

Calendar No. 91113TH CONGRESS
1ST SESSION**S. 1197****[Report No. 113–44]**

To authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2013

Mr. LEVIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2014”.

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 2 **CONTENTS.**

3 (a) DIVISIONS.—This Act is organized into four divi-
 4 sions as follows:

5 (1) Division A—Department of Defense Author-
 6 izations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy National
 10 Security Authorizations and Other Authorizations.

11 (4) Division D—Funding Tables.

12 (b) TABLE OF CONTENTS.—The table of contents for
 13 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for E-2D aircraft.

Sec. 122. CVN-78 class aircraft carrier program.

Sec. 123. Repeal of requirements relating to procurement of future surface
 combatants.

Sec. 124. Modification of requirements to sustain Navy airborne intelligence,
 surveillance, and reconnaissance capabilities.

Sec. 125. Littoral Combat Ship.

Subtitle D—Air Force Programs

Sec. 131. Tactical airlift fleet of the Air Force.

Sec. 132. Modification of limitations on retirement of B-52 bomber aircraft.

Sec. 133. Repeal of requirement for maintenance of certain retired KC-135E
 aircraft.

Sec. 134. Prohibition of procurement of unnecessary C-27J aircraft by the Air Force.

Subtitle E—Joint and Multiservice Matters

Sec. 151. Multiyear procurement authority for C-130J aircraft.

Sec. 152. Sense of Senate on the United States helicopter industrial base.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Conventional Prompt Global Strike program.

Sec. 212. Modification of requirements on biennial strategic plan for the Defense Advanced Research Projects Agency.

Sec. 213. Extension of authority for program to award prizes for advanced technology achievements.

Sec. 214. Five-year extension of pilot program to include technology protection features during research and development of certain defense systems.

Sec. 215. Extension of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.

Sec. 216. Sustainment or replacement of Blue Devil Intelligence, Surveillance, and Reconnaissance System.

Subtitle C—Missile Defense Programs

Sec. 231. Homeland ballistic missile defense.

Sec. 232. Regional ballistic missile defense.

Sec. 233. Missile defense cooperation with Russia.

Sec. 234. Additional missile defense radar for the protection of the United States homeland.

Sec. 235. Evaluation of options for future ballistic missile defense sensor architectures.

Sec. 236. Prohibition on the use of funds for the MEADS program.

Subtitle D—Reports and Other Matters

Sec. 251. Annual Comptroller General of the United States report on the acquisition program for the VXX Presidential Helicopter.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Logistics and Sustainment

Sec. 311. Sustainment of critical manufacturing capabilities within Army arsenals.

Sec. 312. Strategic policy for prepositioned materiel and equipment.

Sec. 313. Extension and modification of authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.

Subtitle C—Readiness

- Sec. 321. Modification of authorities on prioritization of funds for equipment readiness and strategic capability.
- Sec. 322. Strategic policy for the retrograde, reconstitution, and replacement of operating forces used to support overseas contingency operations.

Subtitle D—Reports

- Sec. 331. Strategy for improving asset visibility and in-transit visibility.
- Sec. 332. Changes to quarterly reports on personnel and unit readiness.
- Sec. 333. Revision to requirement for annual submission of information regarding information technology capital assets.
- Sec. 334. Modification of annual corrosion control and prevention reporting requirements.

Subtitle E—Limitations and Extension of Authority

- Sec. 341. Limitation on funding for United States Special Operations Command National Capital Region.
- Sec. 342. Limitation on funding for Regional Special Operations Coordination Centers.
- Sec. 343. Limitation on availability of funds for Trans Regional Web Initiative (TRWI).

Subtitle F—Other Matters

- Sec. 351. Revised policy on ground combat and camouflage utility uniforms.
- Sec. 352. Authorization to institute a centralized, automated mail redirection system to improve the delivery of absentee ballots to military personnel serving outside the United States.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2014 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Service credit for cyberspace experience or advanced education upon original appointment as a commissioned officer.

Subtitle B—Reserve Component Management

- Sec. 506. Information to be provided to boards considering officers for selective early removal from the reserve active-status list.
- Sec. 507. Removal of restrictions on the transfer of officers between the active and inactive National Guard.
- Sec. 508. Limitation on certain cancellations of deployment of reserve component units within 180 days of scheduled date of deployment.
- Sec. 509. National Guard Youth Challenge Program.

Subtitle C—General Service Authorities

- Sec. 511. Expansion and enhancement of authorities relating to protected communications of members of the Armed Forces and prohibited retaliatory actions.
- Sec. 512. Enhancement of protection of rights of conscience of members of the Armed Forces and chaplains of such members.
- Sec. 513. Department of Defense Inspector General reports on compliance with requirements for the protection of rights of conscience of members of the Armed Forces and their chaplains.

Subtitle D—Member Education and Training

- Sec. 521. Authority for joint professional military education Phase II instruction and credit to be offered and awarded through senior-level course of School of Advanced Military Studies of the United States Army Command and General Staff College.
- Sec. 522. Authority for Uniformed Services University of the Health Sciences to support undergraduate and other medical education and training programs for military medical personnel.
- Sec. 523. Expansion of eligibility for associate degree programs under the Community College of the Air Force.
- Sec. 524. Additional requirements for approval of educational programs for purposes of certain educational assistance under laws administered by the Secretary of Defense.
- Sec. 525. Enhancement of mechanisms to correlate skills and training for military occupational specialties with skills and training required for civilian certifications and licenses.
- Sec. 526. Coverage of military occupational specialties relating to military information technology under pilot program on receipt of civilian credentials for skills required for military occupational specialties.
- Sec. 527. Sense of Senate on the Troops-to-Teachers Program.
- Sec. 528. Conforming amendment relating to renaming of North Georgia College and State University as University of North Georgia.

Subtitle E—Sexual Assault Prevention and Response and Military Justice Matters

PART I—SEXUAL ASSAULT PREVENTION AND RESPONSE

- Sec. 531. Prohibition on service in the Armed Forces by individuals who have been convicted of certain sexual offenses.
- Sec. 532. 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. 533. 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. 534. Inclusion and command review of information on sexual-related offenses in personnel service records of members of the Armed Forces.
- Sec. 535. Enhanced responsibilities of Sexual Assault Prevention and Response Office for Department of Defense sexual assault prevention and response program.
- Sec. 536. Comprehensive review of adequacy of training for members of the Armed Forces on sexual assault prevention and response.
- Sec. 537. Availability of Sexual Assault Response Coordinators for members of the National Guard and the Reserves.
- Sec. 538. Retention of certain forms in connection with Restricted Reports and Unrestricted Reports on sexual assault involving members of the Armed Forces.
- Sec. 539. Special Victims' Counsel for victims of sexual assault committed by members of the Armed Forces.
- Sec. 540. Sense of Congress on commanding officer responsibility for command climate free of retaliation.
- Sec. 541. Commanding officer action on reports on sexual offenses involving members of the Armed Forces.
- Sec. 542. Department of Defense Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.
- Sec. 543. Advancement of submittal deadline for report of independent panel on assessment of military response systems to sexual assault.
- Sec. 544. Assessment of clemency in the military justice system and of database of alleged offenders of sexual assault as additional duties of independent panel on review and assessment of systems to respond to sexual assault cases.
- Sec. 545. Assessment of provisions and proposed provisions of law on sexual assault prevention and response as additional duties of independent panels for review and assessment of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.
- Sec. 546. Assessment of compensation and restitution of victims of offenses under the Uniform Code of Military Justice as additional duty of independent panel on review and assessment of judicial proceedings of sexual assault cases.

PART II—RELATED MILITARY JUSTICE MATTERS

- Sec. 551. Elimination of five-year statute of limitations on trial by court-martial for additional offenses involving sex-related crimes.
- Sec. 552. Review of decisions not to refer charges of certain sexual offenses to trial by court-martial.
- Sec. 553. Defense counsel interview of complaining witnesses in presence of trial counsel or outside counsel.
- Sec. 554. Mandatory discharge or dismissal for certain sex-related offenses under the Uniform Code of Military Justice and trial of such offenses by general courts-martial.
- Sec. 555. Limitation on authority of convening authority to modify findings of a court-martial.

