

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To implement recommendations of the Defense Task Force on Sexual Assault  
in the Military Services.

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IN THE HOUSE OF REPRESENTATIVES

Ms. TSONGAS introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To implement recommendations of the Defense Task Force  
on Sexual Assault in the Military Services.

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. SEXUAL ASSAULT PREVENTION AND RESPONSE**

4                       **OFFICE.**

5               (a) APPOINTMENT OF DIRECTOR; DUTIES.—Chapter  
6       3 of title 10, United States Code, is amended by inserting  
7       after section 136a the following new section:

1 **“§ 136b. Director of Sexual Assault Prevention and**  
2 **Response Office**

3 “(a) APPOINTMENT.—There is a Director of the Sex-  
4 ual Assault Prevention and Response Office who shall be  
5 a general or flag officer or an employee of the Department  
6 of Defense in a comparable Senior Executive Service posi-  
7 tion.

8 “(b) DUTIES.—The Director of the Sexual Assault  
9 Prevention and Response Office serves as the Depart-  
10 ment’s single point of authority, accountability, and over-  
11 sight for Department policy regarding prevention and re-  
12 sponse to sexual assault and provides oversight to ensure  
13 that the sexual assault programs of the military depart-  
14 ments comply with Department policy.

15 “(c) STANDARDIZATION.—The Secretary of Defense  
16 shall require the use of consistent sexual assault preven-  
17 tion and response terminology, position descriptions, min-  
18 imum program standards, and organizational structures  
19 throughout the armed forces.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of such chapter is amended by inserting  
22 after the item relating to section 136a the following new  
23 item:

“136b. Director of Sexual Assault Prevention and Response Office.”.

1 **SEC. 2. SEXUAL ASSAULT RESPONSE COORDINATORS AND**  
2 **SEXUAL ASSAULT VICTIM ADVOCATES.**

3 (a) ASSIGNMENT AND TRAINING.—Chapter 80 of  
4 title 10, United States Code, is amended by adding at the  
5 end the following new section:

6 **“§ 1568. Sexual assault prevention and response: Sex-**  
7 **ual Assault Response Coordinators and**  
8 **Victim Advocates**

9 “(a) ASSIGNMENT OF COORDINATORS.—(1) At least  
10 one full-time Sexual Assault Response Coordinator shall  
11 be assigned at the brigade or equivalent or higher unit  
12 level. The Secretary concerned may assign additional Sex-  
13 ual Assault Response Coordinators as necessary based on  
14 the demographics or needs of the unit. Any additional Sex-  
15 ual Assault Response Coordinator for a unit shall also  
16 serve on a full-time basis.

17 “(2) To ensure access to members of the armed  
18 forces in response to a report of a sexual assault involving  
19 a member, only members of the armed forces and civilian  
20 employees of the Department of Defense may be assigned  
21 to duty as a Sexual Assault Response Coordinator. Con-  
22 tractor employees may not serve as a Sexual Assault Re-  
23 sponse Coordinator, except on a temporary, emergency  
24 basis.

25 “(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At  
26 least one full-time Sexual Assault Victim Advocate shall

1 be assigned to each battalion or equivalent unit. The Sec-  
2 retary concerned may assign additional Victim Advocates  
3 as necessary based on the demographics or needs of the  
4 unit. The additional Victim Advocates may serve on a full-  
5 time or part-time basis at the discretion of the Secretary.

6 “(2) Only members of the armed forces and civilian  
7 employees of the Department of Defense may be assigned  
8 to duty as a Victim Advocate. Contractor employees may  
9 not serve as a Victim Advocate, except on a temporary,  
10 emergency basis.

11 “(c) TRAINING AND CERTIFICATION.—(1) The Sec-  
12 retary of Defense shall establish a professional and uni-  
13 form training and certification program for Sexual Assault  
14 Response Coordinators and Victim Advocates. In devel-  
15 oping the program, the Secretary of Defense shall work  
16 with the National Organization for Victim Advocates. The  
17 program shall be structured and administered in a manner  
18 similar to the professional training available for Equal Op-  
19 portunity Advisors through the Defense Equal Oppor-  
20 tunity Management Institute.

21 “(2) Effective beginning one year after the date of  
22 the enactment of this section, before a member or civilian  
23 employee may be assigned to duty as a Sexual Assault  
24 Response Coordinator, the member or employee must have

1 completed the training program required by paragraph (1)  
2 and obtained the certification.

