximum and minimum limits”.**

2 (B) TABLE OF SECTIONS.—The table of  
3 sections at the beginning of subchapter VIII of  
4 chapter 47 of such title is amended by striking  
5 the item relating to section 856 and inserting  
6 the following new item:

“856. Art 56. Maximum and minimum limits.”.

7 (b) JURISDICTION LIMITED TO GENERAL COURTS-  
8 MARTIAL.—Section 818 of title 10, United States Code  
9 (article 18 of the Uniform Code of Military Justice), is  
10 amended—

11 (1) by inserting “(a)” before the first sentence;

12 (2) in the third sentence, by striking “However,  
13 a general court-martial” and inserting the following:  
14 “(b) A general court-martial”; and

15 (3) by adding at the end the following new sub-  
16 section:

17 “(c) Consistent with sections 819, 820, and 856(b)  
18 of this title (articles 19, 20, and 56(b)), only general  
19 courts-martial have jurisdiction over an offense specified  
20 in section 856(b)(2) of this title (article 56(b)(2)).”.

21 (c) EFFECTIVE DATE.—The amendments made by  
22 this section shall take effect 180 days after the date of  
23 the enactment of this Act, and apply to offenses specified  
24 in section 856(b)(2) of title 10, United States Code (arti-  
25 cle 56(b)(2) of the Uniform Code of Military Justice), as

1 added by subsection (a)(1), committed on or after that  
2 date.

3 **SEC. 1706. PARTICIPATION BY VICTIM IN CLEMENCY PHASE**  
4 **OF COURTS-MARTIAL PROCESS.**

5 (a) VICTIM SUBMISSION OF MATTERS FOR CONSID-  
6 ERATION BY CONVENING AUTHORITY.—Section 860 of  
7 title 10, United States Code (article 60 of the Uniform  
8 Code of Military Justice), as amended by section 1702,  
9 is further amended—

10 (1) by redesignating subsections (d) and (e) as  
11 subsections (e) and (f), respectively; and

12 (2) by inserting after subsection (c) the fol-  
13 lowing new subsection:

14 “(d)(1) In any case in which findings and sentence  
15 have been adjudged for an offense that involved a victim,  
16 the victim shall be provided an opportunity to submit mat-  
17 ters for consideration by the convening authority or by an-  
18 other person authorized to act under this section before  
19 the convening authority or such other person takes action  
20 under this section.

21 “(2)(A) Except as provided in subparagraph (B), the  
22 submission of matters under paragraph (1) shall be made  
23 within 10 days after the later of—

1           “(i) the date on which the victim has been given  
2           an authenticated record of trial in accordance with  
3           section 854(e) of this title (article 54(e)); and

4           “(ii) if applicable, the date on which the victim  
5           has been given the recommendation of the staff  
6           judge advocate or legal officer under subsection (e).

7           “(B) In the case of a summary court-martial, the  
8           submission of matters under paragraph (1) shall be made  
9           within seven days after the date on which the sentence  
10          is announced.

11          “(3) If a victim shows that additional time is required  
12          for submission of matters under paragraph (1), the con-  
13          vening authority or other person taking action under this  
14          section, for good cause, may extend the submission period  
15          under paragraph (2) for not more than an additional 20  
16          days.

17          “(4) A victim may waive the right under this sub-  
18          section to make a submission to the convening authority  
19          or other person taking action under this section. Such a  
20          waiver shall be made in writing and may not be revoked.  
21          For the purposes of subsection (c)(2), the time within  
22          which a victim may make a submission under this sub-  
23          section shall be deemed to have expired upon the submis-  
24          sion of such waiver to the convening authority or such  
25          other person.

1           “(5) In this section, the term ‘victim’ means a person  
2 who has suffered a direct physical, emotional, or pecuniary  
3 loss as a result of a commission of an offense under this  
4 chapter (the Uniform Code of Military Justice) and on  
5 which the convening authority or other person authorized  
6 to take action under this section is taking action under  
7 this section.”.

8           (b) LIMITATIONS ON CONSIDERATION OF VICTIM’S  
9 CHARACTER.—Subsection (b) of section 860 of title 10,  
10 United States Code (article 60 of the Uniform Code of  
11 Military Justice), is amended by adding at the end the  
12 following new paragraph:

13           “(5) The convening authority or other person taking  
14 action under this section shall not consider under this sec-  
15 tion any submitted matters that relate to the character  
16 of a victim unless such matters were presented as evidence  
17 at trial and not excluded at trial.”.

18           (c) CONFORMING AMENDMENT.—Subsection (b)(1)  
19 of section 860 of title 10, United States Code (article 60  
20 of the Uniform Code of Military Justice), is amended by  
21 striking “subsection (d)” and inserting “subsection (e)”.

1 **SEC. 1707. REPEAL OF THE OFFENSE OF CONSENSUAL SOD-**  
2 **OMY UNDER THE UNIFORM CODE OF MILI-**  
3 **TARY JUSTICE.**

4 (a) RESTATEMENT OF ARTICLE 125 WITH CONSEN-  
5 SUAL SODOMY OMITTED.—Section 925 of title 10, United  
6 States Code (article 125 of the Uniform Code of Military  
7 Justice), is amended to read as follows:

8 **“§ 925. Art 125. Forcible sodomy; bestiality**

9 “(a) FORCIBLE SODOMY.—Any person subject to this  
10 chapter who engages in unnatural carnal copulation with  
11 another person of the same or opposite sex by force or  
12 without the consent of the other person is guilty of forcible  
13 sodomy and shall be punished as a court-martial may di-  
14 rect.

15 “(b) BESTIALITY.—Any person subject to this chap-  
16 ter who engages in unnatural carnal copulation with an  
17 animal is guilty of bestiality and shall be punished as a  
18 court-martial may direct.

19 “(c) SCOPE OF OFFENSES.—Penetration, however  
20 slight, is sufficient to complete an offense under sub-  
21 section (a) or (b).”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of subchapter X of chapter 47 of title  
24 10, United States Code (the Uniform Code of Military  
25 Justice), is amended by striking the item relating to sec-

1 tion 925 (article 125) and inserting the following new  
2 item:

“925. Art 125. Forcible sodomy; bestiality.”.

3 **SEC. 1708. MODIFICATION OF MANUAL FOR COURTS-MAR-**  
4 **TIAL TO ELIMINATE FACTOR RELATING TO**  
5 **CHARACTER AND MILITARY SERVICE OF THE**  
6 **ACCUSED IN RULE ON INITIAL DISPOSITION**  
7 **OF OFFENSES.**

8 Not later than 180 days after the date of the enact-  
9 ment of this Act, the discussion pertaining to Rule 306  
10 of the Manual for Courts-Martial (relating to policy on  
11 initial disposition of offenses) shall be amended to strike  
12 the character and military service of the accused from the  
13 matters a commander should consider in deciding how to  
14 dispose of an offense.

15 **SEC. 1709. PROHIBITION OF RETALIATION AGAINST MEM-**  
16 **BERS OF THE ARMED FORCES FOR REPORT-**  
17 **ING A CRIMINAL OFFENSE.**

18 (a) REGULATIONS ON PROHIBITION OF RETALIA-  
19 TION.—

20 (1) REGULATIONS REQUIRED.—The Secretary  
21 of Defense shall prescribe regulations, or require the  
22 Secretaries of the military departments to prescribe  
23 regulations, that prohibit retaliation against an al-  
24 leged victim or other member of the Armed Forces  
25 who reports a criminal offense. The regulations shall

1       prescribe that a violation of the regulations is an of-  
2       fense punishable under section 892 of title 10,  
3       United States Code (article 92 of the Uniform Code  
4       of Military Justice).

5           (2) DEADLINE.—The regulations required by  
6       this subsection shall be prescribed not later than  
7       120 days after the date of the enactment of this Act.

8       (b) RETALIATION AND PERSONNEL ACTION DE-  
9       SCRIBED.—

10           (1) RETALIATION.—For purposes of the regula-  
11       tions required by subsection (a), the Secretary of  
12       Defense shall define retaliation to include, at a min-  
13       imum—

14           (A) taking or threatening to take an ad-  
15       verse personnel action, or withholding or threat-  
16       ening to withhold a favorable personnel action,  
17       with respect to a member of the Armed Forces  
18       because the member reported a criminal of-  
19       fense; and

20           (B) ostracism and such of acts of maltreat-  
21       ment, as designated by the Secretary of De-  
22       fense, committed by peers of a member of the  
23       Armed Forces or by other persons because the  
24       member reported a criminal offense.

1           (2) PERSONNEL ACTIONS.—For purposes of  
2           paragraph (1)(A), the Secretary of Defense shall de-  
3           fine the personnel actions to be covered by the regu-  
4           lations.

5           (c) REPORT ON SEPARATE PUNITIVE ARTICLE.—Not  
6           later than 180 days after the date of the enactment of  
7           this Act, the Secretary of Defense shall submit to the  
8           Committees on Armed Services of the Senate and the  
9           House of Representatives a report setting forth the rec-  
10          ommendations of the Secretary regarding whether chapter  
11          47 of title 10, United States Code (the Uniform Code of  
12          Military Justice), should be amended to add a new puni-  
13          tive article to subchapter X of such chapter to prohibit  
14          retaliation against an alleged victim or other member of  
15          the Armed Forces who reports a criminal offense.

16       **Subtitle B—Other Amendments to**  
17       **Title 10, United States Code**

18       **SEC. 1711. PROHIBITION ON SERVICE IN THE ARMED**  
19                       **FORCES BY INDIVIDUALS WHO HAVE BEEN**  
20                       **CONVICTED OF CERTAIN SEXUAL OFFENSES.**

21       (a) PROHIBITION.—

22           (1) IN GENERAL.—Chapter 37 of title 10,  
23           United States Code, is amended adding at the end  
24           the following new section:

1 **“§ 657. Prohibition on service in the armed forces by**  
2 **individuals convicted of certain sexual of-**  
3 **fenses**

4       “(a) PROHIBITION ON COMMISSIONING OR ENLIST-  
5 MENT.—A person who has been convicted of an offense  
6 specified in subsection (b) under Federal or State law may  
7 not be processed for commissioning or permitted to enlist  
8 in the armed forces.

9       “(b) COVERED OFFENSES.—An offense specified in  
10 this subsection is any felony offense as follows:

11               “(1) Rape or sexual assault.