- Sec. 556. Participation by complaining witnesses in clemency phase of courts-martial process.
- Sec. 557. Secretary of Defense report on modifications to the Uniform Code of Military Justice to prohibit sexual acts and contacts between military instructors and trainees.
- Sec. 558. Sense of Senate on disposition of charges involving certain sexual misconduct offenses under the Uniform Code of Military Justice through courts-martial.
- Sec. 559. Sense of Senate on the discharge in lieu of court-martial of members of the Armed Forces who commit sexual-related offenses.

PART III—OTHER MILITARY JUSTICE AND LEGAL MATTERS

- Sec. 561. Modification of eligibility for appointment as Judge on the United States Court of Appeals for the Armed Forces.
- Sec. 562. Repeal of the offense of consensual sodomy under the Uniform Code of Military Justice.
- Sec. 563. Prohibition of retaliation against members of the Armed Forces for reporting a criminal offense.
- Sec. 564. Extension of crime victims' rights to victims of offenses under the Uniform Code of Military Justice.
- Sec. 565. 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.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. Impact aid for children with severe disabilities.

Subtitle G—Decorations and Awards

- Sec. 581. Matters relating to Medals of Honor and other medals of high precedence for members of the Armed Forces.
- Sec. 582. Recodification and revision of Army, Navy, Air Force, and Coast Guard Medal of Honor Roll.
- Sec. 583. Authority for award of the Distinguished Service Cross to Robert F. Keiser for valor during the Korean War.
- Sec. 584. Authority for award of the Distinguished Service Cross to Sergeant First Class Patrick N. Watkins, Jr., for acts of valor during the Vietnam War.

Subtitle H—Other Matters

- Sec. 591. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.
- Sec. 592. Expansion of privileged information authorities to debriefing reports of certain recovered persons who were never placed in a missing status.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

1 higher education of members of the Armed Forces;
2 and

3 (2) to provide funds for the Troops-to-Teachers
4 Program in order to help separating members of the
5 Armed Forces and veterans who wish to transition
6 into a teaching career.

7 **SEC. 528. CONFORMING AMENDMENT RELATING TO RE-**
8 **NAMING OF NORTH GEORGIA COLLEGE AND**
9 **STATE UNIVERSITY AS UNIVERSITY OF**
10 **NORTH GEORGIA.**

11 Paragraph (6) of section 2111a(f) of title 10, United
12 States Code, is amended to read as follows:

13 “(6) University of North Georgia.”.

14 **Subtitle E—Sexual Assault Preven-**
15 **tion and Response and Military**
16 **Justice Matters**

17 **PART I—SEXUAL ASSAULT PREVENTION AND**
18 **RESPONSE**

19 **SEC. 531. PROHIBITION ON SERVICE IN THE ARMED**
20 **FORCES BY INDIVIDUALS WHO HAVE BEEN**
21 **CONVICTED OF CERTAIN SEXUAL OFFENSES.**

22 (a) PROHIBITION.—

23 (1) IN GENERAL.—Chapter 37 of title 10,
24 United States Code, is amended adding at the end
25 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. 532. TEMPORARY ADMINISTRATIVE REASSIGNMENT**
2 **OR REMOVAL OF A MEMBER OF THE ARMED**
3 **FORCES ON ACTIVE DUTY WHO IS ACCUSED**
4 **OF COMMITTING A SEXUAL ASSAULT OR RE-**
5 **LATED OFFENSE.**

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

9 **“§ 674. Temporary administrative reassignment or re-**
10 **moval of a member on active duty ac-**
11 **cused of committing a sexual assault or**
12 **related offense**

13 “(a) GUIDANCE FOR TIMELY CONSIDERATION AND
14 ACTION.—The Secretary concerned may provide guidance,
15 within guidelines provided by the Secretary of Defense, for
16 commanders regarding their authority to make a timely
17 determination, and to take action, regarding whether a
18 member of the armed forces serving on active duty who
19 is alleged to have committed an offense under section 920,
20 920a, 920b, 920c, or 925 of this title (article 120, 120a,
21 120b, 120c, or 125 of the Uniform Code of Military Jus-
22 tice) or an attempt to commit such an offense as punish-
23 able under section 880 of this title (article 80 of the Uni-
24 form Code of Military Justice) should be temporarily reas-
25 signed or removed from a position of authority or from
26 an assignment, not as a punitive measure, but solely for

1 the purpose of maintaining good order and discipline with-
2 in the member's unit.

3 “(b) TIME FOR DETERMINATION.—A determination
4 described in subsection (a) may be made at any time after
5 receipt of notification of an unrestricted report of a sexual
6 assault or other sex-related offense that identifies the
7 member as an alleged perpetrator.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 39 of such title is amended
10 by inserting after the item relating to section 673 the fol-
11 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.”.

12 (c) ADDITIONAL TRAINING REQUIREMENT FOR COM-
13 MANDERS.—The Secretary of Defense shall provide for in-
14 clusion of information and discussion regarding the avail-
15 ability and use of the authority described by section 674
16 of title 10, United States Code, as added by subsection
17 (a), as part of the training for new and prospective com-
18 manders at all levels of command required by section
19 585(b) of the National Defense Authorization Act for Fis-
20 cal Year 2012 (Public Law 112–81; 10 U.S.C. 1561 note).

1 **SEC. 533. ISSUANCE OF REGULATIONS APPLICABLE TO THE**
2 **COAST GUARD REGARDING CONSIDERATION**
3 **OF REQUEST FOR PERMANENT CHANGE OF**
4 **STATION OR UNIT TRANSFER BY VICTIM OF**
5 **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. 534. INCLUSION AND COMMAND REVIEW OF INFORMA-**
10 **TION ON SEXUAL-RELATED OFFENSES IN**
11 **PERSONNEL SERVICE RECORDS OF MEM-**
12 **BERS OF THE ARMED FORCES.**

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

15 (1) IN GENERAL.—If a complaint of a sexual-
16 related offense is made against a member of the
17 Armed Forces and the complaint is substantiated
18 and the member is convicted by court-martial or re-
19 ceives non-judicial punishment or administrative ac-
20 tion for such sexual-related offense, a notation to
21 that effect shall be placed in the personnel service
22 record of the member, regardless of the member’s
23 grade.

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

1 their command who have received courts-martial
2 conviction, non-judicial punishment, or administra-
3 tive action for sexual-related offenses in order to re-
4 duce the likelihood that repeat offenses will escape
5 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) SUBSTANTIATED COMPLAINTS.—For purposes of
17 implementing this section, the Secretary of Defense shall
18 use the definition of substantiated developed for purposes
19 of the annual report on sexual assaults involving members
20 of the Armed Forces prepared under section 1631 of the
21 Ike Skelton National Defense Authorization Act for Fiscal
22 Year 2011 (10 U.S.C. 1561 note).

23 (e) COMMAND REVIEW OF HISTORY OF SEXUAL-RE-
24 LATED OFFENSES OF MEMBERS UPON ASSIGNMENT OR
25 TRANSFER TO NEW UNIT.—

1 (1) REVIEW REQUIRED.—Under uniform regu-
2 lations prescribed by the Secretary of Defense, the
3 commanding officer of a facility, installation, or unit
4 to which a member of the Armed Forces described
5 in paragraph (2) is permanently assigned or trans-
6 ferred shall review the history of substantiated sex-
7 ual offenses of the member in order to familiarize
8 such officer with such history of the member.

9 (2) COVERED MEMBERS.—A member of the
10 Armed Forces described in this paragraph is a mem-
11 ber of the Armed Forces who, at the time of assign-
12 ment or transfer as described in paragraph (1), has
13 a history of one or more substantiated sexual of-
14 fenses as documented in the personnel service record
15 of such member or such other records or files as the
16 Secretary shall specify in the regulations prescribed
17 under paragraph (1).

18 **SEC. 535. ENHANCED RESPONSIBILITIES OF SEXUAL AS-**
19 **SAULT PREVENTION AND RESPONSE OFFICE**
20 **FOR DEPARTMENT OF DEFENSE SEXUAL AS-**
21 **SAULT PREVENTION AND RESPONSE PRO-**
22 **GRAM.**

23 (a) IN GENERAL.—Section 1611(b) of the Ike Skel-
24 ton National Defense Authorization Act for Fiscal Year
25 2011 (10 U.S.C. 1561 note) is amended by striking

1 “shall—” and all that follows and inserting “shall do the
2 following:

3 “(1) Oversee development and implementation
4 of the comprehensive policy for the Department of
5 Defense sexual assault prevention and response pro-
6 gram, including guidance and assistance for the
7 military departments in addressing matters relating
8 to sexual assault prevention and response.