3 “(3) A member or civilian employee assigned to duty  
4 as a Victim Advocate may obtain certification under the  
5 training program required by paragraph (1). At a min-  
6 imum, the Sexual Assault Response Coordinator to whom  
7 a Victim Advocate reports shall train the Victim Advocate  
8 using the same training materials used to train the Sexual  
9 Assault Response Coordinator under the program.

10 “(d) PERFORMANCE EVALUATIONS.—Performance  
11 evaluation reports pertaining to a member of the armed  
12 forces assigned to serve as a Sexual Assault Response Co-  
13 ordinator or Victim Advocate shall comment on the per-  
14 formance of the member in the position.”.

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

“1568. Sexual assault prevention and response: Sexual Assault Response Coordi-  
nators and Victim Advocates.”.

18 **SEC. 3. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL**  
19 **COUNSEL AND VICTIM ADVOCATE SERVICES.**

20 (a) ACCESS.—Chapter 53 of title 10, United States  
21 Code, is amended by inserting after section 1044d the fol-  
22 lowing new section:

1 **“§ 1044e. Access to legal assistance and Victim Advo-**  
2 **cate services for victims of sexual assault**

3 “(a) ACCESS.—A member of the armed forces or a  
4 dependent of a member of the armed forces who is the  
5 victim of a sexual assault is entitled to legal assistance  
6 provided by a military legal assistance counsel and Victim  
7 Advocate services, regardless of whether the member or  
8 dependent elects unrestricted or restricted (confidential)  
9 reporting of the sexual assault.

10 “(b) RESTRICTED REPORTING OPTION.—(1) A mem-  
11 ber or dependent referred to in subsection (a) may con-  
12 fidentially disclose the details of the assault to an indi-  
13 vidual specified in paragraph (2) and receive medical  
14 treatment, legal assistance, or counseling, without trig-  
15 gering an official investigation of the allegations.

16 “(2) Individuals covered by paragraph (1) are the fol-  
17 lowing:

18 “(A) Military legal assistance counsel.

19 “(B) Sexual Assault Response Coordinator.

20 “(C) Victim Advocate.

21 “(D) Healthcare personnel.

22 “(E) Chaplain.

23 “(c) PRIVILEGED COMMUNICATIONS.—(1) Commu-  
24 nications between a member or dependent referred to in  
25 subsection (a) and a Victim Advocate, and records of such  
26 communications created by or for the Department of De-

1 fense, are confidential and privileged. Such communica-  
2 tions and records may not be disclosed to any person or  
3 entity without the consent of the member or dependent  
4 involved.

5 “(2) No part of any communication or record referred  
6 to in paragraph (1) may be subject to discovery or admit-  
7 ted into evidence in any judicial or administrative pro-  
8 ceeding without the consent of the member or dependent  
9 involved.

10 “(d) DEFINITIONS.—In this section:

11 “(1) The term ‘sexual assault’ means any of the  
12 offenses covered by section 920 of this title (article  
13 120).

14 “(2) The term ‘military legal assistance counsel’  
15 means—

16 “(A) a judge advocate (as defined in sec-  
17 tion 801(13) of this title); or

18 “(B) a civilian attorney serving as a legal  
19 assistance officer under the provisions of sec-  
20 tion 1044 of this title.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of such chapter is amended by inserting  
23 after the item relating to section 1044d the following new  
24 item:

“1044e. Access to legal assistance and Victim Advocate services for victims of  
sexual assault.”.

1           (c) CONFORMING AMENDMENT REGARDING PROVI-  
2 SION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of  
3 such title is amended by striking “sections 1044a, 1044b,  
4 1044c, and 1044d” and inserting “sections 1044a through  
5 1044e”.

6 **SEC. 4. INCLUSION OF SEXUAL ASSAULT PREVENTION AND**  
7                           **RESPONSE TRAINING MODULE AT EACH**  
8                           **LEVEL OF PROFESSIONAL MILITARY EDU-**  
9                           **CATION.**

10           The Secretary of Defense shall provide for the inclu-  
11 sion of a sexual assault prevention and response training  
12 module at each level of professional military education.  
13 The training shall be tailored to the new responsibilities  
14 and leadership requirements of members of the Armed  
15 Forces as they are promoted.