12               “(2) Forcible sodomy.

13               “(3) Incest.

14               “(4) An attempt to commit an offense specified  
15 in paragraph (1) through (3), as punishable under  
16 applicable Federal or State law.”.

17               (2) CLERICAL AMENDMENT.—The table of sec-  
18 tions at the beginning of chapter 37 of such title is  
19 amended by adding at the end the following new  
20 item:

“657. Prohibition on service in the armed forces by individuals convicted of cer-  
tain sexual offenses.”.

21               (b) REPEAL OF SUPERSEDED PROHIBITION.—Sec-  
22 tion 523 of the National Defense Authorization Act for  
23 Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1723;  
24 10 U.S.C. 504 note) is repealed.

1 **SEC. 1712. ISSUANCE OF REGULATIONS APPLICABLE TO**  
2 **THE COAST GUARD REGARDING CONSIDER-**  
3 **ATION OF REQUEST FOR PERMANENT**  
4 **CHANGE OF STATION OR UNIT TRANSFER BY**  
5 **VICTIM OF SEXUAL ASSAULT.**

6 Section 673(b) of title 10, United States Code, is  
7 amended by striking “The Secretaries of the military de-  
8 partments” and inserting “The Secretary concerned”.

9 **SEC. 1713. TEMPORARY ADMINISTRATIVE REASSIGNMENT**  
10 **OR REMOVAL OF A MEMBER OF THE ARMED**  
11 **FORCES ON ACTIVE DUTY WHO IS ACCUSED**  
12 **OF COMMITTING A SEXUAL ASSAULT OR RE-**  
13 **LATED OFFENSE.**

14 (a) IN GENERAL.—Chapter 39 of title 10, United  
15 States Code, is amended by inserting after section 673 the  
16 following new section:

17 **“§ 674. Temporary administrative reassignment or re-**  
18 **moval of a member on active duty ac-**  
19 **cused of committing a sexual assault or**  
20 **related offense**

21 “(a) GUIDANCE FOR TIMELY CONSIDERATION AND  
22 ACTION.—The Secretary concerned may provide guidance,  
23 within guidelines provided by the Secretary of Defense, for  
24 commanders regarding their authority to make a timely  
25 determination, and to take action, regarding whether a  
26 member of the armed forces serving on active duty who

1 is alleged to have committed an offense under section 920,  
2 920a, 920b, 920c, or 925 of this title (article 120, 120a,  
3 120b, 120c, or 125 of the Uniform Code of Military Jus-  
4 tice) or an attempt to commit such an offense as punish-  
5 able under section 880 of this title (article 80 of the Uni-  
6 form Code of Military Justice) should be temporarily reas-  
7 signed or removed from a position of authority or from  
8 an assignment, not as a punitive measure, but solely for  
9 the purpose of maintaining good order and discipline with-  
10 in the member's unit.

11       “(b) TIME FOR DETERMINATION.—A determination  
12 described in subsection (a) may be made at any time afer  
13 receipt of notification of an unrestricted report of a sexual  
14 assault or other sex-related offense that identifies the  
15 member as an alleged perpetrator.”.

16       (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of chapter 39 of such title is amended  
18 by inserting after the item relating to section 673 the fol-  
19 lowing new item:

“674. Temporary administrative reassignment or removal of a member on active  
duty accused of committing a sexual assault or related of-  
fense.”.

20       (c) ADDITIONAL TRAINING REQUIREMENT FOR COM-  
21 MANDERS.—The Secretary of Defense shall provide for the  
22 inclusion of information and discussion regarding the  
23 availability and use of the authority described by section  
24 674 of title 10, United States Code, as added by sub-

1 section (a), as part of the training for new and prospective  
2 commanders at all levels of command required by section  
3 585(b) of the National Defense Authorization Act for Fis-  
4 cal Year 2012 (Public Law 112–81; 10 U.S.C. 1561 note).

5 **SEC. 1714. EXPANSION AND ENHANCEMENT OF AUTHORI-**  
6 **TIES RELATING TO PROTECTED COMMUNICA-**  
7 **TIONS OF MEMBERS OF THE ARMED FORCES**  
8 **AND PROHIBITED RETALIATORY ACTIONS.**

9 (a) EXPANSION OF PROHIBITED RETALIATORY PER-  
10 SONNEL ACTIONS.—Subsection (b) of section 1034 of title  
11 10, United States Code, is amended—

12 (1) in paragraph (1)—

13 (A) by striking “preparing—” and insert-  
14 ing “preparing or being perceived as making or  
15 preparing—”;

16 (B) in subparagraph (A), by striking “or”  
17 at the end;

18 (C) in subparagraph (B)—

19 (i) in clause (iv), by striking “or” at  
20 the end;

21 (ii) by redesignating clause (v) as  
22 clause (vi) and, in such clause, by striking  
23 the period at the end and inserting “; or”;  
24 and

1 (iii) by inserting after clause (iv) the  
2 following new clause (v):

3 “(v) a court-martial proceeding; or”; and

4 (D) by adding at the end the following new  
5 subparagraph:

6 “(C) testimony, or otherwise participating in or  
7 assisting in an investigation or proceeding related to  
8 a communication under subparagraph (A) or (B), or  
9 filing, causing to be filed, participating in, or other-  
10 wise assisting in an action brought under this sec-  
11 tion.”; and

12 (2) in paragraph (2)—

13 (A) by striking “and” after “unfavorable  
14 action” and inserting a comma; and

15 (B) by inserting after “any favorable ac-  
16 tion” the following: “, or making or threatening  
17 to make a significant change in the duties or  
18 responsibilities of a member of the armed forces  
19 not commensurate with the member’s grade”.

20 (b) INSPECTOR GENERAL INVESTIGATIONS OF ALLE-  
21 GATIONS.—Subsection (c) of section 1034 of title 10,  
22 United States Code, is amended—

23 (1) in paragraph (1), by striking “paragraph  
24 (3)” and inserting “paragraph (4)”;

1           (2) by redesignating paragraphs (3), (4), and  
2           (5) as paragraphs (4), (5), and (6), respectively;

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

5           “(3) A communication described in paragraph (2)  
6           shall not be excluded from the protections provided in this  
7           section because—

8           “(A) the communication was made to a person  
9           who participated in an activity that the member rea-  
10          sonably believed to be covered by paragraph (2);

11          “(B) the communication revealed information  
12          that had previously been disclosed;

13          “(C) of the member’s motive for making the  
14          communication;

15          “(D) the communication was not made in writ-  
16          ing;

17          “(E) the communication was made while the  
18          member was off duty; and

19          “(F) the communication was made during the  
20          normal course of duties of the member.”;

21          (4) in paragraph (5), as redesignated by para-  
22          graph (2) of this subsection—

23                  (A) by striking “paragraph (3)(A)” and in-  
24                  serting “paragraph (4)(A)”;

1 (B) by striking “paragraph (3)(D)” and  
2 inserting “paragraph (4)(D)”; and

3 (C) by striking “60 days” and inserting  
4 “one year”; and

5 (5) in paragraph (6), as redesignated by para-  
6 graph (2) of this subsection, by striking “outside the  
7 immediate chain of command of both the member  
8 submitting the allegation and the individual or indi-  
9 viduals alleged to have taken the retaliatory action.”  
10 and inserting the following: “one or both of the fol-  
11 lowing:

12 “(A) Outside the immediate chain of command  
13 of both the member submitting the allegation and  
14 the individual or individuals alleged to have taken  
15 the retaliatory action.

16 “(B) At least one organization higher in the  
17 chain of command than the organization of the  
18 member submitting the allegation and the individual  
19 or individuals alleged to have taken the retaliatory  
20 action.”.

21 (c) INSPECTOR GENERAL INVESTIGATIONS OF UN-  
22 DERLYING ALLEGATIONS.—Subsection (d) of section 1034  
23 of title 10, United States Code, is amended by striking  
24 “subparagraph (A) or (B) of subsection (c)(2)” and in-

1 serting “subparagraph (A), (B), or (C) of subsection  
2 (c)(2)”.

3 (d) REPORTS ON INVESTIGATIONS.—Subsection (e)  
4 of section 1034 of title 10, United States Code, is amend-  
5 ed—

6 (1) in paragraph (1)—

7 (A) by striking “subsection (c)(3)(E)” both  
8 places it appears and inserting “subsection  
9 (c)(4)(E)”;

10 (B) by inserting “and the Secretary of the  
11 military department concerned” after “the Sec-  
12 retary of Defense”; and

13 (C) by striking “transmitted to the Sec-  
14 retary” and inserting “transmitted to such Sec-  
15 retaries”; and

16 (2) in paragraph (3), by inserting “and the Sec-  
17 retary of the military department concerned” after  
18 “the Secretary of Defense”.

19 (e) ACTION IN CASE OF VIOLATIONS.—Section 1034  
20 of title 10, United States Code, is further amended—

21 (1) by redesignating subsections (f), (g), (h),  
22 and (i) as subsections (g), (h), (i), and (j), respec-  
23 tively; and

24 (2) by inserting after subsection (e) the fol-  
25 lowing new subsection (f):

1           “(f) ACTION IN CASE OF VIOLATIONS.—(1) Not later  
2 than 30 days after receiving a report from the Inspector  
3 General under subsection (e), the Secretary of Homeland  
4 Security or the Secretary of the military department con-  
5 cerned, as applicable, shall determine whether there is suf-  
6 ficient basis to conclude whether a personnel action pro-  
7 hibited by subsection (b) has occurred.

8           “(2) If the Secretary concerned determines under  
9 paragraph (1) that a personnel action prohibited by sub-  
10 section (b) has occurred, the Secretary shall—

11           “(A) order such action as is necessary to cor-  
12 rect the record of a personnel action prohibited by  
13 subsection (b); and

14           “(B) take any appropriate disciplinary action  
15 against the individual who committed such prohib-  
16 ited personnel action.

17           “(3) If the Secretary concerned determines under  
18 paragraph (1) that an order for corrective or disciplinary  
19 action is not appropriate, not later than 30 days after  
20 making the determination, such Secretary shall—

21           “(A) provide to the Secretary of Defense and  
22 the member or former member a notice of the deter-  
23 mination and the reasons for not taking action; and

1           “(B) when appropriate, refer the report to the  
2           appropriate board for the correction of military  
3           records for further review under subsection (g).”.