9 “(2) Serve as the single point of authority, ac-
10 countability, and oversight for the sexual assault
11 prevention and response program.

12 “(3) Undertake responsibility for the oversight
13 of the implementation of the sexual assault preven-
14 tion and response program by the Armed Forces.

15 “(4) Collect and maintain data of the military
16 departments on sexual assault in accordance with
17 section 1615.

18 “(5) Provide oversight to ensure that the mili-
19 tary departments maintain documents relating to
20 the following:

21 “(A) Allegations and complaints of sexual
22 assault involving members of the Armed Forces.

23 “(B) Courts-martial or trials of members
24 of the Armed Forces for offenses relating to
25 sexual assault.

1 “(6) Act as liaison between the Department of
2 Defense and other Federal and State agencies on
3 programs and efforts relating to sexual assault pre-
4 vention and response.

5 “(7) Oversee development of strategic program
6 guidance and joint planning objectives for resources
7 in support of the sexual assault prevention and re-
8 sponse program, and make recommendations on
9 modifications to policy, law, and regulations needed
10 to ensure the continuing availability of such re-
11 sources.

12 “(8) Provide to the Secretary of Veterans Af-
13 fairs any records or documents on sexual assault in
14 the Armed Forces, including restricted reports with
15 the approval of the individuals who filed such re-
16 ports, that are required by the Secretary for pur-
17 poses of the administration of the laws administered
18 by the Secretary.”.

19 (b) COLLECTION AND MAINTENANCE OF DATA.—
20 Subtitle A of title XVI of such Act (10 U.S.C. 1561 note)
21 is amended by adding at the end the following new section:

1 **“SEC. 1615. COLLECTION AND MAINTENANCE OF DATA OF**
2 **MILITARY DEPARTMENTS ON SEXUAL AS-**
3 **SAULT PREVENTION AND RESPONSE.**

4 “In carrying out the requirements of section
5 1611(b)(4), the Director of the Sexual Assault Prevention
6 and Response Office shall do the following:

7 “(1) Collect from each military department on
8 a quarterly and annual basis data of such military
9 department on sexual assaults involving members of
10 the Armed Forces in a manner consistent with the
11 policy and procedures developed pursuant to section
12 586 of the National Defense Authorization Act for
13 Fiscal Year 2012 (10 U.S.C. 1561 note) that pro-
14 tect the privacy of individuals named in records and
15 the status of records.

16 “(2) Maintain data collected from the military
17 departments under paragraph (1).

18 “(3) Assemble from the data collected and
19 maintained under this section quarterly and annual
20 reports on the involvement of members of the Armed
21 Forces in incidents of sexual assault.

22 “(4) Develop metrics to measure the effective-
23 ness of, and compliance with, training and aware-
24 ness objectives of the military departments on sexual
25 assault prevention and response.

1 “(5) Establish categories of information to be
2 provided by the military departments in connection
3 with reports on sexual assault prevention and re-
4 sponse, including, but not limited to, the annual re-
5 ports required by section 1631, and ensure that the
6 submittals of the military departments for purposes
7 of such reports include data within such cat-
8 egories.”.

9 (c) ELEMENT ON UNIT OF ACCUSED AND VICTIM IN
10 CASE SYNOPSES IN ANNUAL REPORT ON SEXUAL AS-
11 SAULTS.—

12 (1) IN GENERAL.—Section 1631(f) of such Act
13 (10 U.S.C. 1561 note) is amended—

14 (A) by redesignating paragraphs (5) and
15 (6) as paragraphs (6) and (7), respectively; and

16 (B) by inserting after paragraph (4) the
17 following new paragraph (5):

18 “(5) The case synopsis shall indicate the unit of
19 each member of the Armed Forces accused of com-
20 mitting a sexual assault and the unit of each mem-
21 ber of the Armed Forces who is a victim of sexual
22 assault.”.

23 (2) APPLICATION OF AMENDMENTS.—The
24 amendments made by paragraph (1) shall apply be-
25 ginning with the report regarding sexual assaults in-

1 volving members of the Armed Forces required to be
2 submitted by March 1, 2014, under section 1631 of
3 the Ike Skelton National Defense Authorization Act
4 for Fiscal Year 2011.

5 **SEC. 536. COMPREHENSIVE REVIEW OF ADEQUACY OF**
6 **TRAINING FOR MEMBERS OF THE ARMED**
7 **FORCES ON SEXUAL ASSAULT PREVENTION**
8 **AND RESPONSE.**

9 (a) COMPREHENSIVE REVIEW REQUIRED.—

10 (1) IN GENERAL.—The Secretary of Defense
11 shall carry out a review of the adequacy of the train-
12 ing provided members of the Armed Forces on sex-
13 ual assault prevention and response.

14 (2) RESPONSIVE ACTION.—Upon completion of
15 the review under paragraph (1), the Secretary shall
16 prescribe in regulations such modifications of the
17 training provided members of the Armed Forces on
18 sexual assault prevention and response as the Sec-
19 retary considers appropriate to address any inad-
20 equacies in such training identified during the re-
21 view.

22 (b) REVIEW OF PERSONNEL RESPONSIBLE FOR SEX-
23 UAL ASSAULT PREVENTION AND RESPONSE ACTIVI-
24 TIES.—

1 (1) REVIEW OF PERSONNEL.—The Secretary
2 shall carry out a review of the adequacy of the train-
3 ing, qualifications, and experience of each member of
4 the Armed Forces and civilian employee of the De-
5 partment of Defense who is assigned to a position
6 that includes responsibility for sexual assault preven-
7 tion and response within the Armed Forces for the
8 discharge of such responsibility.

9 (2) ASSESSMENT OF CERTAIN ELEMENTS OF
10 PREVENTION AND RESPONSE PROGRAM.—In car-
11 rying out the review under paragraph (1), the Sec-
12 retary shall also conduct an assessment of the ade-
13 quacy of the training and certifications required for
14 certain such personnel by section 584 of the Na-
15 tional Defense Authorization Act for Fiscal Year
16 2012 (Public Law 112–81; 125 Stat. 1433; 10
17 U.S.C. 1561 note).

18 (3) RESPONSIVE PERSONNEL ACTIONS.—If as a
19 result of the review under paragraph (1) the Sec-
20 retary determines that any member or civilian em-
21 ployee described in that paragraph does not have the
22 training, qualifications, or experience required to
23 discharge the responsibility referred to in that para-
24 graph, the Secretary shall take appropriate respon-
25 sive actions, including—

1 (A) re-training or re-certification of such
2 member or civilian employee; or

3 (B) reassigning such member or civilian
4 employee to duties other than sexual assault
5 prevention and response and replacing such
6 member or civilian with a member or civilian
7 employee qualified to discharge such responsi-
8 bility.

9 (4) RESPONSIVE ACTIONS REGARDING PROGRAM
10 ELEMENTS.—Upon completion of the review under
11 paragraph (1), the Secretary shall prescribe in regu-
12 lations the following:

13 (A) Appropriate minimum levels of train-
14 ing, qualifications, and experience for members
15 of the Armed Forces and civilian personnel of
16 the Department for the discharge of responsibil-
17 ities for sexual assault prevention and response
18 within the Armed Forces.

19 (B) Such requirements for improvements
20 in the training provided to members and civilian
21 employees referred to in subparagraph (A) as
22 the Secretary considers appropriate, including
23 improvements to the training and certifications
24 referred to in paragraph (2), in order to ensure
25 that such members and civilian employees are

1 properly trained and certified to discharge re-
2 sponsibilities for sexual assault prevention and
3 response within the Armed Forces.

4 (C) Such requirements for improvements
5 in the processes used to select and assign per-
6 sonnel to sexual assault prevention and re-
7 sponse billets as the Secretary considers appro-
8 priate to ensure that the highest caliber can-
9 didates are selected and assigned to such bil-
10 lets.

11 (5) REPORT REQUIRED.—Not later than 120
12 days after the date of the enactment of this Act, the
13 Secretary shall submit to the Committees on Armed
14 Services of the Senate and the House of Representa-
15 tives a report setting forth the following:

16 (A) The findings and responsive action
17 taken based on review under paragraph (1).

