

112TH CONGRESS
1ST SESSION

H. R. 1529

To amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2011

Ms. TSONGAS (for herself, Mr. TURNER, Mr. HOLT, Mr. CLEAVER, Ms. DELAURO, Mr. TOWNS, Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. DONNELLY of Indiana, Mr. RANGEL, Mr. BARTLETT, Mr. MILLER of Florida, Ms. SPEIER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. FRANKS of Arizona, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, and Ms. PINGREE of Maine) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Defense Sexual Trauma Response Oversight and Good
4 Governance Act” (the “Defense STRONG Act”).

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Director of Sexual Assault Prevention and Response Office.
- Sec. 3. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
- Sec. 4. Sexual assault victims access to legal counsel and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
- Sec. 5. Confidentiality of communications between sexual assault victims and Sexual Assault Response Coordinators, Victim Advocates, and certain other persons.
- Sec. 6. Retention of records prepared in connection with sexual assaults involving members of the Armed Forces or dependents of members.
- Sec. 7. Expedited consideration and priority for application for consideration of a permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault.
- Sec. 8. Training and education programs for sexual assault prevention and response program.

7 **SEC. 2. DIRECTOR OF SEXUAL ASSAULT PREVENTION AND**
8 **RESPONSE OFFICE.**

9 Section 1611(a) of the Ike Skelton National Defense
10 Authorization Act for Fiscal Year 2011 (Public Law 111–
11 383; 10 U.S.C. 1561 note) is amended by adding before
12 the period at the end of the first sentence the following:
13 “, who shall be appointed from among general or flag offi-
14 cers of the Armed Forces or employees of the Department
15 of Defense in a comparable Senior Executive Service posi-
16 tion”.

1 **SEC. 3. 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 to each brigade or equivalent unit level of the
12 armed forces. The Secretary of the military department
13 concerned may assign additional Sexual Assault Response
14 Coordinators as necessary based on the demographics or
15 needs of the unit. An additional Sexual Assault Response
16 Coordinator may serve on a full-time or part-time basis
17 at the discretion of the Secretary.

18 “(2) Effective October 1, 2013, only members of the
19 armed forces and civilian employees of the Department of
20 Defense may be assigned to duty as a Sexual Assault Re-
21 sponse Coordinator.

22 “(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At
23 least one full-time Sexual Assault Victim Advocate shall
24 be assigned to each brigade or equivalent unit level of the
25 armed forces. The Secretary of the military department
26 concerned may assign additional Victim Advocates as nec-

1 essary based on the demographics or needs of the unit.
2 An additional Victim Advocate may serve on a full-time
3 or part-time basis at the discretion of the Secretary.

4 “(2) Effective October 1, 2013, only members of the
5 armed forces and civilian employees of the Department of
6 Defense may be assigned to duty as a Victim Advocate.

7 “(c) TRAINING AND CERTIFICATION.—(1) As part of
8 the sexual assault prevention and response program, the
9 Secretary of Defense shall establish a professional and
10 uniform training and certification program for Sexual As-
11 sault Response Coordinators assigned under subsection
12 (a) and Sexual Assault Victim Advocates assigned under
13 subsection (b). The program shall be structured and ad-
14 ministered in a manner similar to the professional training
15 available for Equal Opportunity Advisors through the De-
16 fense Equal Opportunity Management Institute.

17 “(2) In developing the curriculum and other compo-
18 nents of the program, the Secretary of Defense shall work
19 with experts outside of the Department of Defense who
20 are experts in victim advocacy and sexual assault preven-
21 tion and response training.

22 “(3) Effective October 1, 2013, before a member or
23 civilian employee may be assigned to duty as a Sexual As-
24 sault Response Coordinator under subsection (a) or Victim
25 Advocate under subsection (b), the member or employee

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

3 “(d) DEFINITIONS.—In this section:

4 “(1) The term ‘armed forces’ means the Army,
5 Navy, Air Force, and Marine Corps.

6 “(2) The term ‘sexual assault prevention and
7 response program’ has the meaning given such term
8 in section 1601(a) of the Ike Skelton National De-
9 fense Authorization Act for Fiscal Year 2011 (Pub-
10 lic Law 111–383; 10 U.S.C. 1561 note).”.