4           (f) CORRECTION OF RECORDS.—Subsection (g) of  
5           section 1034 of title 10, United States Code, as redesignig-  
6           nated by subsection (e)(1) of this section, is amended in  
7           paragraph (3)—

8           (1) in the matter preceding subparagraph (A),  
9           by striking “board elects to hold” and inserting  
10          “board holds”; and

11          (2) in subparagraph (A)(ii), by striking “the  
12          case is unusually complex or otherwise requires” and  
13          inserting “the member or former member would ben-  
14          efit from”.

15   **SEC. 1715. INSPECTOR GENERAL INVESTIGATION OF ALLE-**  
16                           **GATIONS OF RETALIATORY PERSONNEL AC-**  
17                           **TIONS TAKEN IN RESPONSE TO MAKING PRO-**  
18                           **TECTED COMMUNICATIONS REGARDING SEX-**  
19                           **UAL ASSAULT.**

20          Section 1034(c)(2)(A) of title 10, United States  
21          Code, is amended by striking “sexual harassment or” and  
22          inserting “rape, sexual assault, or other sexual misconduct  
23          in violation of sections 920 through 920c of this title (arti-  
24          cles 120 through 120c of the Uniform Code of Military  
25          Justice), sexual harassment, or”.

1 **SEC. 1716. DESIGNATION AND AVAILABILITY OF SPECIAL**  
2 **VICTIMS' COUNSEL FOR VICTIMS OF SEX-RE-**  
3 **LATED OFFENSES.**

4 (a) DESIGNATION AND DUTIES.—

5 (1) IN GENERAL.—Chapter 53 of title 10,  
6 United States Code, is amended by inserting after  
7 section 1044d the following new section:

8 **“§ 1044e. Special Victims' Counsel for victims of sex-**  
9 **related offenses**

10 “(a) DESIGNATION; PURPOSES.—The Secretary con-  
11 cerned shall designate legal counsel (to be known as ‘Spe-  
12 cial Victims' Counsel’) for the purpose of providing legal  
13 assistance to an individual eligible for military legal assist-  
14 ance under section 1044 of this title who is the victim of  
15 an alleged sex-related offense, regardless of whether the  
16 report of that offense is restricted or unrestricted.

17 “(b) TYPES OF LEGAL ASSISTANCE AUTHORIZED.—  
18 The types of legal assistance authorized by subsection (a)  
19 include the following:

20 “(1) Legal consultation regarding potential  
21 criminal liability of the victim stemming from or in  
22 relation to the circumstances surrounding the al-  
23 leged sex-related offense and the victim's right to  
24 seek military defense services.

25 “(2) Legal consultation regarding the Victim  
26 Witness Assistance Program, including—

1           “(A) the rights and benefits afforded the  
2           victim;

3           “(B) the role of the Victim Witness Assist-  
4           ance Program liaison and what privileges do or  
5           do not exist between the victim and the liaison;  
6           and

7           “(C) the nature of communication made to  
8           the liaison in comparison to communication  
9           made to a Special Victims’ Counsel or a legal  
10          assistance attorney under section 1044 of this  
11          title.

12          “(3) Legal consultation regarding the respon-  
13          sibilities and support provided to the victim by the  
14          Sexual Assault Response Coordinator, a unit or in-  
15          stallation Sexual Assault Victim Advocate, or domes-  
16          tic abuse advocate, to include any privileges that  
17          may exist regarding communications between those  
18          persons and the victim.

19          “(4) Legal consultation regarding the potential  
20          for civil litigation against other parties (other than  
21          the Department of Defense).

22          “(5) Legal consultation regarding the military  
23          justice system, including (but not limited to)—

1           “(A) the roles and responsibilities of the  
2           trial counsel, the defense counsel, and investiga-  
3           tors;

4           “(B) any proceedings of the military jus-  
5           tice process in which the victim may observe;

6           “(C) the Government’s authority to compel  
7           cooperation and testimony; and

8           “(D) the victim’s responsibility to testify,  
9           and other duties to the court.

10          “(6) Accompanying the victim at any pro-  
11          ceedings in connection with the reporting, military  
12          investigation, and military prosecution of the alleged  
13          sex-related offense.

14          “(7) Legal consultation regarding eligibility and  
15          requirements for services available from appropriate  
16          agencies or offices for emotional and mental health  
17          counseling and other medical services;

18          “(8) Legal consultation and assistance—

19                 “(A) in personal civil legal matters in ac-  
20                 cordance with section 1044 of this title;

21                 “(B) in any proceedings of the military  
22                 justice process in which a victim can participate  
23                 as a witness or other party;

24                 “(C) in understanding the availability of,  
25                 and obtaining any protections offered by, civil-

1           ian and military protecting or restraining or-  
2           ders; and

3           “(D) in understanding the eligibility and  
4           requirements for, and obtaining, any available  
5           military and veteran benefits, such as transi-  
6           tional compensation benefits found in section  
7           1059 of this title and other State and Federal  
8           victims’ compensation programs.

9           “(9) Such other legal assistance as the Sec-  
10          retary of Defense (or, in the case of the Coast  
11          Guard, the Secretary of the Department in which  
12          the Coast Guard is operating) may authorize in the  
13          regulations prescribed under subsection (h).

14          “(c) NATURE OF RELATIONSHIP.—The relationship  
15          between a Special Victims’ Counsel and a victim in the  
16          provision of legal advice and assistance shall be the rela-  
17          tionship between an attorney and client.

18          “(d) QUALIFICATIONS.—An individual may not be  
19          designated as a Special Victims’ Counsel under this sec-  
20          tion unless the individual—

21                 “(1) meets the qualifications specified in section  
22                 1044(d)(2) of this title; and

23                 “(2) is certified as competent to be designated  
24                 as a Special Victims’ Counsel by the Judge Advocate  
25                 General of the armed force in which the judge advo-

1           cate is a member or by which the civilian attorney  
2           is employed.

3           “(e) ADMINISTRATIVE RESPONSIBILITY.—(1) Con-  
4           sistent with the regulations prescribed under subsection  
5           (h), the Judge Advocate General (as defined in section  
6           801(1) of this title) under the jurisdiction of the Sec-  
7           retary, and within the Marine Corps the Staff Judge Ad-  
8           vocate to the Commandant of the Marine Corps, is respon-  
9           sible for the establishment and supervision of individuals  
10          designated as Special Victims’ Counsel.

11          “(2) The Secretary of Defense (and, in the case of  
12          the Coast Guard, the Secretary of the Department in  
13          which the Coast Guard is operating) shall conduct a peri-  
14          odic evaluation of the Special Victims’ Counsel programs  
15          operated under this section.

16          “(f) AVAILABILITY OF SPECIAL VICTIMS’ COUN-  
17          SEL.—(1) An individual eligible for military legal assist-  
18          ance under section 1044 of this title who is the victim of  
19          an alleged sex-related offense shall be offered the option  
20          of receiving assistance from a Special Victims’ Counsel  
21          upon report of an alleged sex-related offense or at the time  
22          the victim seeks assistance from a Sexual Assault Re-  
23          sponse Coordinator, a Sexual Assault Victim Advocate, a  
24          military criminal investigator, a victim/witness liaison, a  
25          trial counsel, a healthcare provider, or any other personnel

1 designated by the Secretary concerned for purposes of this  
2 subsection.

3 “(2) The assistance of a Special Victims’ Counsel  
4 under this subsection shall be available to an individual  
5 eligible for military legal assistance under section 1044 of  
6 this title regardless of whether the individual elects unre-  
7 stricted or restricted reporting of the alleged sex-related  
8 offense. The individual shall also be informed that the as-  
9 sistance of a Special Victims’ Counsel may be declined,  
10 in whole or in part, but that declining such assistance does  
11 not preclude the individual from subsequently requesting  
12 the assistance of a Special Victims’ Counsel.

13 “(g) ALLEGED SEX-RELATED OFFENSE DEFINED.—  
14 In this section, the term ‘alleged sex-related offense’  
15 means any allegation of—

16 “(1) a violation of section 920, 920a, 920b,  
17 920c, or 925 of this title (article 120, 120a, 120b,  
18 120c, or 125 of the Uniform Code of Military Jus-  
19 tice); or

20 “(2) an attempt to commit an offense specified  
21 in a paragraph (1) as punishable under section 880  
22 of this title (article 80 of the Uniform Code of Mili-  
23 tary Justice).

24 “(h) REGULATIONS.—The Secretary of Defense and  
25 the Secretary of the Department in which the Coast Guard

1 is operating shall prescribe regulations to carry out this  
2 section.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such chapter is amended  
5 by inserting after the item relating to section 1044d  
6 the following new item:

“1044e. Special Victims’ Counsel for victims of sex-related offenses.”.

7 (3) CONFORMING AMENDMENTS.—

8 (A) QUALIFICATIONS OF PERSONS PRO-  
9 VIDING LEGAL ASSISTANCE.—Section  
10 1044(d)(2) of such title is amended by inserting  
11 before the period at the end the following:  
12 “and, for purposes of service as a Special Vie-  
13 tims’ Counsel under section 1044e of this title,  
14 meets the additional qualifications specified in  
15 subsection (d)(2) of such section.”.

16 (B) INCLUSION IN DEFINITION OF MILI-  
17 TARY LEGAL ASSISTANCE.—Section  
18 1044(d)(3)(B) of such title is amended by strik-  
19 ing “and 1044d” and inserting “1044d, 1044e,  
20 and 1565b(a)(1)(A)”.

21 (C) ACCESS TO LEGAL ASSISTANCE AND  
22 SERVICES.—Section 1565b(a)(1)(A) of such  
23 title is amended by striking “section 1044” and  
24 inserting “sections 1044 and 1044e”.

1           (4) IMPLEMENTATION.—Section 1044e of title  
2           10, United States Code, as added by paragraph (1),  
3           shall be implemented within 180 days after the date  
4           of the enactment of this Act.

5           (b) ENHANCED TRAINING REQUIREMENT.—The Sec-  
6           retary of each military department, and the Secretary of  
7           Homeland Security with respect to the Coast Guard when  
8           it is not operating as a service in the Department of the  
9           Navy, shall implement, consistent with the guidelines pro-  
10          vided under section 1044e of title 10, United States Code,  
11          as added by subsection (a), in-depth and advanced train-  
12          ing for all military and civilian attorneys providing legal  
13          assistance under section 1044 or 1044e of such title to  
14          support victims of alleged sex-related offenses.