18 (B) Recommendations of the Secretary for
19 such legislative action as the Secretary con-
20 siders appropriate—

21 (i) to improve training provided mem-
22 bers of the Armed Forces on sexual assault
23 and prevention; and

1 (ii) to ensure that sexual assault pre-
2 vention and response positions are consid-
3 ered career enhancing assignments.

4 **SEC. 537. AVAILABILITY OF SEXUAL ASSAULT RESPONSE**
5 **COORDINATORS FOR MEMBERS OF THE NA-**
6 **TIONAL GUARD AND THE RESERVES.**

7 Section 584(a) of the National Defense Authorization
8 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
9 1433; 10 U.S.C. 1561 note) is amended—

10 (1) by redesignating paragraph (2) as para-
11 graph (3); and

12 (2) by inserting after paragraph (1) the fol-
13 lowing new paragraph (2):

14 “(2) AVAILABILITY FOR MEMBERS OF THE NA-
15 TIONAL GUARD AND RESERVES.—The Secretary of
16 the military department concerned shall ensure that
17 each member of the National Guard or Reserve
18 who—

19 “(A) is the victim of a sexual assault dur-
20 ing the performance of duties as a member of
21 the National Guard or Reserve; or

22 “(B) is the victim of a sexual assault com-
23 mitted by a member of the National Guard or
24 Reserves,

1 has access to a Sexual Assault Response Coordinator
2 not later than two business days following the date
3 of such member’s request for assistance from a Sex-
4 ual Assault Response Coordinator.”.

5 **SEC. 538. RETENTION OF CERTAIN FORMS IN CONNECTION**
6 **WITH RESTRICTED REPORTS AND UNRE-**
7 **STRICTED REPORTS ON SEXUAL ASSAULT IN-**
8 **VOLVING MEMBERS OF THE ARMED FORCES.**

9 (a) REQUIREMENT FOR RETENTION.—Subsection (a)
10 of section 577 of the National Defense Authorization Act
11 for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
12 1762; 10 U.S.C. 1561 note) is amended—

13 (1) by striking “At the request of a member of
14 the Armed Forces who files a Restricted Report on
15 an incident of sexual assault involving the member,
16 the Secretary of Defense shall” and inserting “The
17 Secretary of Defense shall”; and

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

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

1 **“SEC. 577. RETENTION OF CERTAIN FORMS IN CONNECTION**
2 **WITH RESTRICTED REPORTS AND UNRE-**
3 **STRICTED REPORTS ON SEXUAL ASSAULT IN-**
4 **VOLVING MEMBERS OF THE ARMED**
5 **FORCES.”.**

6 **SEC. 539. SPECIAL VICTIMS’ COUNSEL FOR VICTIMS OF**
7 **SEXUAL ASSAULT COMMITTED BY MEMBERS**
8 **OF THE ARMED FORCES.**

9 (a) SPECIAL VICTIMS’ COUNSEL FOR CERTAIN VIC-
10 TIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF
11 THE ARMED FORCES.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retaries of the military departments shall each im-
15 plement a program on the provision of a Special Vic-
16 tims’ Counsel to members of the Armed Forces, and
17 dependents of members, who are victims of a sexual
18 assault committed by a member of the Armed
19 Forces.

20 (2) QUALIFICATION.—An individual may not be
21 designated as a Special Victims’ Counsel under this
22 subsection unless the individual is—

23 (A) a judge advocate who is a graduate of
24 an accredited law school or is a member of the
25 bar of a Federal court or the highest court of
26 a State; and

1 (B) certified as competent to be designated
2 as a Special Victims' Counsel by the Judge Ad-
3 vocate General of the Armed Force of which the
4 individual is a member.

5 (3) DUTIES.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (C), the duties of a Special Victims'
8 Counsel shall include the provision of legal ad-
9 vice and assistance to a victim described in
10 paragraph (1) in connection with criminal and
11 civil legal matters related to the sexual assault
12 committed against the victim, including the fol-
13 lowing:

14 (i) Legal advice and assistance re-
15 garding any potential criminal liability of
16 the victim.

17 (ii) Legal advice and assistance re-
18 garding the victim's responsibility to tes-
19 tify, and other duties to the court.

20 (iii) Legal advice regarding the poten-
21 tial for civil litigation against other parties
22 (other than the Department of Defense).

23 (iv) Legal advice regarding any pro-
24 ceedings of the military justice process
25 which the victim may observe.

1 (v) Legal advice and assistance re-
2 garding any proceeding of the military jus-
3 tice process in which the victim may par-
4 ticipate as a witness or other party.

5 (vi) Legal advice and assistance re-
6 garding available military or civilian re-
7 straining or protective orders.

8 (vii) Legal advice and assistance re-
9 garding available military and veteran ben-
10 efits.

11 (viii) Legal assistance in personal civil
12 legal matters in connection with the sexual
13 assault in accordance with section 1044 of
14 title 10, United States Code.

15 (ix) Such other legal advice and as-
16 sistance as the Secretary of the military
17 department concerned shall specify for
18 purposes of the program implemented
19 under this subsection.

20 (B) NATURE OF RELATIONSHIP.—The re-
21 lationship between a Special Victims' Counsel
22 and a victim in the provision of legal advice and
23 assistance shall be the relationship between an
24 attorney and client.

25 (b) ASSISTANCE AND REPORTING.—

1 (1) ASSISTANCE.—Section 1565b of title 10,
2 United States Code, is amended—

3 (A) by redesignating subsection (b) as sub-
4 section (c); and

5 (B) by inserting after subsection (a) the
6 following new subsection (b):

7 “(b) AVAILABILITY OF SPECIAL VICTIMS’ COUNSEL
8 FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEM-
9 BERS OF THE ARMED FORCES.—(1) A member of the
10 armed forces, or a dependent of a member, who is the
11 victim of a sexual assault described in paragraph (2) may
12 be provided assistance by a Special Victims’ Counsel.

13 “(2) A sexual assault described in this paragraph is
14 any offense if alleged to have been committed by a member
15 of the armed forces as follows:

16 “(A) Rape or sexual assault under section 920
17 of this title (article 120 of the Uniform Code of Mili-
18 tary Justice).

19 “(B) An attempt to commit an offense specified
20 in subparagraph (A) as punishable under section
21 880 of this title (article 80 of the Uniform Code of
22 Military Justice).

23 “(3) A member of the armed forces or dependent who
24 is the victim of sexual assault described in paragraph (2)
25 shall be informed of the availability of assistance under

1 paragraph (1) as soon as the member or dependent seeks
2 assistance from a Sexual Assault Response Coordinator,
3 a Sexual Assault Victim Advocate, a military criminal in-
4 vestigator, a victim/witness liaison, a trial counsel, health
5 care providers, or any other personnel designated by the
6 Secretary of the military department concerned for pur-
7 poses of this paragraph. The member or dependent shall
8 also be informed that the assistance of a Special Victims'
9 Counsel under paragraph (1) is optional and may be de-
10 clined, in whole or in part, at any time.

11 “(4) Assistance of a Special Victims’ Counsel under
12 paragraph (1) shall be available to a member or dependent
13 regardless of whether the member or dependent elects un-
14 restricted or restricted (confidential) reporting of the sex-
15 ual assault.”.

16 (2) REPORTING.—Subsection (c) of such sec-
17 tion, as redesignated by paragraph (1)(A) of this
18 subsection, is further amended in paragraph (2)—

19 (A) by redesignating subparagraph (C) as
20 subparagraph (D); and

21 (B) by inserting after subparagraph (B)
22 the following new subparagraph (C):

23 “(C) A Special Victims’ Counsel.”.

1 (c) CONFORMING AMENDMENTS TO AUTHORITY ON
2 SARC, SAVA, AND RELATED ASSISTANCE.—Subsection
3 (a) of such section is amended—

4 (1) in paragraph (1), by striking “may” and in-
5 serting “shall, upon request,”; and

6 (2) in paragraph (2)—

7 (A) by inserting “a Special Victims’ Coun-
8 sel,” after “a Sexual Assault Victim Advocate,”;
9 and

10 (B) by striking “or a trial counsel” and in-
11 serting “a trial counsel, health care providers,
12 or any other personnel designated by the Sec-
13 retary of the military department concerned for
14 purposes of this paragraph”.