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

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

14 **SEC. 4. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL**
15 **COUNSEL AND SERVICES OF SEXUAL AS-**
16 **SAULT RESPONSE COORDINATORS AND SEX-**
17 **UAL ASSAULT VICTIM ADVOCATES.**

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

1 **“§ 1044e. Victims of sexual assault: access to legal as-**
2 **sistance and services of Sexual Assault**
3 **Response Coordinators and Sexual As-**
4 **sault Victim Advocates**

5 “(a) AVAILABILITY OF LEGAL ASSISTANCE AND VIC-
6 TIM ADVOCATE SERVICES.—

7 “(1) MEMBERS.—A member of the armed
8 forces or a dependent of a member of the armed
9 forces who is the victim of a sexual assault is enti-
10 tled to—

11 “(A) legal assistance provided by a mili-
12 tary legal assistance counsel certified as com-
13 petent to provide such duties pursuant to sec-
14 tion 827(b) of this title (article 27(b) of the
15 Uniform Code of Military Justice);

16 “(B) assistance provided by a qualified
17 Sexual Assault Response Coordinator; and

18 “(C) assistance provided by a qualified
19 Sexual Assault Victim Advocate.

20 “(2) DEPENDENTS.—To the extent practicable,
21 the Secretary of a military department shall make
22 the assistance described in paragraph (1) available
23 to dependent of a member of the armed forces who
24 is the victim of a sexual assault and resides on or
25 in the vicinity of a military installation. The Sec-

1 retary concerned shall define the term ‘vicinity’ for
2 purposes of this paragraph.

3 “(3) NOTICE OF AVAILABILITY OF ASSISTANCE;
4 OPT OUT.—The member or dependent shall be in-
5 formed of the availability of assistance under this
6 subsection as soon as the member or dependent
7 seeks assistance from a Sexual Assault Response Co-
8 ordinator or any other responsible member of the
9 armed forces or Department of Defense civilian em-
10 ployee. The victim shall also be informed that the
11 legal assistance and services of a Sexual Assault Re-
12 sponse Coordinator and Sexual Assault Victim Advoca-
13 cate are optional and these services may be declined,
14 in whole or in part, at any time.

15 “(4) NATURE OF REPORTING IMMATERIAL.—In
16 the case of a member of the armed forces, access to
17 legal assistance and the services of Sexual Assault
18 Response Coordinators and Sexual Assault Victim
19 Advocates are available regardless of whether the
20 member elects unrestricted or restricted (confiden-
21 tial) reporting of the sexual assault.

22 “(b) RESTRICTED REPORTING OPTION.—

23 “(1) AVAILABILITY OF RESTRICTED REPORT-
24 ING.—A member of the armed forces who is the vic-
25 tim of a sexual assault may confidentially disclose

1 the details of the assault to an individual specified
2 in paragraph (2) and receive medical treatment,
3 legal assistance, or counseling, without triggering an
4 official investigation of the allegations.

5 “(2) PERSONS COVERED BY RESTRICTED RE-
6 PORTING.—Individuals covered by paragraph (1) are
7 the following:

8 “(A) Military legal assistance counsel.

9 “(B) Sexual Assault Response Coordi-
10 nator.

11 “(C) Sexual Assault Victim Advocate.

12 “(D) Personnel staffing the DOD Safe
13 Helpline or successor operation.

14 “(E) Healthcare personnel.

15 “(F) Chaplain.

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘sexual assault’ includes any of
18 the offenses covered by section 920 of this title (arti-
19 cle 120).

20 “(2) The term ‘military legal assistance counsel’
21 means—

22 “(A) a judge advocate (as defined in sec-
23 tion 801(13) of this title (article 1(13) of the
24 Uniform Code of Military Justice)); or

1 of a sexual assault and a person specified in subsection
2 (b), and records of such communications created by or for
3 the Department of Defense, are confidential and privi-
4 leged.

5 “(b) COMMUNICATIONS COVERED BY PRIVILEGE.—
6 The privilege granted by subsection (a) applies to commu-
7 nications between a member of the armed forces or a de-
8 pendent of a member of the armed forces who is the victim
9 of a sexual assault and any of the following persons:

10 “(1) Sexual Assault Response Coordinator.

11 “(2) Sexual Assault Victim Advocate.

12 “(3) Personnel staffing the DOD Safe Helpline
13 or successor operation.

14 “(4) Military legal assistance counsel.

15 “(c) CONSENT EXCEPTION.—Without the consent of
16 the member or dependent involved, any communication or
17 record referred to in subsection (a) may not be—

18 “(1) subject to discovery or admitted into evi-
19 dence in any judicial or administrative proceeding;
20 or

21 “(2) disclosed to any person or entity.

22 “(d) RELATION TO OTHER PRIVILEGES AGAINST
23 DISCLOSURE.—The privilege granted by subsection (a) is
24 in addition to any other privilege against disclosure that

1 may exist with regard to communications between a victim
2 of a sexual assault and another person.

3 “(e) DEFINITIONS.—In this section:

4 “(1) The term ‘sexual assault’ includes any of
5 the offenses covered by section 920 of this title (arti-
6 cle 120).