15          (c) SECRETARY OF DEFENSE IMPLEMENTATION RE-  
16          PORT.—

17               (1) REPORT REQUIRED.—Not later than 90  
18               days after the date of the enactment of this Act, the  
19               Secretary of Defense, in coordination with the Sec-  
20               retary of Homeland Security with respect to the  
21               Coast Guard, shall submit to the Committees on  
22               Armed Services and Commerce, Science, and Trans-  
23               portation of the Senate and the Committees on  
24               Armed Services and Transportation and Infrastruc-  
25               ture of the House of Representatives a report de-

1 scribing how the Armed Forces will implement the  
2 requirements of section 1044e of title 10, United  
3 States Code, as added by subsection (a).

4 (2) ADDITIONAL SUBMISSION REQUIREMENT.—  
5 The report required by paragraph (1) shall also be  
6 submitted to the independent review panel estab-  
7 lished by the Secretary of Defense under section  
8 576(a)(1) of the National Defense Authorization Act  
9 for Fiscal Year 2013 (Public Law 112–239; 126  
10 Stat. 1758) and to the Joint Services Committee on  
11 Military Justice.

## 12 **Subtitle C—Amendments to Other** 13 **Laws**

### 14 **SEC. 1721. TRACKING OF COMPLIANCE OF COMMANDING** 15 **OFFICERS IN CONDUCTING ORGANIZATIONAL** 16 **CLIMATE ASSESSMENTS FOR PURPOSES OF** 17 **PREVENTING AND RESPONDING TO SEXUAL** 18 **ASSAULTS.**

19 Section 572 of the National Defense Authorization  
20 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.  
21 1753; 10 U.S.C. 1561 note) is amended by adding at the  
22 end the following new subsection:

23 “(d) TRACKING OF ORGANIZATIONAL CLIMATE AS-  
24 SESSMENT COMPLIANCE.—The Secretary of Defense shall  
25 direct the Secretaries of the military departments to verify

1 and track the compliance of commanding officers in con-  
2 ducting organizational climate assessments, as required by  
3 subsection (a)(3).”.

4 **SEC. 1722. ADVANCEMENT OF SUBMITTAL DEADLINE FOR**  
5 **REPORT OF INDEPENDENT PANEL ON AS-**  
6 **SESSMENT OF MILITARY RESPONSE SYSTEMS**  
7 **TO SEXUAL ASSAULT.**

8 Section 576(c)(1)(B) of the National Defense Au-  
9 thorization Act for Fiscal Year 2013 (Public Law 112–  
10 239; 126 Stat. 1759) is amended by striking “Eighteen  
11 months” and inserting “Twelve months”.

12 **SEC. 1723. RETENTION OF CERTAIN FORMS IN CONNEC-**  
13 **TION WITH RESTRICTED REPORTS AND UN-**  
14 **RESTRICTED REPORTS ON SEXUAL ASSAULT**  
15 **INVOLVING MEMBERS OF THE ARMED**  
16 **FORCES.**

17 (a) REQUIREMENT FOR RETENTION.—Subsection (a)  
18 of section 577 of the National Defense Authorization Act  
19 for Fiscal Year 2013 (Public Law 112–239; 126 Stat.  
20 1762; 10 U.S.C. 1561 note) is amended—

21 (1) by striking “At the request of a member of  
22 the Armed Forces who files a Restricted Report on  
23 an incident of sexual assault involving the member,  
24 the Secretary of Defense shall” and inserting “The  
25 Secretary of Defense shall”; and

1           (2) by striking “the Restricted Report” and in-  
2           serting “a Restricted Report or Unrestricted Report  
3           on an incident of sexual assault involving a member  
4           of the Armed Forces”.

5           (b) CONFORMING AMENDMENT.—The heading of  
6 such section is amended to read as follows:

7           **“SEC. 577. RETENTION OF CERTAIN FORMS IN CONNECTION**  
8                           **WITH RESTRICTED REPORTS AND UNRE-**  
9                           **STRICTED REPORTS ON SEXUAL ASSAULT IN-**  
10                          **VOLVING MEMBERS OF THE ARMED**  
11                          **FORCES.”.**

12           **SEC. 1724. TIMELY ACCESS TO SEXUAL ASSAULT RESPONSE**  
13                           **COORDINATORS BY MEMBERS OF THE NA-**  
14                           **TIONAL GUARD AND RESERVES.**

15           Section 584(a) of the National Defense Authorization  
16 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
17 1433; 10 U.S.C. 1561 note) is amended—

18           (1) by redesignating paragraph (2) as para-  
19           graph (3); and

20           (2) by inserting after paragraph (1) the fol-  
21           lowing new paragraph (2):

22           “(2) AVAILABILITY FOR RESERVE COMPONENT  
23 MEMBERS.—The Secretary of the military depart-  
24 ment concerned shall ensure the timely access to a

1 Sexual Assault Response Coordinator by any mem-  
2 ber of the National Guard or Reserve who—

3 “(A) is the victim of a sexual assault dur-  
4 ing the performance of duties as a member of  
5 the National Guard or Reserves; or

6 “(B) is the victim of a sexual assault com-  
7 mitted by a member of the National Guard or  
8 Reserves.”.

9 **SEC. 1725. QUALIFICATIONS AND SELECTION OF DEPART-**  
10 **MENT OF DEFENSE SEXUAL ASSAULT PRE-**  
11 **VENTION AND RESPONSE PERSONNEL AND**  
12 **REQUIRED AVAILABILITY OF SEXUAL AS-**  
13 **SAULT NURSE EXAMINERS.**

14 (a) **QUALIFICATIONS FOR ASSIGNMENT.**—Section  
15 1602(e)(2) of the Ike Skelton National Defense Authoriza-  
16 tion Act for Fiscal Year 2011 (Public Law 111–383; 10  
17 U.S.C. 1561 note; 124 Stat. 4431) is amended—

18 (1) by redesignating subparagraph (B) as sub-  
19 paragraph (C); and

20 (2) by striking subparagraph (A) and inserting  
21 the following new subparagraphs:

22 “(A) the qualifications necessary for a  
23 member of the Armed Forces or a civilian em-  
24 ployee of the Department of Defense to be se-  
25 lected for assignment to duty as a Sexual As-

1 assault Response and Prevention Program Man-  
2 ager, Sexual Assault Response Coordinator, or  
3 Sexual Assault Victim Advocate, whether as-  
4 signed to such duty on a full-time or part-time  
5 basis;

6 “(B) consistent with section 584(c) of the  
7 National Defense Authorization Act for Fiscal  
8 Year 2012 (Public Law 112–81; 10 U.S.C.  
9 1561 note; 125 Stat. 1433), the training, cer-  
10 tification, and status of members of the Armed  
11 Forces and civilian employees of the department  
12 assigned to duty as Sexual Assault Response  
13 and Prevention Program Managers, Sexual As-  
14 sault Response Coordinators, and Sexual As-  
15 sault Victim Advocates for the Armed Forces;  
16 and”.

17 (b) AVAILABILITY OF SEXUAL ASSAULT NURSE EX-  
18 AMINERS AT MILITARY MEDICAL TREATMENT FACILI-  
19 TIES.—

20 (1) FACILITIES WITH FULL-TIME EMERGENCY  
21 DEPARTMENT.—The Secretary of a military depart-  
22 ment shall require the assignment of at least one  
23 full-time sexual assault nurse examiner to each mili-  
24 tary medical treatment facility under the jurisdiction  
25 of that Secretary in which an emergency department

1 operates 24 hours per day. The Secretary may as-  
2 sign additional sexual assault nurse examiners based  
3 on the demographics of the patients who utilize the  
4 military medical treatment facility.

5 (2) OTHER FACILITIES.—In the case of a mili-  
6 tary medical treatment facility not covered by para-  
7 graph (1), the Secretary of the military department  
8 concerned shall require that a sexual assault nurse  
9 examiner be made available to a patient of the facil-  
10 ity, consistent with the Department of Justice Na-  
11 tional Protocol for Sexual Assault Medical Forensic  
12 Examinations, Adult/Adolescent, when a determina-  
13 tion is made regarding the patient's need for the  
14 services of a sexual assault nurse examiner.

15 (3) QUALIFICATIONS.—A sexual assault nurse  
16 examiner assigned under paragraph (1) or made  
17 available under paragraph (2) shall meet such train-  
18 ing and certification requirements as are prescribed  
19 by the Secretary of Defense.

20 (c) REPORT ON TRAINING, QUALIFICATIONS, AND  
21 EXPERIENCE OF SEXUAL ASSAULT PREVENTION AND RE-  
22 SPONSE PERSONNEL.—

23 (1) REPORT REQUIRED.—The Secretary shall  
24 prepare a report on the review, conducted pursuant  
25 to the Secretary of Defense Memorandum of May

1 17, 2013, of the adequacy of the training, qualifica-  
2 tions, and experience of each member of the Armed  
3 Forces and civilian employee of the Department of  
4 Defense who is assigned to a position that includes  
5 responsibility for sexual assault prevention and re-  
6 sponse within the Armed Forces for the successful  
7 discharge of such responsibility.

8 (2) REPORT ELEMENTS.—The report shall in-  
9 clude the following:

10 (A) An assessment of the adequacy of the  
11 training and certifications required for members  
12 and employees described in paragraph (1).

13 (B) The number of such members and em-  
14 ployees who did not have the training, qualifica-  
15 tions, or experience required to successfully dis-  
16 charge their responsibility for sexual assault  
17 prevention and response within the Armed  
18 Forces.

19 (C) The actions taken by the Secretary of  
20 Defense with respect to such members and em-  
21 ployees who were found to lack the training,  
22 qualifications, or experience to successfully dis-  
23 charge such responsibility.

24 (D) Such improvements as the Secretary  
25 considers appropriate in the process used to se-

1           lect and assign members and employees to posi-  
2           tions that include responsibility for sexual as-  
3           sault prevention and response within the Armed  
4           Forces in order to ensure the highest caliber  
5           candidates are selected and assigned to such  
6           positions.