15 (d) CONFORMING AND CLERICAL AMENDMENTS.—

16 (1) HEADING AMENDMENT.—The heading of
17 such section is amended to read as follows:

18 **“§ 1565b. Victims of sexual assault: access to legal as-**
19 **sistance and services of Sexual Assault**
20 **Coordinators, Sexual Assault Victim Ad-**
21 **vocates, and Special Victims’ Counsels”.**

22 (2) TABLE OF SECTIONS.—The table of sections
23 at the beginning of chapter 80 of such title is
24 amended by striking the item relating to section
25 1565b and inserting the following new item:

“1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Coordinators, Sexual Assault Victim Advocates, and Special Victims’ Counsels.”.

1 **SEC. 540. SENSE OF CONGRESS ON COMMANDING OFFICER**
2 **RESPONSIBILITY FOR COMMAND CLIMATE**
3 **FREE OF RETALIATION.**

4 It is the sense of Congress that—

5 (1) commanding officers are responsible for es-
6 tablishing a command climate in which sexual as-
7 sault allegations are properly managed and fairly
8 evaluated and a victim can report criminal activity,
9 including sexual assault, without fear of retaliation,
10 including ostracism and group pressure from other
11 members of the command;

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

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

1 **SEC. 541. COMMANDING OFFICER ACTION ON REPORTS ON**
2 **SEXUAL OFFENSES INVOLVING MEMBERS OF**
3 **THE ARMED FORCES.**

4 (a) IMMEDIATE ACTION REQUIRED.—A commanding
5 officer who receives a report of a sexual-related offense
6 involving a member of the Armed Forces in the chain of
7 command of such officer shall act upon the report in ac-
8 cordance with subsection (b) immediately after receipt of
9 the report by the commanding officer.

10 (b) ACTION REQUIRED.—The action required by this
11 subsection with respect to a report described in subsection
12 (a) is the referral of the report to the military criminal
13 investigation organization with responsibility for inves-
14 tigating that offense of the military department concerned
15 or such other investigation service of the military depart-
16 ment concerned as the Secretary of the military depart-
17 ment concerned may specify for purposes of this section.

18 **SEC. 542. DEPARTMENT OF DEFENSE INSPECTOR GENERAL**
19 **INVESTIGATION OF ALLEGATIONS OF RETAL-**
20 **IATORY PERSONNEL ACTIONS TAKEN IN RE-**
21 **SPONSE TO MAKING PROTECTED COMMU-**
22 **NICATIONS REGARDING SEXUAL ASSAULT.**

23 Section 1034(c)(2)(A) of title 10, United States
24 Code, is amended by striking “sexual harassment or” and
25 inserting “rape, sexual assault, or other sexual misconduct
26 in violation of sections 920 through 920c of this title (arti-

1 cles 120 through 120c of the Uniform Code of Military
2 Justice), sexual harassment, or”.

3 **SEC. 543. ADVANCEMENT OF SUBMITTAL DEADLINE FOR**
4 **REPORT OF INDEPENDENT PANEL ON AS-**
5 **SESSMENT OF MILITARY RESPONSE SYSTEMS**
6 **TO SEXUAL ASSAULT.**

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

11 **SEC. 544. ASSESSMENT OF CLEMENCY IN THE MILITARY**
12 **JUSTICE SYSTEM AND OF DATABASE OF AL-**
13 **LEGED OFFENDERS OF SEXUAL ASSAULT AS**
14 **ADDITIONAL DUTIES OF INDEPENDENT**
15 **PANEL ON REVIEW AND ASSESSMENT OF SYS-**
16 **TEMS TO RESPOND TO SEXUAL ASSAULT**
17 **CASES.**

18 Paragraph (1) of Section 576(d) of the National De-
19 fense Authorization Act for Fiscal Year 2013 (Public Law
20 112–239; 126 Stat. 1760) is amended—

21 (1) in subparagraph (B), by adding at the end
22 the following new sentence: “The comparison shall
23 also include an assessment of the opportunities for
24 clemency provided in the military and civilian sys-
25 tems, the appropriateness of clemency proceedings in

1 the military system, the manner in which clemency
2 is used in the military system, and whether clemency
3 in the military justice system could be reserved until
4 the end of the military appeals process.”;

5 (2) by redesignating subparagraph (I) as sub-
6 paragraph (J); and

7 (3) by inserting after subparagraph (H) the fol-
8 lowing new subparagraph (I):

9 “(I) An assessment of the means by which
10 the name, if known, and other necessary identi-
11 fying information of an alleged offender that is
12 collected as part of a restricted report of a sex-
13 ual assault could be compiled into a protected,
14 searchable database accessible only to military
15 criminal investigators, Sexual Assault Response
16 Coordinators, or other appropriate personnel
17 only for the purposes of identifying individuals
18 who are subjects of multiple accusations of sex-
19 ual assault and encouraging victims to make an
20 unrestricted report of sexual assault in those
21 cases in order to facilitate increased prosecu-
22 tions, particularly of serial offenders. The as-
23 sessment should include an evaluation of the
24 appropriate content to be included in the data-

1 base, as well as the best means to maintain the
2 privacy of those making a restricted report.”.

3 **SEC. 545. ASSESSMENT OF PROVISIONS AND PROPOSED**
4 **PROVISIONS OF LAW ON SEXUAL ASSAULT**
5 **PREVENTION AND RESPONSE AS ADDITIONAL**
6 **DUTIES OF INDEPENDENT PANELS FOR RE-**
7 **VIEW AND ASSESSMENT OF UNIFORM CODE**
8 **OF MILITARY JUSTICE AND JUDICIAL PRO-**
9 **CEEDINGS OF SEXUAL ASSAULT CASES.**

10 (a) ASSESSMENT AS ADDITIONAL DUTIES OF PANEL
11 ON RESPONSE SYSTEMS TO SEXUAL ASSAULT CRIMES.—
12 Paragraph (1) of section 576(d) of the National Defense
13 Authorization Act for Fiscal Year 2013 (Public Law 112–
14 239; 126 Stat. 1760), as amended by section 544 of this
15 Act, is further amended—

16 (1) by redesignating subparagraph (J) as sub-
17 paragraph (L); and

18 (2) by inserting after subparagraph (I) the fol-
19 lowing new subparagraphs:

20 “(J) An assessment of the effectiveness of
21 the provisions of law on sexual assault preven-
22 tion and response in the National Defense Au-
23 thorization Act for Fiscal Year 2014, including
24 the provisions establishing or amending require-

1 ments and authorities relating to sexual assault
2 prevention and response.

3 “(K) An assessment of the potential effec-
4 tiveness of the provisions of law on sexual as-
5 sault prevention and response offered by Sen-
6 ators who are members of the Committee on
7 Armed of the Senate in the markup by the
8 Committee of the Bill to enact the National De-
9 fense Authorization Act for Fiscal Year 2014,
10 and not adopted by the Committee during that
11 markup for that Bill, including the provisions
12 seeking to establish or amend requirements and
13 authorities relating to sexual assault prevention
14 and response.”.

15 (b) ASSESSMENT AS ADDITIONAL DUTIES OF PANEL
16 ON JUDICIAL PROCEEDINGS.—Paragraph (2) of such sec-
17 tion is amended—

18 (1) by redesignating subparagraph (J) as sub-
19 paragraph (L); and

20 (2) by inserting after subparagraph (I) the fol-
21 lowing new subparagraphs:

22 “(J) Monitor and assess the implementa-
23 tion of the provisions of law on judicial pro-
24 ceedings in connection with sexual assault in
25 the National Defense Authorization Act for Fis-

1 cal Year 2014, including provisions amending
2 chapter 47 of title 10, United States Code (the
3 Uniform Code of Military Justice), and provi-
4 sions establishing or amending other require-
5 ments and authorities relating to such judicial
6 proceedings.

7 “(K) Assess the potential effectiveness of
8 the provisions of law on judicial proceedings on
9 sexual assault offered by Senators who are
10 members of the Committee on Armed of the
11 Senate in the markup by the Committee of the
12 Bill to enact the National Defense Authoriza-
13 tion Act for Fiscal Year 2014, and not adopted
14 by the Committee during that markup for that
15 Bill, including provisions seeking to amend
16 chapter 47 of title 10, United States Code (the
17 Uniform Code of Military Justice), and provi-
18 sions seeking to establish or amend other re-
19 quirements and authorities relating to such ju-
20 dicial proceedings.”.