7 “(2) The term ‘military legal assistance counsel’
8 means—

9 “(A) a judge advocate (as defined in sec-
10 tion 801(13) of this title (article 1(13) of the
11 Uniform Code of Military Justice)); or

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

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 1044d the following new
18 item:

“1034b. Privilege against disclosure of certain communications for victims of
sexual assault.”.

19 (c) APPLICABILITY.—Section 1034b of title 10,
20 United States Code, as added by subsection (a), applies
21 to communications described in such section whether made
22 before, on, or after the date of the enactment of this Act.

1 **SEC. 6. RETENTION OF RECORDS PREPARED IN CONNEC-**
2 **TION WITH SEXUAL ASSAULTS INVOLVING**
3 **MEMBERS OF THE ARMED FORCES OR DE-**
4 **PENDENTS OF MEMBERS.**

5 (a) RETENTION AND CONFIDENTIALITY OF SEXUAL
6 ASSAULT RECORDS.—

7 (1) IN GENERAL.—Chapter 50 of title 10,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 993. Recordkeeping requirement: medical, inves-**
11 **tigative, and other records prepared in**
12 **connection with sexual assaults**

13 “(a) PERMANENT RETENTION OF RECORDS.—The
14 Secretary of Defense shall establish a system for tracking
15 and maintaining for not less than 100 years the records
16 described in subsection (b) that are prepared by personnel
17 of the Department of Defense or obtained by the Depart-
18 ment in connection with a sexual assault involving a mem-
19 ber of the armed forces or a dependents of a member to
20 ensure future access to the records.

21 “(b) COVERED RECORDS.—The recordkeeping re-
22 quirement imposed by subsection (a) applies to the fol-
23 lowing:

24 “(1) Department of Defense Form 2910, re-
25 garding the victim reporting preference statement,
26 or any successor document.

1 “(2) Department of Defense Form 2911, re-
2 garding the forensic medical report prepared in the
3 case of a sexual assault examination, or any suc-
4 cessor document.

5 “(3) Medical records.

6 “(4) Investigative records prepared in connec-
7 tion with a sexual assault.

8 “(5) Such other information and reports as the
9 Secretary of Defense considers appropriate.

10 “(c) VICTIM ACCESS.—The Secretary of Defense
11 shall ensure that the victim of the sexual assault for which
12 the records described in subsection (b) are prepared has
13 permanent access to the records.

14 “(d) PROTECTION OF RESTRICTED REPORTING OP-
15 TION.—The Secretary of Defense shall ensure that the
16 recordkeeping system established pursuant to this section
17 does not jeopardize the confidentiality of the restricted re-
18 porting option available under section 1044e(b) of this
19 title to a victim of a sexual assault.”.

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

 “993. Recordkeeping requirement: medical and investigative records prepared in
 connection with sexual assaults.”.

23 (b) TRANSMITTAL OF RECORDS TO DEPARTMENT OF
24 VETERANS AFFAIRS.—Subsection (c) of section 1142 of

1 title 10, United States Code, is amended to read as fol-
2 lows:

3 “(c) TRANSMITTAL OF CERTAIN RECORDS TO DE-
4 PARTMENT OF VETERANS AFFAIRS.—(1) In the case of
5 members described in paragraph (2), the Secretary con-
6 cerned shall transmit (subject to the consent of the mem-
7 ber) to the Secretary of Veterans Affairs the following
8 records:

9 “(A) a copy of the service medical record of the
10 member, including the results of any Physical Eval-
11 uation Board held with regard to the member.

12 “(B) Any records maintained pursuant to sec-
13 tion 993(b) of this title pertaining to the member.

14 “(2) Paragraph (1) applies with respect to the fol-
15 lowing members:

16 “(A) A member being medically separated or
17 retired under chapter 61 of this title.

18 “(B) A member who was the victim of a sexual
19 assault.

20 “(3) The copy of the service medical record shall be
21 transmitted within 60 days of the separation or retirement
22 of the member.”.

23 (c) COPY OF RECORD OF COURT-MARTIAL TO VICTIM
24 OF SEXUAL ASSAULT.—Section 854 of title 10, United
25 States Code (article 54 of the Uniform Code of Military

1 Justice), is amended by adding at the end the following
2 new subsection:

3 “(e) In the case of a general or special court-martial
4 involving a sexual assault or other offense covered by sec-
5 tion 920 of this title (article 120), a copy of the prepared
6 record of the proceedings of the court-martial shall be
7 given to the victim of the offence if the victim testified
8 during the proceedings. The record of the proceedings
9 shall be provided without charge and as soon as the record
10 is authenticated. The victim shall be notified of the oppor-
11 tunity to receive the record of the proceedings.”.