7           (3) SUBMISSION.—Not later than 120 days  
8           after the date of the enactment of this Act, the Sec-  
9           retary of Defense shall submit the report to the  
10          Committees on Armed Services of the Senate and  
11          the House of Representatives.

12 **SEC. 1726. ADDITIONAL RESPONSIBILITIES OF SEXUAL AS-**  
13                   **SAULT PREVENTION AND RESPONSE OFFICE**  
14                   **FOR DEPARTMENT OF DEFENSE SEXUAL AS-**  
15                   **SAULT PREVENTION AND RESPONSE PRO-**  
16                   **GRAM.**

17          (a) ADDITIONAL DIRECTOR DUTIES.—Subsection (b)  
18          of section 1611 of the Ike Skelton National Defense Au-  
19          thorization Act for Fiscal Year 2011 (Public Law 111–  
20          383; 10 U.S.C. 1561 note) is amended—

21               (1) by striking “and” at the end of paragraph  
22               (2);  
23               (2) by striking the period at the end of para-  
24               graph (3) and inserting a semicolon; and

1           (3) by adding at the end the following new  
2 paragraphs:

3           “(4) collect and maintain data of the military  
4 departments on sexual assault in accordance with  
5 subsection (e);

6           “(5) act as liaison between the Department of  
7 Defense and other Federal and State agencies on  
8 programs and efforts relating to sexual assault pre-  
9 vention and response; and

10          “(6) oversee development of strategic program  
11 guidance and joint planning objectives for resources  
12 in support of the sexual assault prevention and re-  
13 sponse program, and make recommendations on  
14 modifications to policy, law, and regulations needed  
15 to ensure the continuing availability of such re-  
16 sources.”.

17          (b) COLLECTION AND MAINTENANCE OF DATA.—  
18 Such section is further amended by adding at the end the  
19 following new subsection:

20          “(e) DATA COLLECTION AND MAINTENANCE  
21 METRICS.—In carrying out the requirements of subsection  
22 (b)(4), the Director of the Sexual Assault Prevention and  
23 Response Office shall develop metrics to measure the ef-  
24 fectiveness of, and compliance with, training and aware-

1 ness objectives of the military departments on sexual as-  
2 sault prevention and response.”.

3 **Subtitle D—Studies, Reviews,**  
4 **Policies, and Reports**

5 **SEC. 1731. INDEPENDENT REVIEWS AND ASSESSMENTS OF**  
6 **UNIFORM CODE OF MILITARY JUSTICE AND**  
7 **JUDICIAL PROCEEDINGS OF SEXUAL AS-**  
8 **SAULT CASES.**

9 (a) ADDITIONAL DUTIES FOR RESPONSE SYSTEMS  
10 PANEL.—

11 (1) ADDITIONAL ASSESSMENTS SPECIFIED.—

12 The independent panel established by the Secretary  
13 of Defense under subsection (a)(1) of section 576 of  
14 the National Defense Authorization Act for Fiscal  
15 Year 2013 (Public Law 112–239; 126 Stat. 1758),  
16 known as the “response systems panel”, shall con-  
17 duct the following:

18 (A) An assessment of the impact, if any,  
19 that removing from the chain of command any  
20 disposition authority regarding charges pre-  
21 ferred under chapter 47 of title 10, United  
22 States Code (the Uniform Code of Military Jus-  
23 tice), would have on overall reporting and pros-  
24 ecution of sexual assault cases.

1 (B) An assessment regarding whether the  
2 roles, responsibilities, and authorities of Special  
3 Victims' Counsel to provide legal assistance  
4 under section 1044e of title 10, United States  
5 Code, as added by section 1716, to victims of  
6 alleged sex-related offenses should be expanded  
7 to include legal standing to represent the victim  
8 during investigative and military justice pro-  
9 ceedings in connection with the prosecution of  
10 the offense.

11 (C) An assessment of the feasibility and  
12 appropriateness of extending to victims of  
13 crimes covered by chapter 47 of title 10, United  
14 States Code (the Uniform Code of Military Jus-  
15 tice), the right afforded a crime victim in civil-  
16 ian criminal legal proceedings under subsection  
17 (a)(4) of section 3771 of title 18, United States  
18 Code, and the legal standing to seek enforce-  
19 ment of crime victim rights provided by sub-  
20 section (d) of such section.

21 (D) An assessment of the means by which  
22 the name, if known, and other necessary identi-  
23 fying information of an alleged offender that is  
24 collected as part of a restricted report of a sex-  
25 ual assault could be compiled into a protected,

1           searchable database accessible only to military  
2           criminal investigators, Sexual Assault Response  
3           Coordinators, or other appropriate personnel  
4           only for the purposes of identifying individuals  
5           who are subjects of multiple accusations of sex-  
6           ual assault and encouraging victims to make an  
7           unrestricted report of sexual assault in those  
8           cases in order to facilitate increased prosecu-  
9           tions, particularly of serial offenders. The as-  
10          sessment should include an evaluation of the  
11          appropriate content to be included in the data-  
12          base, as well as the best means to maintain the  
13          privacy of those making a restricted report.

14                 (E) As part of the comparison of military  
15          and civilian systems for the investigation, pros-  
16          ecution, and adjudication of adult sexual as-  
17          sault crimes, as required by subsection  
18          (d)(1)(B) of section 576 of the National De-  
19          fense Authorization Act for Fiscal Year 2013,  
20          an assessment of the opportunities for clemency  
21          provided in the military and civilian systems,  
22          the appropriateness of clemency proceedings in  
23          the military system, the manner in which clem-  
24          ency is used in the military system, and wheth-  
25          er clemency in the military justice system could

1 be reserved until the end of the military appeals  
2 process.

3 (F) An assessment of whether the Depart-  
4 ment of Defense should promulgate, and ensure  
5 the understanding of and compliance with, a  
6 formal statement of what accountability, rights,  
7 and responsibilities a member of the Armed  
8 Forces has with regard to matters of sexual as-  
9 sault prevention and response, as a means of  
10 addressing those issues within the Armed  
11 Forces. If the response systems panel rec-  
12 ommends such a formal statement, the response  
13 systems panel shall provide key elements or  
14 principles that should be included in the formal  
15 statement.

16 (2) SUBMISSION OF RESULTS.—The response  
17 systems panel shall include the results of the assess-  
18 ments required by paragraph (1) in the report re-  
19 quired by subsection (c)(1) of section 576 of the Na-  
20 tional Defense Authorization Act for Fiscal Year  
21 2013, as amended by section 1722.

22 (b) ADDITIONAL DUTIES FOR JUDICIAL PRO-  
23 CEEDINGS PANEL.—

24 (1) ADDITIONAL ASSESSMENTS SPECIFIED.—  
25 The independent panel established by the Secretary

1 of Defense under subsection (a)(2) of section 576 of  
2 the National Defense Authorization Act for Fiscal  
3 Year 2013 (Public Law 112–239; 126 Stat. 1758),  
4 known as the “judicial proceedings panel”, shall con-  
5 duct the following:

6 (A) An assessment of the likely con-  
7 sequences of amending the definition of rape  
8 and sexual assault under section 920 of title 10,  
9 United States Code (article 120 of the Uniform  
10 Code of Military Justice), to expressly cover a  
11 situation in which a person subject to chapter  
12 47 of title 10, United States Code (the Uniform  
13 Code of Military Justice), commits a sexual act  
14 upon another person by abusing one’s position  
15 in the chain of command of the other person to  
16 gain access to or coerce the other person.

17 (B) An assessment of the implementation  
18 and effect of section 1044e of title 10, United  
19 States Code, as added by section 1716, and  
20 make such recommendations for modification of  
21 such section 1044e as the judicial proceedings  
22 panel considers appropriate.

23 (C) An assessment of the implementation  
24 and effect of the mandatory minimum sentences  
25 established by section 856(b) of title 10, United

1 States Code (article 56(b) of the Uniform Code  
2 of Military Justice), as added by section 1705,  
3 and the appropriateness of statutorily mandated  
4 minimum sentencing provisions for additional  
5 offenses under chapter 47 of title 10, United  
6 States Code (the Uniform Code of Military Jus-  
7 tice).

8 (D) An assessment of the adequacy of the  
9 provision of compensation and restitution for  
10 victims of offenses under chapter 47 of title 10,  
11 United States Code (the Uniform Code of Mili-  
12 tary Justice), and develop recommendations on  
13 expanding such compensation and restitution,  
14 including consideration of the options as fol-  
15 lows:

16 (i) Providing the forfeited wages of in-  
17 carcerated members of the Armed Forces  
18 to victims of offenses as compensation.

19 (ii) Including bodily harm among the  
20 injuries meriting compensation for redress  
21 under section 939 of title 10, United  
22 States Code (article 139 of the Uniform  
23 Code of Military Justice).

24 (iii) Requiring restitution by members  
25 of the Armed Forces to victims of their of-

1           fenses upon the direction of a court-mar-  
2           tial.

3           (2) SUBMISSION OF RESULTS.—The judicial  
4           proceedings panel shall include the results of the as-  
5           sessments required by paragraph (1) in one of the  
6           reports required by subsection (c)(2)(B) of section  
7           576 of the National Defense Authorization Act for  
8           Fiscal Year 2013.

9   **SEC. 1732. REVIEW AND POLICY REGARDING DEPARTMENT**  
10                   **OF DEFENSE INVESTIGATIVE PRACTICES IN**  
11                   **RESPONSE TO ALLEGATIONS OF UNIFORM**  
12                   **CODE OF MILITARY JUSTICE VIOLATIONS.**

13           (a) REVIEW.—Not later than 180 days after the date  
14           of the enactment of this Act, the Secretary of Defense  
15           shall conduct a review of the practices of the military  
16           criminal investigative organizations (Army Criminal Inves-  
17           tigation Command, Naval Criminal Investigative Service,  
18           and Air Force Office of Special Investigation) in response  
19           to an allegation that a member of the Armed Forces has  
20           committed an offense under the Uniform Code of Military  
21           Justice, including the extent to which the military criminal  
22           investigative organizations make a recommendation re-  
23           garding whether an allegation appears founded or un-  
24           founded.

1 (b) POLICY.—After conducting the review required by  
2 subsection (a), the Secretary of Defense shall develop a  
3 uniform policy for the Armed Forces, to the extent prac-  
4 ticable, regarding the use of case determinations to record  
5 the results of the investigation of an alleged violation of  
6 the Uniform Code of Military Justice. In developing the  
7 policy, the Secretary shall consider the feasibility of adopt-  
8 ing case determination methods, such as the uniform  
9 crime report, used by nonmilitary law enforcement agen-  
10 cies.