21 (c) TRANSMITTAL OF PROVISIONS OFFERED BUT
22 NOT ADOPTED.—The Chairman and Ranking Member of
23 the Committee on Armed Services of the Senate shall
24 jointly transmit to the independent panels established pur-
25 suant to paragraphs (1) and (2) of section 576(a) of the

1 National Defense Authorization Act for Fiscal Year 2013
2 (126 Stat. 1758) the applicable provisions of law offered
3 by Senators who are members of the Committee on Armed
4 of the Senate in the markup by the Committee of the Bill
5 to enact this Act, and not adopted by the Committee dur-
6 ing that markup for that Bill, for purposes of the dis-
7 charge by such panels of the additional duties arising
8 under the amendments made by subsections (a) and (b).

9 **SEC. 546. ASSESSMENT OF COMPENSATION AND RESTITU-**
10 **TION OF VICTIMS OF OFFENSES UNDER THE**
11 **UNIFORM CODE OF MILITARY JUSTICE AS**
12 **ADDITIONAL DUTY OF INDEPENDENT PANEL**
13 **ON REVIEW AND ASSESSMENT OF JUDICIAL**
14 **PROCEEDINGS OF SEXUAL ASSAULT CASES.**

15 Paragraph (2) of section 576(d) of the National De-
16 fense Authorization Act for Fiscal Year 2013 (Public Law
17 112–239; 126 Stat. 1761), as amended by section 545(b)
18 of this Act, is further amended—

19 (1) by redesignating subparagraph (L) as sub-
20 paragraph (M); and

21 (2) by inserting after subparagraph (K) the fol-
22 lowing new subparagraph (L):

23 “(L) Assess the adequacy of the provision
24 of compensation and restitution for victims of
25 offenses under chapter 47, of title 10, United

1 States Code (the Uniform Code of Military Jus-
2 tice), and develop recommendations on expand-
3 ing such compensation and restitution, includ-
4 ing consideration of the options as follows:

5 “(i) Providing the forfeited wages of
6 incarcerated members of the Armed Forces
7 to victims of offenses as compensation.

8 “(ii) Including bodily harm among the
9 injuries meriting compensation for redress
10 under section 939 of title 10, United
11 States Code (article 139 of the Uniform
12 Code of Military Justice).

13 “(iii) Requiring restitution by mem-
14 bers of the Armed Forces to victims of
15 their offenses upon the direction of a
16 court-martial.”.

17 **PART II—RELATED MILITARY JUSTICE MATTERS**

18 **SEC. 551. ELIMINATION OF FIVE-YEAR STATUTE OF LIMITA-**
19 **TIONS ON TRIAL BY COURT-MARTIAL FOR AD-**
20 **DITIONAL OFFENSES INVOLVING SEX-RE-**
21 **LATED CRIMES.**

22 (a) IN GENERAL.—Subsection (a) of section 843 of
23 title 10, United States Code (article 43 of the Uniform
24 Code of Military Justice), is amended by striking “rape,

1 or rape of a child” and inserting “rape or sexual assault,
2 or rape or sexual assault of a child”.

3 (b) CONFORMING AMENDMENT.—Subsection
4 (b)(2)(B)(i) of such section (article) is amended by insert-
5 ing before the period at the end the following: “, unless
6 the offense is covered by subsection (a)”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to offenses committed
9 on or after the date of the enactment of this Act.

10 **SEC. 552. REVIEW OF DECISIONS NOT TO REFER CHARGES**
11 **OF CERTAIN SEXUAL OFFENSES TO TRIAL BY**
12 **COURT-MARTIAL.**

13 (a) IN GENERAL.—The Secretary of Defense shall re-
14 quire the Secretaries of the military departments to pro-
15 vide for review of decisions not to refer charges to trial
16 by court-martial in cases where a specified sexual offense
17 has been alleged by a victim of the alleged offense.

18 (b) SPECIFIED SEXUAL OFFENSES.—For purposes of
19 this section, a specified sexual offense is any of the fol-
20 lowing:

21 (1) Rape or sexual assault under subsection (a)
22 or (b) of section 920 of title 10, United States Code
23 (article 120 of the Uniform Code of Military Jus-
24 tice).

1 (2) Forcible sodomy under section 925 of title
2 10, United States Code (article 125 of the Uniform
3 Code of Military Justice).

4 (3) An attempt to commit an offense specified
5 in paragraph (1) or (2) as punishable under section
6 880 of title 10, United States Code (article 80 of the
7 Uniform Code of Military Justice).

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

20 (d) REVIEW OF CASES NOT REFERRED TO COURT-
21 MARTIAL FOLLOWING STAFF JUDGE ADVOCATE REC-
22 COMMENDATION NOT TO REFER FOR TRIAL.—In any case
23 where a staff judge advocate, pursuant to section 834 of
24 title 10, United States Code (article 34 of the Uniform
25 Code of Military Justice), recommends that charges of a

1 specified sexual offense should not be referred to trial by
2 court-martial and the convening authority decides not to
3 refer the charges to a court-martial, the convening author-
4 ity shall forward the case file for review by a superior com-
5 mander authorized to exercise general court-martial con-
6 vening authority.

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

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

13 (2) All reports of investigations of such charges,
14 including the military criminal investigative organi-
15 zation investigation report and the investigating offi-
16 cer's report under section 832 of title 10, United
17 States Code (article 32 of the Uniform Code of Mili-
18 tary Justice).

19 (3) The written advice of the staff judge advo-
20 cate to the convening authority pursuant to section
21 834 of title 10, United States Code (article 34 of the
22 Uniform Code of Military Justice), together with a
23 certification by the staff judge advocate as to wheth-
24 er the facts as reported by the victim of the alleged

1 offense or complaining witness, if true, would or
2 would not constitute a specified sexual offense.

3 (4) A written statement explaining the reasons
4 for the convening authority's decision not to refer
5 the charges to trial by court-martial.

6 (5) A certification that the victim of the alleged
7 offense or complaining witness was informed of the
8 convening authority's decision to forward the case as
9 provided in subsection (c) or (d).

10 (f) NOTICE ON RESULTS OR REVIEW.—The victim of
11 the alleged offense shall be notified of the results of the
12 review conducted under subsection (c) or (d) in the man-
13 ner prescribed by the victims and witness assistance pro-
14 gram of the Armed Force concerned.

15 (g) ALLEGATION OF SPECIFIED SEXUAL OF-
16 FENSE.—The Secretary of Defense shall require the Sec-
17 retaries of the military departments to develop a system
18 to ensure that a victim of an alleged offense has an oppor-
19 tunity to specify that the offense alleged is a specified sex-
20 ual offense either at the time of making an unrestricted
21 report of the allegation or during the criminal investiga-
22 tion of the allegation.

1 **SEC. 553. DEFENSE COUNSEL INTERVIEW OF COMPLAINING**
2 **WITNESSES IN PRESENCE OF TRIAL COUNSEL**
3 **OR OUTSIDE COUNSEL.**

4 Section 846 of title 10, United States Code (article
5 46 of the Uniform Code of Military Justice), is amended—

6 (1) by inserting “(a) OPPORTUNITY TO OBTAIN
7 WITNESSES AND OTHER EVIDENCE.—” before “The
8 trial counsel”;

9 (2) by striking “Process issued” and inserting
10 the following:

11 “(c) PROCESS.—Process issued”; and

12 (3) by inserting after subsection (a), as des-
13 ignated by paragraph (1), the following new sub-
14 section (b):

15 “(b) INTERVIEW OF COMPLAINING WITNESSES BY
16 DEFENSE COUNSEL.—(1) Upon notice by trial counsel to
17 defense counsel of the name and address of the com-
18 plaining witness or witnesses trial counsel intends to call
19 to testify in any portion of an investigation under section
20 832 of this title (article 32) or a court-martial under this
21 chapter, defense counsel shall make all requests to inter-
22 view any such complaining witness through trial counsel.

23 “(2) If requested by a complaining witness subject
24 to a request for interview under paragraph (1), any inter-
25 view of the witness by defense counsel shall take place only

1 in the presence of trial counsel, counsel for the witness,
2 or outside counsel.”.

