

(d) DUTIES OF PANELS.—

(1) RESPONSE SYSTEMS PANEL.—In conducting a systemic review and assessment, the panel required by subsection (a)(1) shall provide recommendations on how to improve the effectiveness of the investigation, prosecution, and adjudication of crimes involving adult sexual assault and related offenses under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice). The review shall include the following:

(A) Using criteria the panel considers appropriate, an assessment of the strengths and weaknesses of the systems, including the administration of the Uniform Code of the Military Justice, and the investigation, prosecution, and adjudication, of adult sexual assault crimes during the period 2007 through 2011.

(B) A comparison of military and civilian systems for the investigation, prosecution, and adjudication of adult sexual assault crimes. This comparison shall include an assessment of differences in providing support and protection to victims and the identification of civilian best practices that may be incorporated into any phase of the military system.

(C) An assessment of advisory sentencing guidelines used in civilian courts in adult sexual assault cases and whether it would be advisable to promulgate sentencing guidelines for use in courts-martial.

(D) An assessment of the training level of military defense and trial counsel, including their experience in defending or prosecuting adult sexual assault crimes and related offenses, as compared to prosecution and defense counsel for similar cases in the Federal and State court systems.

(E) An assessment and comparison of military court-martial conviction rates with those in the Federal and State courts and the reasons for any differences.

(F) An assessment of the roles and effectiveness of commanders at all levels in preventing sexual assaults and responding to reports of sexual assault.

(G) An assessment of the strengths and weakness of proposed legislative initiatives to modify the current role of commanders in the administration of military justice and the investigation, prosecution, and adjudication of adult sexual assault crimes.

(H) An assessment of the adequacy of the systems and procedures to support and protect victims in all phases of the investigation, prosecution, and adjudication of adult sexual assault crimes, including whether victims are provided the rights afforded by section 3771 of title 18, United States Code, Department of Defense Directive 1030.1, and Department of Defense Instruction 1030.2.

(I) Such other matters and materials the panel considers appropriate.

[REDACTED]

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.

[REDACTED]

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 120e, 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)”.

[REDACTED]

[REDACTED]

[REDACTED]

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.

[REDACTED]

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED] [REDACTED] [REDACTED]
■ [REDACTED]

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).”.

[REDACTED]

[REDACTED]

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.

[REDACTED]

[REDACTED]

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-

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.

[REDACTED]

[REDACTED]

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.

[REDACTED]

[REDACTED]

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.

[REDACTED]

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.

[REDACTED]

Calendar No. 293

113TH CONGRESS
2D SESSION

S. 1917

To provide for additional enhancements of the sexual assault prevention
and response activities of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

JANUARY 14, 2014

Mrs. McCASKILL (for herself, Ms. AYOTTE, and Mrs. FISCHER) introduced
the following bill; which was read the first time

JANUARY 15, 2014

Read the second time and placed on the calendar

A BILL

To provide for additional enhancements of the sexual assault
prevention and response activities of the Armed Forces.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Victims Protection Act
5 of 2014”.

1 **SEC. 2. INCLUSION OF SENIOR TRIAL COUNSEL DETER-**
2 **MINATIONS ON REFERRAL OF CASES TO**
3 **TRIAL BY COURT-MARTIAL IN CASES RE-**
4 **VIEWED BY SECRETARIES OF MILITARY DE-**
5 **PARTMENTS.**

6 Section 1744 of the National Defense Authorization
7 Act for Fiscal Year 2014 is amended—

8 (1) in subsection (c)—

9 (A) in the subsection heading, by inserting
10 “OR SENIOR TRIAL COUNSEL” after “STAFF
11 JUDGE ADVOCATE”; and

12 (B) by inserting “or the senior trial coun-
13 sel detailed to the case” after “Military Jus-
14 tice),”; and

15 (2) in subsection (d)—

16 (A) in the subsection heading, by inserting
17 “OR SENIOR TRIAL COUNSEL” after “STAFF
18 JUDGE ADVOCATE”; and

19 (B) by inserting “or the senior trial coun-
20 sel detailed to the case” after “Military Jus-
21 tice),”.

22 **SEC. 3. ADDITIONAL ENHANCEMENTS OF MILITARY DE-**
23 **PARTMENT ACTIONS ON SEXUAL ASSAULT**
24 **PREVENTION AND RESPONSE.**



[REDACTED]

10 (b) CONSULTATION WITH VICTIMS REGARDING
 11 PREFERENCE IN PROSECUTION OF CERTAIN SEXUAL OF-
 12 FENSES.—

13 (1) IN GENERAL.—The Secretaries of the mili-
 14 tary departments shall each establish a process to
 15 ensure consultation with the victim of a covered sex-
 16 ual offense that occurs in the United States with re-
 17 spect to the victim’s preference as to whether the of-
 18 fense should be prosecuted by court-martial or by a
 19 civilian court with jurisdiction over the offense.