11 **SEC. 1733. REVIEW OF TRAINING AND EDUCATION PRO-**  
12 **VIDED MEMBERS OF THE ARMED FORCES ON**  
13 **SEXUAL ASSAULT PREVENTION AND RE-**  
14 **SPONSE.**

15 (a) REVIEW REQUIRED.—The Secretary of Defense  
16 shall carry out a review of the adequacy of the training  
17 and education provided members of the Armed Forces on  
18 sexual assault prevention and response.

19 (b) RESPONSIVE ACTION.—Upon completion of the  
20 review, the Secretary of Defense shall—

21 (1) identify common core elements that must be  
22 included in any training or education provided mem-  
23 bers of the Armed Forces on sexual assault preven-  
24 tion and response; and

1           (2) recommend such other modifications of such  
2           training and education as the Secretary considers  
3           appropriate to address any inadequacies identified  
4           during the review.

5           (c) **REPORT REQUIRED.**—Not later than 120 days  
6           after the date of the enactment of this Act, the Secretary  
7           of Defense shall submit to the Committees on Armed Serv-  
8           ices of the Senate and the House of Representatives a re-  
9           port containing the results of the review, including the  
10          common core elements identified in the review that will  
11          be included in any training or education provided members  
12          of the Armed Forces on sexual assault prevention and re-  
13          sponse.

14   **SEC. 1734. REPORT ON IMPLEMENTATION OF DEPARTMENT**  
15                           **OF DEFENSE POLICY ON THE RETENTION OF**  
16                           **AND ACCESS TO EVIDENCE AND RECORDS**  
17                           **RELATING TO SEXUAL ASSAULTS INVOLVING**  
18                           **MEMBERS OF THE ARMED FORCES.**

19          (a) **REVIEW OF EVIDENCE AND RECORDS RETEN-**  
20          **TION AND ACCESS POLICY.**—The Secretary of Defense  
21          shall conduct a review of the progress made in developing  
22          and implementing the comprehensive policy on the reten-  
23          tion of and access to evidence and records relating to sex-  
24          ual assaults involving members of the Armed Forces,  
25          which was required by section 586 of the National Defense

1 Authorization Act for Fiscal Year 2012 (Public Law 112–  
2 81; 125 Stat. 1434; 10 U.S.C. 1561 note).

3 (b) REPORT REQUIRED.—Not later than 180 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Defense shall submit to the Committees on Armed Serv-  
6 ices of the Senate and the House of Representatives a re-  
7 port containing the results of the review. In the report,  
8 the Secretary shall explain how the Secretary has ad-  
9 dressed each of the matters listed in paragraphs (1)  
10 through (11) of subsection (c) of section 586 of the Na-  
11 tional Defense Authorization Act for Fiscal Year 2012  
12 that, at a minimum, were required to be considered in the  
13 development of the policy.

14 **SEC. 1735. REVIEW OF THE OFFICE OF DIVERSITY MANAGE-**  
15 **MENT AND EQUAL OPPORTUNITY ROLE IN**  
16 **SEXUAL HARASSMENT CASES.**

17 (a) REVIEW REQUIRED.—The Secretary of Defense  
18 shall conduct a review of the Office of Diversity Manage-  
19 ment and Equal Opportunity for the purposes specified  
20 in subsection (b).

21 (b) ELEMENTS OF STUDY.—In conducting the review  
22 under subsection (a), the Secretary of Defense shall—

23 (1) determine whether sexual harassment cases  
24 should be evaluated or addressed within the Office  
25 of Diversity Management and Equal Opportunity;

1           (2) identify and evaluate how the Office of Di-  
2           iversity Management and Equal Opportunity works  
3           with the Sexual Assault Prevention and Response  
4           Office to address sexual harassment in the Armed  
5           Forces and the current role of the Office of Diver-  
6           sity Management and Equal Opportunity in sexual  
7           harassment cases;

8           (3) identify and evaluate the resource and per-  
9           sonnel gaps, if any, in the Office of Diversity Man-  
10          agement and Equal Opportunity to adequately ad-  
11          dress sexual harassment cases; and

12          (4) identify and assess the capability of the Of-  
13          fice of Diversity Management and Equal Oppor-  
14          tunity to track incidences of sexual harassment  
15          cases.

16          (c) DEFINITION.—In this section, the term “sexual  
17          harassment” has the meaning given such term in Depart-  
18          ment of Defense Directive 1350.2, Department of Defense  
19          Military Equal Opportunity Program.

1                   **Subtitle E—Other Matters**

2   **SEC. 1741. ENHANCED PROTECTIONS FOR PROSPECTIVE**  
3                   **MEMBERS AND NEW MEMBERS OF THE**  
4                   **ARMED FORCES DURING ENTRY-LEVEL**  
5                   **PROCESSING AND TRAINING.**

6           (a) DEFINING INAPPROPRIATE AND PROHIBITED RE-  
7   LATIONSHIPS, COMMUNICATION, CONDUCT, AND CONTACT  
8   BETWEEN CERTAIN MEMBERS.—

9           (1) POLICY REQUIRED.—The Secretary of a  
10   military department and the Secretary of the De-  
11   partment in which the Coast Guard is operating  
12   shall maintain a policy that defines and prescribes,  
13   for the persons described in paragraph (2), what  
14   constitutes an inappropriate and prohibited relation-  
15   ship, communication, conduct, or contact, including  
16   when such an action is consensual, between a mem-  
17   ber of the Armed Forces described in paragraph  
18   (2)(A) and a prospective member or member of the  
19   Armed Forces described in paragraph (2)(B).

20           (2) COVERED MEMBERS.—The policy required  
21   by paragraph (1) shall apply to—

22           (A) a member of the Armed Forces who  
23   exercises authority or control over, or super-  
24   vises, a person described in subparagraph (B)

1 during the entry-level processing or training of  
2 the person; and

3 (B) a prospective member of the Armed  
4 Forces or a member of the Armed Forces un-  
5 dergoing entry-level processing or training.

6 (3) INCLUSION OF CERTAIN MEMBERS RE-  
7 QUIRED.—The members of the Armed Forces cov-  
8 ered by paragraph (2)(A) shall include, at a min-  
9 imum, military personnel assigned or attached to  
10 duty—

11 (A) for the purpose of recruiting or assess-  
12 ing persons for enlistment or appointment as a  
13 commissioned officer, warrant officer, or en-  
14 listed member of the Armed Forces;

15 (B) at a Military Entrance Processing Sta-  
16 tion; or

17 (C) at an entry-level training facility or  
18 school of an Armed Force.

19 (b) EFFECT OF VIOLATIONS.—A member of the  
20 Armed Forces who violates the policy required by sub-  
21 section (a) shall be subject to prosecution under the Uni-  
22 form Code of Military Justice.

23 (c) PROCESSING FOR ADMINISTRATIVE SEPARA-  
24 TION.—

1           (1) IN GENERAL.—(A) The Secretary of De-  
2       fense and the Secretary of the Department in which  
3       the Coast Guard is operating shall require the proc-  
4       essing for administrative separation of any member  
5       of the Armed Forces described in subsection  
6       (a)(2)(A) in response to the first substantiated viola-  
7       tion by the member of the policy required by sub-  
8       section (a), when the member is not otherwise puni-  
9       tively discharged or dismissed from the Armed  
10      Forces for that violation.

11           (B) The Secretary of a military department  
12      shall revise regulations applicable to the Armed  
13      Forces under the jurisdiction of that Secretary as  
14      necessary to ensure compliance with the requirement  
15      under subparagraph (A).

16           (2) REQUIRED ELEMENTS.—(A) In imposing  
17      the requirement under paragraph (1), the Secre-  
18      taries shall ensure that any separation decision re-  
19      garding a member of the Armed Forces is based on  
20      the full facts of the case and that due process proce-  
21      dures are provided under existing law or regulations  
22      or additionally prescribed, as considered necessary  
23      by the Secretaries, pursuant to subsection (f).

24           (B) The requirement imposed by paragraph (1)  
25      shall not be interpreted to limit or alter the author-

1       ity of the Secretary of a military department and the  
2       Secretary of the Department in which the Coast  
3       Guard is operating to process members of the  
4       Armed Forces for administrative separation—

5               (i) for reasons other than a substantiated  
6       violation of the policy required by subsection  
7       (a); or

8               (ii) under other provisions of law or regula-  
9       tion.

10       (3) SUBSTANTIATED VIOLATION.—For purposes  
11       of paragraph (1), a violation by a member of the  
12       Armed Forces described in subsection (a)(2)(A) of  
13       the policy required by subsection (a) shall be treated  
14       as substantiated if—

15               (A) there has been a court-martial convic-  
16       tion for violation of the policy, but the adjudged  
17       sentence does not include discharge or dis-  
18       missal; or

19               (B) a nonjudicial punishment authority  
20       under section 815 of title 10, United States  
21       Code (article 15 of the Uniform Code of Mili-  
22       tary Justice), has determined that a member  
23       has committed an offense in violation of the  
24       policy and imposed nonjudicial punishment  
25       upon the member.

1 (d) REPORT ON NEED FOR UCMJ PUNITIVE ARTI-  
2 CLE.—Not later than 120 days after the date of the enact-  
3 ment of this Act, the Secretary of Defense shall submit  
4 to the Committees on Armed Services of the Senate and  
5 the House of Representatives a report containing the rec-  
6 ommendations of the Secretary regarding the need to  
7 amend chapter 47 of title 10, United States Code (the  
8 Uniform Code of Military Justice), to create an additional  
9 article under subchapter X of such chapter to address vio-  
10 lations of the policy required by subsection (a).

11 (e) DEFINITIONS.—In this section:

12 (1) The term “entry-level processing or train-  
13 ing”, with respect to a member of the Armed  
14 Forces, means the period beginning on the date on  
15 which the member became a member of the Armed  
16 Forces and ending on the date on which the member  
17 physically arrives at that member’s first duty assign-  
18 ment following completion of initial entry training  
19 (or its equivalent), as defined by the Secretary of the  
20 military department concerned or the Secretary of  
21 the Department in which the Coast Guard is oper-  
22 ating.