3 **SEC. 554. MANDATORY DISCHARGE OR DISMISSAL FOR**
4 **CERTAIN SEX-RELATED OFFENSES UNDER**
5 **THE UNIFORM CODE OF MILITARY JUSTICE**
6 **AND TRIAL OF SUCH OFFENSES BY GENERAL**
7 **COURTS-MARTIAL.**

8 (a) MANDATORY DISCHARGE OR DISMISSAL RE-
9 QUIRED.—

10 (1) IN GENERAL.—Section 856 of title 10,
11 United States Code (article 56 of the Uniform Code
12 of Military Justice), is amended—

13 (A) by inserting “(a)” before “The punish-
14 ment”; and

15 (B) by adding at the end the following new
16 subsection:

17 “(b) While a person subject to this chapter who is
18 found guilty of an offense under section 920, 920b, or 925
19 of this title (article 120, 120b, or 125) or an attempt to
20 commit such an offense as punishable under section 880
21 of this title (article 80) shall be punished as a general
22 court-martial may direct, such punishment must include,
23 at a minimum, dismissal or dishonorable discharge.”.

24 (2) CLERICAL AMENDMENTS.—

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

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

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

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

9 (b) JURISDICTION LIMITED TO GENERAL COURTS-
10 MARTIAL.—Section 818 of such title (article 18 of the
11 Uniform Code of Military Justice) is amended—

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

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

15 “(b) A general court-martial”; and

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

18 “(c) Consistent with section 810, 820, and 856(b) of
19 this title (articles 19, 20, and 56(b)), only general courts-
20 martial have jurisdiction over an offense specified in sec-
21 tion 856(b)(2) of this title (article 56(b)(2)).”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect 180 days after the date of
24 the enactment of this Act.

1 **SEC. 555. LIMITATION ON AUTHORITY OF CONVENING AU-**
2 **THORITY TO MODIFY FINDINGS OF A COURT-**
3 **MARTIAL.**

4 (a) LIMITATION OF AUTHORITY TO OFFENSES THAT
5 WOULD NOT NORMALLY WARRANT TRIAL BY COURT-
6 MARTIAL.—Subsection (c) of section 860 of title 10,
7 United States Code (article 60 of the Uniform Code of
8 Military Justice), is amended—

9 (1) in paragraph (3)—

10 (A) by inserting “may be taken” after
11 “findings of a court-martial”;

12 (B) by striking “is not required. How-
13 ever,” and inserting “only with respect to a
14 qualified offense. With respect to such an of-
15 fense,”;

16 (C) by striking “may—” and all that fol-
17 lows through “(A) dismiss” and inserting “may
18 dismiss”;

19 (D) by striking “; or” and inserting a pe-
20 riod; and

21 (E) by striking subparagraph (B); and

22 (2) by adding at the end the following new
23 paragraph:

24 “(4)(A) In paragraph (3), the term ‘qualified offense’
25 means, except as provided in subparagraph (B), an offense
26 under this chapter for which—

1 “(i) the maximum sentence of confinement that
2 may be adjudged does not exceed one year; and

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

6 “(B) Such term does not include the following:

7 “(i) An offense under section 920 of this title
8 (article 120).

9 “(ii) An offense under section 920a of this title
10 (article 120a).

11 “(iii) An offense under section 920b of this title
12 (article 120b).

13 “(iv) An offense under section 920c of this title
14 (article 120c).

15 “(v) Such other offenses as the Secretary of
16 Defense may prescribe by regulation.”.

17 (b) REQUIREMENT FOR EXPLANATION IN WRIT-
18 ING.—Such subsection is further amended by adding after
19 paragraph (4), as added by subsection (a)(2), the fol-
20 lowing new paragraph:

21 “(5) If the convening authority or other person au-
22 thorized to act under this section modifies the findings or
23 sentence of a court-martial, such person shall prepare a
24 written explanation for such modification. Such expla-

1 nation shall be made a part of the record of trial and ac-
2 tion thereon.”.

3 (c) CONFORMING AMENDMENT.—Subsection (e)(3)
4 of such section (article) is amended in the first sentence
5 by inserting “(if authorized to do so under subsection
6 (c))” after “findings and sentence”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 subsections (a) and (c) shall apply with respect to offenses
9 committed on or after the date of the enactment of this
10 Act.

11 **SEC. 556. PARTICIPATION BY COMPLAINING WITNESSES IN**
12 **CLEMENCY PHASE OF COURTS-MARTIAL**
13 **PROCESS.**

14 Section 860(b) of title 10, United States Code (article
15 60(b) of the Uniform Code of Military Justice), is amend-
16 ed by adding at the end the following new paragraphs:

17 “(5)(A) If an accused elects to submit matters for
18 consideration by the convening authority under this sub-
19 section, a copy of any portion of such matters that refers
20 to a complaining witness shall be provided to the com-
21 plaining witness before the convening authority takes any
22 action on the findings or sentence under this section.

23 “(B)(i) Upon receipt of matters under this para-
24 graph, a complaining witness shall have 10 days to submit

1 materials in response to such matters to the convening au-
2 thority.

3 “(ii) If a complaining witness shows that additional
4 time is required for submission of materials under this
5 subparagraph, the convening authority or other person
6 taking action under this section, for good cause, may ex-
7 tend the applicable period for submission of such materials
8 for not more than an additional 20 days.

9 “(6) In any case in which findings and sentence have
10 been adjudged for an offense involving a complaining wit-
11 ness, the complaining witness shall be provided an oppor-
12 tunity to submit matters to the convening authority for
13 consideration prior to taking action under this section.

14 “(7) The convening authority shall not consider
15 under this section any submitted matters that go to the
16 character of a complaining witness unless such matters
17 were presented at the court-martial.”

18 **SEC. 557. SECRETARY OF DEFENSE REPORT ON MODIFICA-**
19 **TIONS TO THE UNIFORM CODE OF MILITARY**
20 **JUSTICE TO PROHIBIT SEXUAL ACTS AND**
21 **CONTACTS BETWEEN MILITARY INSTRUC-**
22 **TORS AND TRAINEES.**

23 (a) REPORT REQUIRED.—Not later than 120 days
24 after the date of the enactment of this Act, the Secretary
25 of Defense shall submit to the Committees on Armed Serv-

1 ices of the Senate and the House of Representatives a re-
2 port setting forth the recommendations of the Secretary
3 for such legislative action as the Secretary considers ap-
4 propriate to modify chapter 47 of title 10, United States
5 Code (the Uniform Code of Military Justice), to prohibit
6 sexual acts and contacts between military instructors and
7 their trainees.

8 (b) COVERED MILITARY INSTRUCTORS.—For pur-
9 poses the report required by this section, military instruc-
10 tors shall include the following:

11 (1) Drill Sergeants in the Army.

12 (2) Drill Instructors in the Marine Corps.

13 (3) Recruit Division Commanders in the Navy.

14 (4) Military Training instructors in the Air
15 Force.

16 (5) Company Commanders in the Coast Guard.

17 (6) Such other members of the Armed Forces
18 as the Secretary considers appropriate for purposes
19 of the report as having supervisory authority over
20 new recruits in the Armed Forces undergoing basic
21 training (or its equivalent).

1 **SEC. 558. SENSE OF SENATE ON DISPOSITION OF CHARGES**
2 **INVOLVING CERTAIN SEXUAL MISCONDUCT**
3 **OFFENSES UNDER THE UNIFORM CODE OF**
4 **MILITARY JUSTICE THROUGH COURTS-MAR-**
5 **TIAL.**

6 (a) SENSE OF SENATE.—It is the sense of the Senate
7 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 chapter (article 120 of
26 the Uniform Code of Military Justice).

1 (2) Forcible sodomy under section 925 of such
2 chapter (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 chapter (article 80 of the Uniform Code
7 of Military Justice).