12 **SEC. 7. EXPEDITED CONSIDERATION AND PRIORITY FOR**
13 **APPLICATION FOR CONSIDERATION OF A**
14 **PERMANENT CHANGE OF STATION OR UNIT**
15 **TRANSFER BASED ON HUMANITARIAN CONDI-**
16 **TIONS FOR VICTIM OF SEXUAL ASSAULT.**

17 (a) IN GENERAL.—Chapter 39 of title 10, United
18 States Code, is amended by inserting after section 672 the
19 following new section:

20 **“§ 673. Consideration of application for permanent**
21 **change of station or unit transfer for**
22 **members on active duty who are the vic-**
23 **tim of a sexual assault**

24 “(a) EXPEDITED CONSIDERATION AND PRIORITY
25 FOR APPROVAL.—To the maximum extent practicable, the

1 Secretary concerned shall provide for the expedited consid-
 2 eration and approval of an application for consideration
 3 of a permanent change of station or unit transfer sub-
 4 mitted by a member of the armed forces serving on active
 5 duty who was a victim of a sexual assault or other offense
 6 covered by section 920 of this title (article 120) so as to
 7 reduce the possibility of retaliation against the member
 8 for reporting the sexual assault.

9 “(b) REGULATIONS.—The Secretaries of the military
 10 departments shall issue regulations to carry out this sec-
 11 tion, within guidelines provided by the Secretary of De-
 12 fense.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of such chapter is amended by inserting
 15 after the item relating to section 672 the following new
 16 item:

“673. Consideration of application for permanent change of station or unit
 transfer for members on active duty who are the victim of a
 sexual assault.”.

17 **SEC. 8. TRAINING AND EDUCATION PROGRAMS FOR SEX-**
 18 **UAL ASSAULT PREVENTION AND RESPONSE**
 19 **PROGRAM.**

20 Subtitle A of title XVI of the Ike Skelton National
 21 Defense Authorization Act for Fiscal Year 2011 (Public
 22 Law 111–383; 10 U.S.C. 1561 note) is amended by add-
 23 ing at the end the following new section:

1 **“SEC. 1615. IMPROVED TRAINING AND EDUCATION PRO-**
2 **GRAMS.**

3 “(a) **SEXUAL ASSAULT PREVENTION AND RESPONSE**
4 **TRAINING AND EDUCATION.—**

5 “(1) **DEVELOPMENT OF CURRICULUM.—**Not
6 later than one year after the date of the enactment
7 of this Act, the Secretary of each military depart-
8 ment shall develop a curriculum to provide sexual
9 assault prevention and response training and edu-
10 cation for members of the Armed Forces under the
11 jurisdiction of the Secretary and civilian employees
12 of the military department to strengthen individual
13 knowledge, skills, and capacity to prevent and re-
14 spond to sexual assault. In developing the cur-
15 riculum, the Secretary shall work with experts out-
16 side of the Department of Defense who are experts
17 sexual assault prevention and response training.

18 “(2) **SCOPE OF TRAINING AND EDUCATION.—**
19 The sexual assault prevention and response training
20 and education shall encompass initial entry and ac-
21 cession programs, annual refresher training, profes-
22 sional military education, peer education, and spe-
23 cialized leadership training. Training shall be tai-
24 lored for specific leadership levels and local area re-
25 quirements.

1 “(3) CONSISTENT TRAINING.—The Secretary of
2 Defense shall ensure that the sexual assault preven-
3 tion and response training provided to members of
4 the Armed Forces and Department of Defense civil-
5 ian employees is consistent throughout the military
6 departments.

7 “(b) INCLUSION IN PROFESSIONAL MILITARY EDU-
8 CATION.—The Secretary of Defense shall provide for the
9 inclusion of a sexual assault prevention and response
10 training module at each level of professional military edu-
11 cation. The training shall be tailored to the new respon-
12 sibilities and leadership requirements of members of the
13 Armed Forces as they are promoted.

14 “(c) INCLUSION IN FIRST RESPONDER TRAINING.—

15 “(1) IN GENERAL.—The Secretary of Defense
16 shall direct that managers of specialty skills associ-
17 ated with first responders described in paragraph
18 (2) integrate sexual assault response training in ini-
19 tial and recurring training courses.

20 “(2) COVERED FIRST RESPONDERS.—First re-
21 sponders referred to in paragraph (1) include fire-
22 fighters, emergency medical technicians, law enforce-
23 ment officers, military criminal investigators,

1 healthcare personnel, judge advocates, and chap-
2 lains.”.

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