20 (2) WEIGHT AFFORDED PREFERENCE.—The
 21 preference expressed by a victim under paragraph
 22 (1) with respect to the prosecution of an offense,
 23 while not binding, should be afforded great weight in
 24 the determination whether to prosecute the offense
 25 by court-martial or by a civilian court.

1 (3) NOTICE TO VICTIM OF LACK OF CIVILIAN
2 CRIMINAL PROSECUTION AFTER PREFERENCE FOR
3 SUCH PROSECUTION.—In the event a victim ex-
4 presses a preference under paragraph (1) in favor of
5 prosecution of an offence by civilian court and the
6 civilian authorities determine to decline prosecution,
7 or defer to prosecution by court-martial, the victim
8 shall be promptly notified of that determination.

[REDACTED]

█ [REDACTED]

█ [REDACTED]

3 (g) MODIFICATION OF MILITARY RULES OF EVI-
4 DENCE RELATING TO ADMISSIBILITY OF GENERAL MILI-
5 TARY CHARACTER TOWARD PROBABILITY OF INNO-
6 CENCE.—Not later than 180 days after the date of the
7 enactment of this Act, Rule 404(a) of the Military Rules
8 of Evidence shall be modified to clarify that the general
9 military character of an accused is not admissible for the
10 purpose of showing the probability of innocence of the ac-
11 cused, except that evidence of a trait of the military char-
12 acter of an accused may be offered in evidence by the ac-
13 cused when that trait is relevant to an element of an of-
14 fense for which the accused has been charged.

█ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6 **SEC. 5. COLLABORATION BETWEEN THE DEPARTMENT OF**
 7 **DEFENSE AND THE DEPARTMENT OF JUS-**
 8 **TICE IN EFFORTS TO PREVENT AND RE-**
 9 **SPOND TO SEXUAL ASSAULT.**

10 (a) STRATEGIC FRAMEWORK ON COLLABORATION
 11 REQUIRED.—Not later than 270 days after the date of
 12 the enactment of this Act, the Secretary of Defense and
 13 the Attorney General shall jointly develop a strategic
 14 framework for ongoing collaboration between the Depart-
 15 ment of Defense and the Department of Justice in their
 16 efforts to prevent and respond to sexual assault. The
 17 framework shall be based on and include the following:

18 (1) An assessment of the role of the Depart-
 19 ment of Justice in investigations and prosecutions of
 20 sexual assault cases in which the Department of De-
 21 fense and the Department of Justice have concur-
 22 rent jurisdiction, with the assessment to include a
 23 review of and list of recommended revisions to rel-
 24 evant Memoranda of Understanding and related doc-

1 uments between the Department of Justice and the
2 Department of Defense.

3 (2) An assessment of the feasibility of estab-
4 lishing the position of advisor on military sexual as-
5 saults within the Department of Justice (using exist-
6 ing Department resources and personnel) to assist in
7 the activities required under paragraph (1) and pro-
8 vide to the Department of Defense investigative and
9 other assistance in sexual assault cases occurring on
10 domestic and overseas military installations over
11 which the Department of Defense has primary juris-
12 diction, with the assessment to address the feasi-
13 bility of maintaining representatives or designees of
14 the advisor at military installations for the purpose
15 of reviewing cases of sexual assault and providing
16 assistance with the investigation and prosecution of
17 sexual assaults.

18 (3) An assessment of the number of unsolved
19 sexual assault cases that have occurred on military
20 installations, and a plan, with appropriate bench-
21 marks, to review those cases using currently avail-
22 able civilian and military law enforcement resources,
23 such as new technology and forensics information.

1 (4) A strategy to leverage efforts by the De-
2 partment of Defense and the Department of Jus-
3 tice—

4 (A) to improve the quality of investiga-
5 tions, prosecutions, specialized training, services
6 to victims, awareness, and prevention regarding
7 sexual assault; and

8 (B) to address social conditions that relate
9 to sexual assault.

10 (5) Mechanisms to promote information sharing
11 and best practices between the Department of De-
12 fense and the Department of Justice on prevention
13 and response to sexual assault, including victim as-
14 sistance through the Violence against Women Act
15 and Office for Victims of Crime programs of the De-
16 partment of Justice.

17 (b) REPORT.—The Secretary of Defense and the At-
18 torney General shall jointly submit to the appropriate
19 committees of Congress a report on the framework re-
20 quired by subsection (a). The report shall—

21 (1) describe the manner in which the Depart-
22 ment of Defense and Department of Justice will col-
23 laborate on an ongoing basis under the framework;

24 (2) explain obstacles to implementing the
25 framework; and

1 (3) identify changes in laws necessary to
2 achieve the purpose of this section.

3 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Committee on Armed Services and the
7 Committee on the Judiciary of the Senate; and

8 (2) the Committee on Armed Services and the
9 Committee on the Judiciary of the House of Rep-
10 resentatives.

[REDACTED]