8 **SEC. 559. SENSE OF SENATE ON THE DISCHARGE IN LIEU**
9 **OF COURT-MARTIAL OF MEMBERS OF THE**
10 **ARMED FORCES WHO COMMIT SEXUAL-RE-**
11 **LATED OFFENSES.**

12 It is the sense of the Senate that—

13 (1) the Armed Forces should be sparing in dis-
14 charging in lieu of court-martial members of the
15 Armed Forces who have committed rape, sexual as-
16 sult, forcible sodomy, or attempts to commit such
17 offenses, and should do so only when the facts of the
18 case clearly warrant such discharge;

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

23 (3) commanding officers 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 **PART III—OTHER MILITARY JUSTICE AND LEGAL**
7 **MATTERS**

8 **SEC. 561. MODIFICATION OF ELIGIBILITY FOR APPOINT-**
9 **MENT AS JUDGE ON THE UNITED STATES**
10 **COURT OF APPEALS FOR THE ARMED**
11 **FORCES.**

12 (a) **MODIFICATION.**—Section 942(b) of title 10,
13 United States Code (article 142(b) of the Uniform Code
14 of Military Justice), is amended—

15 (1) in paragraph (1), by striking “from civilian
16 life”; and

17 (2) by striking paragraph (4) and inserting the
18 following new paragraph (4):

19 “(4) A person may not be appointed as a judge of
20 the court within seven years after relief from active duty
21 as a commissioned officer of a regular component of an
22 armed force.”.

23 (b) **EFFECTIVE DATE.**—The amendments made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act, and shall apply with respect to appoint-

1 ments to the United States Court of Appeals for the
2 Armed Forces that occur on or after that date.

3 **SEC. 562. REPEAL OF THE OFFENSE OF CONSENSUAL SOD-**
4 **OMY UNDER THE UNIFORM CODE OF MILI-**
5 **TARY JUSTICE.**

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

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

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

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

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

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of subchapter X of chapter 47 of title

1 10, United States Code (the Uniform Code of Military
2 Justice), is amended by striking the item relating to sec-
3 tion 925 (article 125) and inserting the following new
4 item:

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

5 **SEC. 563. PROHIBITION OF RETALIATION AGAINST MEM-**
6 **BERS OF THE ARMED FORCES FOR REPORT-**
7 **ING A CRIMINAL OFFENSE.**

8 (a) REGULATIONS ON PROHIBITION OF RETALIATION
9 REQUIRED.—The Secretary of Defense shall, not later
10 than 120 days after the date of the enactment of this Act,
11 prescribe regulations, or require the Secretaries of the
12 military departments to prescribe regulations, that pro-
13 hibit retaliation against an alleged victim or other member
14 of the Armed Forces who reports a criminal offense. The
15 regulations shall prescribe that a violation of the regula-
16 tions is an offense punishable under section 892 of title
17 10, United States Code (article 92 of the Uniform Code
18 of Military Justice).

19 (b) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, the Secretary of Defense
21 shall submit to Congress a report setting forth the rec-
22 ommendations of the Secretary as to whether chapter 47
23 of title 10, United States Code (the Uniform Code of Mili-
24 tary Justice), should be amended to prohibit retaliation

1 against an alleged victim or other member of the Armed
2 Forces who reports a criminal offense.

3 (c) RETALIATION.—For purposes of this section, re-
4 taliation shall include, as a minimum, taking or threat-
5 ening to take any adverse personnel action, or failing to
6 take or threatening not to take a favorable personnel ac-
7 tion, with respect to a member of the Armed Forces be-
8 cause the member reported a criminal offense.

9 **SEC. 564. EXTENSION OF CRIME VICTIMS' RIGHTS TO VIC-**
10 **TIMS OF OFFENSES UNDER THE UNIFORM**
11 **CODE OF MILITARY JUSTICE.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of the enactment of this Act, the Secretary of Defense
14 shall recommend to the President modifications to the
15 Manual for Courts-Martial, and prescribe such other regu-
16 lations as the Secretary considers appropriate, to enforce
17 the rights of victims of military crimes as specified in sub-
18 section (b) and to ensure compliance by responsible mem-
19 bers of the Armed Forces and personnel of the Depart-
20 ment of Defense with the obligations to enforce such
21 rights.

22 (b) RIGHTS.—The rights of victims of military crimes
23 specified in this subsection are the following rights:

24 (1) The right to be reasonably protected from
25 the accused.

1 (2) The right to reasonable, accurate, and time-
2 ly notice of any public proceeding in an investigation
3 under section 832 of title 10, United States Code
4 (article 32 of the Uniform Code of Military Justice),
5 court-martial, involuntary plea hearing, pre-sen-
6 tencing hearing, or parole hearing involving the of-
7 fense or of any release or escape of the accused.

8 (3) The right not to be excluded from any pub-
9 lic proceeding referred to in paragraph (2) unless
10 the military judge or investigating officer, as appli-
11 cable, after receiving clear and convincing evidence,
12 determines that testimony by the victim would be
13 materially altered if the victim heard other testi-
14 mony at that proceeding.

15 (4) The right to be reasonably heard at any
16 public proceeding referred to in paragraph (2).

17 (5) The reasonable right to confer with the trial
18 counsel in the case.

19 (6) The right to full and timely restitution as
20 provided 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 victim's dignity and privacy.

25 (c) VICTIMS.—

1 (1) IN GENERAL.—For purposes of the rec-
2 ommendations and regulations required by sub-
3 section (a), a victim of a military crime shall be any
4 person who has suffered direct physical, emotional,
5 or pecuniary harm as a result of the commission
6 of—

7 (A) an offense under chapter 47 of the
8 Uniform Code of Military Justice; or

9 (B) a violation of any other law if any por-
10 tion of the investigation of such violation is con-
11 ducted primarily by an element of the Depart-
12 ment of Defense.

13 (2) UNDERAGE, INCOMPETENT, AND OTHER IN-
14 DIVIDUAL VICTIMS.—For such purposes, in the case
15 of a victim who is under 18 years of age, incom-
16 petent, incapacitated, or deceased, a victim of a mili-
17 tary crime includes one of the following (in order of
18 precedence): a spouse, legal guardian, parent, child,
19 sibling, another family member, or another person
20 designated by the military judge or other appro-
21 priate authority.

22 (3) INSTITUTIONAL ENTITY VICTIMS.—For such
23 purposes, if a victim is an institutional entity, the
24 victim of a military crime is an authorized represent-
25 ative of the entity.

1 (4) GOVERNMENTAL ENTITIES EXCLUDED.—

2 For such purposes, departments and agencies of the
3 Federal Government, and agencies of State and local
4 governments, are not victims of military crimes.

5 (d) MECHANISMS FOR AFFORDING RIGHTS.—The
6 recommendations and regulations required by subsection
7 (a) shall include the following:

8 (1) Mechanisms for ensuring that victims of
9 military crimes are afforded the rights specified in
10 subsection (b) in all applicable proceedings.

11 (2) Mechanisms for ensuring that members of
12 the Armed Forces and civilian personnel of the De-
13 partment of Defense (including military judges, trial
14 counsel, military criminal investigation organiza-
15 tions, services, and personnel, and other members
16 and personnel of the Department of Defense en-
17 gaged in the detection, investigation, or prosecution
18 of offenses under chapter 47 of title 10, United
19 States Code (the Uniform Code of Military Justice))
20 make their best efforts to see that victims of military
21 crimes are notified of, and accorded, the rights spec-
22 ified in subsection (b) in all applicable proceedings.

23 (3) Mechanisms for the enforcement of such
24 rights, including such mechanisms for application
25 for such rights and for consideration and disposition

1 of applications for such rights as the Secretary of
2 Defense considers appropriate.

3 (4) The designation of an authority within the
4 Department of Defense to receive and investigate
5 complaints relating to the provision or violation of
6 the rights of victims of military crimes.

7 (5) Disciplinary sanctions for members of the
8 Armed Forces and other personnel of the Depart-
9 ment of Defense who willfully or wantonly fail to
10 comply with requirements relating to the rights of
11 victims of military crimes.

12 (6) Such other mechanisms as the Secretary of
13 Defense considers appropriate.

14 **SEC. 565. MODIFICATION OF MANUAL FOR COURTS-MAR-**
15 **TIAL TO ELIMINATE FACTOR RELATING TO**
16 **CHARACTER AND MILITARY SERVICE OF THE**
17 **ACCUSED IN RULE ON INITIAL DISPOSITION**
18 **OF OFFENSES.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the discussion pertaining to Rule 306
21 of the Manual for Courts-Martial (relating to policy on
22 initial disposition of offenses) shall be amended to strike
23 the character and military service of the accused from the
24 matters a commander should consider in deciding how to
25 dispose of an offense.