23 (2) The term “prospective member of the  
24 Armed Forces” means a person who has had a face-  
25 to-face meeting with a member of the Armed Forces

1 assigned or attached to duty described in subsection  
2 (a)(3)(A) regarding becoming a member of the  
3 Armed Forces, regardless of whether the person  
4 eventually becomes a member of the Armed Forces.

5 (f) REGULATIONS.—Not later than 180 days after  
6 the date of the enactment of this Act, the Secretary of  
7 Defense and the Secretary of the Department in which  
8 the Coast Guard is operating shall issue such regulations  
9 as may be necessary to carry out this section. The Sec-  
10 retary of Defense shall ensure that, to the extent prac-  
11 ticable, the regulations are uniform for each armed force  
12 under the jurisdiction of that Secretary.

13 **SEC. 1742. COMMANDING OFFICER ACTION ON REPORTS**  
14 **ON SEXUAL OFFENSES INVOLVING MEMBERS**  
15 **OF THE ARMED FORCES.**

16 (a) IMMEDIATE ACTION REQUIRED.—A commanding  
17 officer who receives a report of a sex-related offense in-  
18 volving a member of the Armed Forces in the chain of  
19 command of such officer shall act upon the report in ac-  
20 cordance with subsection (b) immediately after receipt of  
21 the report by the commanding officer.

22 (b) ACTION REQUIRED.—The action required by this  
23 subsection with respect to a report described in subsection  
24 (a) is the referral of the report to the military criminal  
25 investigation organization with responsibility for inves-

1 tivating that offense of the military department concerned  
2 or such other investigation service of the military depart-  
3 ment concerned as the Secretary of the military depart-  
4 ment concerned may specify for purposes of this section.

5 **SEC. 1743. EIGHT-DAY INCIDENT REPORTING REQUIRE-**  
6 **MENT IN RESPONSE TO UNRESTRICTED RE-**  
7 **PORT OF SEXUAL ASSAULT IN WHICH THE**  
8 **VICTIM IS A MEMBER OF THE ARMED**  
9 **FORCES.**

10 (a) INCIDENT REPORTING POLICY REQUIREMENT.—

11 The Secretary of Defense and the Secretary of the Depart-  
12 ment in which the Coast Guard is operating shall establish  
13 and maintain a policy to require the submission by a des-  
14 ignated person of a written incident report not later than  
15 eight days after an unrestricted report of sexual assault  
16 has been made in which a member of the Armed Forces  
17 is the victim. At a minimum, this incident report shall be  
18 provided to the following:

19 (1) The installation commander, if such inci-  
20 dent occurred on or in the vicinity of a military in-  
21 stallation.

22 (2) The first officer in the grade of 0–6, and  
23 the first general officer or flag officer, in the chain  
24 of command of the victim.

1           (3) The first officer in the grade of 0–6, and  
2           the first general officer or flag officer, in the chain  
3           of command of the alleged offender if the alleged of-  
4           fender is a member of the Armed Forces.

5           (b) PURPOSE OF REPORT.—The purpose of the re-  
6           quired incident report under subsection (a) is to detail the  
7           actions taken or in progress to provide the necessary care  
8           and support to the victim of the assault, to refer the alle-  
9           gation of sexual assault to the appropriate investigatory  
10          agency, and to provide initial notification of the serious  
11          incident when that notification has not already taken  
12          place.

13          (c) ELEMENTS OF REPORT.—

14           (1) IN GENERAL.—The report of an incident  
15          under subsection (a) shall include, at a minimum,  
16          the following:

17           (A) Time/Date/Location of the alleged inci-  
18          dent.

19           (B) Type of offense alleged.

20           (C) Service affiliation, assigned unit, and  
21          location of the victim.

22           (D) Service affiliation, assigned unit, and  
23          location of the alleged offender, including infor-  
24          mation regarding whether the alleged offender  
25          has been temporarily transferred or removed

1 from an assigned billet or ordered to pretrial  
2 confinement or otherwise restricted, if applica-  
3 ble.

4 (E) Post-incident actions taken in connec-  
5 tion with the incident, including the following:

6 (i) Referral of the victim to a Sexual  
7 Assault Response Coordinator for referral  
8 to services available to members of the  
9 Armed Forces who are victims of sexual  
10 assault, including the date of each such re-  
11 ferral.

12 (ii) Notification of incident to appro-  
13 priate military criminal investigative orga-  
14 nization, including the organization noti-  
15 fied and date of such notification.

16 (iii) Receipt and processing status of  
17 a request for expedited victim transfer, if  
18 applicable.

19 (iv) Issuance of any military protec-  
20 tive orders in connection with the incident.

21 (2) MODIFICATION.—

22 (A) IN GENERAL.—The Secretary of De-  
23 fense may modify the elements required in a re-  
24 port under this section regarding an incident  
25 involving a member of the Armed Forces (in-

1 including the Coast Guard when it is operating as  
2 service in the Department of the Navy) if the  
3 Secretary determines that such modification  
4 will facilitate compliance with best practices for  
5 such reporting as identified by the Sexual As-  
6 sult Prevention and Response Office of the  
7 Department of Defense.

8 (B) COAST GUARD.—The Secretary of the  
9 Department in which the Coast Guard is oper-  
10 ating may modify the elements required in a re-  
11 port under this section regarding an incident  
12 involving a member of the Coast Guard if the  
13 Secretary determines that such modification  
14 will facilitate compliance with best practices for  
15 such reporting as identified by the Coast Guard  
16 Office of Work-Life Programs.

17 (d) REGULATIONS.—Not later than 180 days after  
18 the date of the enactment of this Act, the Secretary of  
19 Defense and the Secretary of the Department in which  
20 the Coast Guard is operating shall prescribe regulations  
21 to carry out this section.

22 **SEC. 1744. REVIEW OF DECISIONS NOT TO REFER CHARGES**  
23 **OF CERTAIN SEX-RELATED OFFENSES FOR**  
24 **TRIAL BY COURT-MARTIAL.**

25 (a) REVIEW REQUIRED.—

1           (1) IN GENERAL.—The Secretary of Defense  
2 shall require the Secretaries of the military depart-  
3 ments to provide for review of decisions not to refer  
4 charges for trial by court-martial in cases where a  
5 sex-related offense has been alleged by a victim of  
6 the alleged offense.

7           (2) SPECIFIC REVIEW REQUIREMENTS.—As  
8 part of a review conducted pursuant to paragraph  
9 (1), the Secretary of a military department shall re-  
10 quire that—

11           (A) consideration be given to the victim’s  
12 statement provided during the course of the  
13 criminal investigation regarding the alleged sex-  
14 related offense perpetrated against the victim;  
15 and

16           (B) a determination be made whether the  
17 victim’s statement and views concerning dis-  
18 position of the alleged sex-related offense were  
19 considered by the convening authority in mak-  
20 ing the referral decision.

21           (b) SEX-RELATED OFFENSE DEFINED.—In this sec-  
22 tion, the term “sex-related offense” means any of the fol-  
23 lowing:

24           (1) Rape or sexual assault under subsection (a)  
25 or (b) of section 920 of title 10, United States Code

1 (article 120 of the Uniform Code of Military Jus-  
2 tice).

3 (2) Forcible sodomy under section 925 of such  
4 title (article 125 of the Uniform Code of Military  
5 Justice).

6 (3) An attempt to commit an offense specified  
7 in paragraph (1) or (2) as punishable under section  
8 880 of such title (article 80 of the Uniform Code of  
9 Military Justice).

10 (c) REVIEW OF CASES NOT REFERRED TO COURT-  
11 MARTIAL FOLLOWING STAFF JUDGE ADVOCATE REC-  
12 OMMENDATION OF REFERRAL FOR TRIAL.—In any case  
13 where a staff judge advocate, pursuant to section 834 of  
14 title 10, United States Code (article 34 of the Uniform  
15 Code of Military Justice), recommends that charges of a  
16 sex-related offense be referred for trial by court-martial  
17 and the convening authority decides not to refer any  
18 charges to a court-martial, the convening authority shall  
19 forward the case file to the Secretary of the military de-  
20 partment concerned for review as a superior authorized  
21 to exercise general court-martial convening authority.

22 (d) REVIEW OF CASES NOT REFERRED TO COURT-  
23 MARTIAL FOLLOWING STAFF JUDGE ADVOCATE REC-  
24 OMMENDATION NOT TO REFER FOR TRIAL.—In any case  
25 where a staff judge advocate, pursuant to section 834 of

1 title 10, United States Code (article 34 of the Uniform  
2 Code of Military Justice), recommends that charges of a  
3 sex-related offense should not be referred for trial by  
4 court-martial and the convening authority decides not to  
5 refer any charges to a court-martial, the convening au-  
6 thority shall forward the case file for review to the next  
7 superior commander authorized to exercise general court-  
8 martial convening authority.

9 (e) ELEMENTS OF CASE FILE.—A case file forwarded  
10 to higher authority for review pursuant to subsection (c)  
11 or (d) shall include the following:

12 (1) All charges and specifications preferred  
13 under section 830 of title 10, United States Code  
14 (article 30 of the Uniform Code of Military Justice).

15 (2) All reports of investigations of such charges,  
16 including the military criminal investigative organi-  
17 zation investigation report and the report prepared  
18 under section 832 of title 10, United States Code  
19 (article 32 of the Uniform Code of Military Justice),  
20 as amended by section 1702.

21 (3) A certification that the victim of the alleged  
22 sex-related offense was notified of the opportunity to  
23 express views on the victim's preferred disposition of  
24 the alleged offense for consideration by the con-  
25 vening authority.

1           (4) All statements of the victim provided to the  
2           military criminal investigative organization and to  
3           the victim's chain of command relating to the al-  
4           leged sex-related offense and any statement provided  
5           by the victim to the convening authority expressing  
6           the victim's view on the victim's preferred disposi-  
7           tion of the alleged offense.

8           (5) The written advice of the staff judge advo-  
9           cate to the convening authority pursuant to section  
10          834 of title 10, United States Code (article 34 of the  
11          Uniform Code of Military Justice).

12          (6) A written statement explaining the reasons  
13          for the convening authority's decision not to refer  
14          any charges for trial by court-martial.

15          (7) A certification that the victim of the alleged  
16          sex-related offense was informed of the convening  
17          authority's decision to forward the case as provided  
18          in subsection (c) or (d).

19          (f) NOTICE ON RESULTS OR REVIEW.—The victim of  
20          the alleged sex-related offense shall be notified of the re-  
21          sults of the review conducted under subsection (c) or (d)  
22          in the manner prescribed by the victims and witness as-  
23          sistance program of the Armed Force concerned.

24          (g) VICTIM ALLEGATION OF SEX-RELATED OF-  
25          FENSE.—The Secretary of Defense shall require the Sec-

1 retaries of the military departments to develop a system  
2 to ensure that a victim of a possible sex-related offense  
3 under the Uniform Code of Military Justice is given the  
4 opportunity to state, either at the time of making an unre-  
5 stricted report of the allegation or during the criminal in-  
6 vestigation of the allegation, whether or not the victim be-  
7 lieves that the offense alleged is a sex-related offense sub-  
8 ject to the requirements of this section.

9 **SEC. 1745. INCLUSION AND COMMAND REVIEW OF INFOR-**  
10 **MATION ON SEX-RELATED OFFENSES IN PER-**  
11 **SONNEL SERVICE RECORDS OF MEMBERS OF**  
12 **THE ARMED FORCES.**

13 (a) INFORMATION ON REPORTS ON SEX-RELATED  
14 OFFENSES.—

15 (1) IN GENERAL.—If a complaint of a sex-re-  
16 lated offense is made against a member of the  
17 Armed Forces and the member is convicted by  
18 court-martial or receives non-judicial punishment or  
19 punitive administrative action for such sex-related  
20 offense, a notation to that effect shall be placed in  
21 the personnel service record of the member, regard-  
22 less of the member's grade.

23 (2) PURPOSE.—The purpose of the inclusion of  
24 information in personnel service records under para-  
25 graph (1) is to alert commanders to the members of

1       their command who have received courts-martial  
2       conviction, non-judicial punishment, or punitive ad-  
3       ministrative action for sex-related offenses in order  
4       to reduce the likelihood that repeat offenses will es-  
5       cape the notice of commanders.

6       (b) **LIMITATION ON PLACEMENT.**—A notation under  
7       subsection (a) may not be placed in the restricted section  
8       of the personnel service record of a member.

9       (c) **CONSTRUCTION.**—Nothing in subsection (a) or  
10      (b) may be construed to prohibit or limit the capacity of  
11      a member of the Armed Forces to challenge or appeal the  
12      placement of a notation, or location of placement of a no-  
13      tation, in the member's personnel service record in accord-  
14      ance with procedures otherwise applicable to such chal-  
15      lenges or appeals.

16      (d) **COMMAND REVIEW OF HISTORY OF SEX-RE-**  
17      **LATED OFFENSES OF MEMBERS UPON ASSIGNMENT OR**  
18      **TRANSFER TO NEW UNIT.**—

19           (1) **REVIEW REQUIRED.**—Under uniform regu-  
20      lations prescribed by the Secretary of Defense, the  
21      commanding officer of a facility, installation, or unit  
22      to which a member of the Armed Forces described  
23      in paragraph (2) is permanently assigned or trans-  
24      ferred shall review the history of sex-related offenses  
25      as documented in the personnel service record of the

1 member in order to familiarize such officer with  
2 such history of the member.

3 (2) COVERED MEMBERS.—A member of the  
4 Armed Forces described in this paragraph is a mem-  
5 ber of the Armed Forces who, at the time of assign-  
6 ment or transfer as described in paragraph (1), has  
7 a history of one or more sex-related offenses as doc-  
8 umented in the personnel service record of such  
9 member or such other records or files as the Sec-  
10 retary shall specify in the regulations prescribed  
11 under paragraph (1).

12 **SEC. 1746. PREVENTION OF SEXUAL ASSAULT AT MILITARY**  
13 **SERVICE ACADEMIES.**

14 The Secretary of Defense shall ensure that the  
15 United States Military Academy, the United States Naval  
16 Academy, and the United States Air Force Academy in-  
17 clude a section in the curricula of that military service  
18 academy that outlines honor, respect, and character devel-  
19 opment as such pertain to the issue of preventing sexual  
20 assault in the Armed Forces. Such curricula section shall  
21 include a brief history of the problem of sexual assault  
22 in the Armed Forces, a definition of sexual assault, infor-  
23 mation relating to reporting a sexual assault, victims'  
24 rights, and dismissal and dishonorable discharge for of-  
25 fenders. Training in such section in the curricula shall be

1 provided within 14 days after the initial arrival of a new  
2 cadet or midshipman at that military service academy and  
3 repeated annually thereafter.

4 **SEC. 1747. REQUIRED NOTIFICATION WHENEVER MEMBERS**  
5 **OF THE ARMED FORCES ARE COMPLETING**  
6 **STANDARD FORM 86 OF THE QUESTIONNAIRE**  
7 **FOR NATIONAL SECURITY POSITIONS.**

8 (a) NOTIFICATION OF POLICY.—Whenever a member  
9 of the Armed Forces is required to complete Standard  
10 Form 86 of the Questionnaire for National Security Posi-  
11 tions in connection with an application, investigation, or  
12 reinvestigation for a security clearance, the member shall  
13 be notified of the policy described in subsection (b) regard-  
14 ing question 21 of such form.

15 (b) POLICY DESCRIBED.—The policy referred to in  
16 subsection (a) is the policy of instructing an individual to  
17 answer “no” to question 21 of Standard Form 86 of the  
18 Questionnaire for National Security Positions with respect  
19 to consultation with a health care professional if—

20 (1) the individual is a victim of a sexual as-  
21 sault; and

22 (2) the consultation occurred with respect to an  
23 emotional or mental health condition strictly in rela-  
24 tion to the sexual assault.

1           **Subtitle F—Sense of Congress**  
2                           **Provisions**

3   **SEC. 1751. SENSE OF CONGRESS ON COMMANDING OFFI-**  
4                           **CER RESPONSIBILITY FOR COMMAND CLI-**  
5                           **MATE FREE OF RETALIATION.**

6           It is the sense of Congress that—

7                   (1) commanding officers in the Armed Forces  
8                   are responsible for establishing a command climate  
9                   in which sexual assault allegations are properly man-  
10                  aged and fairly evaluated and in which a victim can  
11                  report criminal activity, including sexual assault,  
12                  without fear of retaliation, including ostracism and  
13                  group pressure from other members of the com-  
14                  mand;

15                  (2) the failure of commanding officers to main-  
16                  tain such a command climate is an appropriate basis  
17                  for relief from their command positions; and

18                  (3) senior officers should evaluate subordinate  
19                  commanding officers on their performance in estab-  
20                  lishing a command climate as described in para-  
21                  graph (1) during the regular periodic counseling and  
22                  performance appraisal process prescribed by the  
23                  Armed Force concerned for inclusion in the systems  
24                  of records maintained and used for assignment and  
25                  promotion selection boards.

1 **SEC. 1752. SENSE OF CONGRESS ON DISPOSITION OF**  
2 **CHARGES INVOLVING CERTAIN SEXUAL MIS-**  
3 **CONDUCT OFFENSES UNDER THE UNIFORM**  
4 **CODE OF MILITARY JUSTICE THROUGH**  
5 **COURTS-MARTIAL.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that—

8 (1) any charge regarding an offense specified in  
9 subsection (b) should be disposed of by court-mar-  
10 tial, rather than by non-judicial punishment or ad-  
11 ministrative action; and

12 (2) in the case of any charge regarding an of-  
13 fense specified in subsection (b) that is disposed of  
14 by non-judicial punishment or administrative action,  
15 rather than by court-martial, the disposition author-  
16 ity should include in the case file a justification for  
17 the disposition of the charge by non-judicial punish-  
18 ment or administrative action, rather than by court-  
19 martial.

20 (b) COVERED OFFENSES.—An offense specified in  
21 this subsection is any of the following offenses under chap-  
22 ter 47 of title 10, United States Code (the Uniform Code  
23 of Military Justice):

24 (1) Rape or sexual assault under subsection (a)  
25 or (b) of section 920 of such title (article 120 of the  
26 Uniform Code of Military Justice).

1           (2) Forcible sodomy under section 925 of such  
2 title (article 125 of the Uniform Code of Military  
3 Justice).

4           (3) An attempt to commit an offense specified  
5 in paragraph (1) or (2), as punishable under section  
6 880 of such title (article 80 of the Uniform Code of  
7 Military Justice).

8 **SEC. 1753. SENSE OF CONGRESS ON THE DISCHARGE IN**  
9                   **LIEU OF COURT-MARTIAL OF MEMBERS OF**  
10                   **THE ARMED FORCES WHO COMMIT SEX-RE-**  
11                   **LATED OFFENSES.**

12 It is the sense of Congress that—

13           (1) the Armed Forces should be exceedingly  
14 sparing in discharging in lieu of court-martial mem-  
15 bers of the Armed Forces who have committed rape,  
16 sexual assault, forcible sodomy, or attempts to com-  
17 mit such offenses, and should do so only when the  
18 facts of the case clearly warrant such discharge;

19           (2) whenever possible, the victims of offenses  
20 referred to in paragraph (1) shall be consulted prior  
21 to the determination regarding whether to discharge  
22 the members who committed such offenses;

23           (3) convening authorities should consider the  
24 views of victims of offenses referred to in paragraph  
25 (1) when determining whether to discharge the

1 members who committed such offenses in lieu of try-  
2 ing such members by court-martial; and

3 (4) the discharge of any member who is dis-  
4 charged as described in paragraph (1) should be  
5 characterized as Other Than Honorable.

6 **DIVISION B—MILITARY CON-**  
7 **STRUCTION AUTHORIZA-**  
8 **TIONS**

9 **SEC. 2001. SHORT TITLE.**

10 This division may be cited as the “Military Construc-  
11 tion Authorization Act for Fiscal Year 2014”.

12 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
13 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
14 **LAW.**

15 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
16 YEARS.—Except as provided in subsection (b), all author-  
17 izations contained in titles XXI through XXVII for mili-  
18 tary construction projects, land acquisition, family housing  
19 projects and facilities, and contributions to the North At-  
20 lantic Treaty Organization Security Investment Program  
21 (and authorizations of appropriations therefor) shall ex-  
22 pire on the later of—

23 (1) October 1, 2016; or