

116TH CONGRESS
1ST SESSION

S. 1526

To enhance efforts to prevent sexual assault in the Armed Forces, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Ms. SINEMA (for herself and Ms. ERNST) introduced the following bill; which
was read twice and referred to the Committee on Armed Services

A BILL

To enhance efforts to prevent sexual assault in the Armed
Forces, 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 “Prevention of Sexual
5 Assault in the Armed Forces Act”.

6 **SEC. 2. DEFENSE ADVISORY COMMITTEE FOR THE PREVEN-**
7 **TION OF SEXUAL MISCONDUCT.**

8 (a) ESTABLISHMENT REQUIRED.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall establish and maintain within the Department

1 of Defense an advisory committee to be known as
2 the “Defense Advisory Committee for the Prevention
3 of Sexual Misconduct” (in this section referred to as
4 the “Advisory Committee”).

5 (2) DEADLINE FOR ESTABLISHMENT.—The
6 Secretary shall establish the Advisory Committee not
7 later than 180 days after the date of the enactment
8 of this Act.

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—The Advisory Committee
11 shall consist of not more than 20 members, ap-
12 pointed by the Secretary from among individuals
13 who have an expertise appropriate for the work of
14 the Advisory Committee, including at least one indi-
15 vidual with each expertise as follows:

16 (A) Expertise in the prevention of sexual
17 assault and behaviors on the sexual assault con-
18 tinuum of harm.

19 (B) Expertise in the prevention of suicide.

20 (C) Expertise in the change of culture of
21 large organizations.

22 (D) Expertise in implementation science.

23 (2) BACKGROUND OF INDIVIDUALS.—Individ-
24 uals appointed to the Advisory Committee may in-
25 clude individuals with expertise in sexual assault

1 prevention efforts of institutions of higher education,
2 public health officials, and such other individuals as
3 the Secretary considers appropriate.

4 (3) PROHIBITION ON MEMBERSHIP OF MEM-
5 BERS OF ARMED FORCES ON ACTIVE DUTY.—A
6 member of the Armed Forces serving on active duty
7 may not serve as a member of the Advisory Com-
8 mittee.

9 (c) DUTIES.—

10 (1) IN GENERAL.—The Advisory Committee
11 shall advise the Secretary on the following:

12 (A) The prevention of sexual assault (in-
13 cluding rape, forcible sodomy, other sexual as-
14 sault, and other sexual misconduct (including
15 behaviors on the sexual assault continuum of
16 harm)) involving members of the Armed Forces.

17 (B) The policies, programs, and practices
18 of each military department, each Armed Force,
19 and each military service academy for the pre-
20 vention of sexual assault as described in sub-
21 paragraph (A).

22 (2) BASIS FOR PROVISION OF ADVICE.—For
23 purposes of providing advice to the Secretary pursu-
24 ant to this subsection, the Advisory Committee shall
25 review, on an ongoing basis, the following:

1 (A) Cases involving allegations of sexual
2 assault described in paragraph (1).

3 (B) Efforts of institutions of higher edu-
4 cation to prevent sexual assault among stu-
5 dents.

6 (C) Any other information or matters that
7 the Advisory Committee or the Secretary con-
8 siders appropriate.

9 (3) COORDINATION OF EFFORTS.—In addition
10 to the reviews required by paragraph (2), for pur-
11 poses of providing advice to the Secretary the Advi-
12 sory Committee shall also consult and coordinate
13 with the Defense Advisory Committee on Investiga-
14 tion, Prosecution, and Defense of Sexual Assault in
15 the Armed Forces (DAC-IPAD) on matters of joint
16 interest to the two Advisory Committees.

17 (d) ANNUAL REPORT.—Not later than March 30
18 each year, the Advisory Committee shall submit to the
19 Secretary and the Committees on Armed Services of the
20 Senate and the House of Representatives a report on the
21 activities of the Advisory Committee pursuant to this sec-
22 tion during the preceding year.

23 (e) SEXUAL ASSAULT CONTINUUM OF HARM.—In
24 this section, the term “sexual assault continuum of harm”
25 includes—

1 (1) inappropriate actions (such as sexist jokes),
2 sexual harassment, gender discrimination, hazing,
3 cyber bullying, or other behavior that contributes to
4 a culture that is tolerant of, or increases risk for,
5 sexual assault; and

6 (2) maltreatment or ostracism of a victim for a
7 report of sexual misconduct.

8 **SEC. 3. NOTICE TO VICTIMS OF ALLEGED SEXUAL ASSAULT**
9 **OF PENDENCY OF FURTHER ADMINISTRA-**
10 **TIVE ACTION FOLLOWING A DETERMINATION**
11 **NOT TO REFER TO TRIAL BY COURT-MAR-**
12 **TIAL.**

13 Under regulations prescribed by the Secretary of De-
14 fense, upon a determination not to refer a case of alleged
15 sexual assault for trial by court-martial under chapter 47
16 of title 10, United States Code (the Uniform Code of Mili-
17 tary Justice), the commander making such determination
18 shall periodically notify the victim of the status of a final
19 determination on further action on such case, whether
20 non-judicial punishment under section 815 of such title
21 (article 15 of the Uniform Code of Military Justice), other
22 administrative action, or no further action. Such notifica-
23 tions shall continue not less frequently than monthly until
24 such final determination.

1 **SEC. 4. AUTHORITY FOR DETAIL OF CERTAIN ENLISTED**
2 **MEMBERS OF THE ARMED FORCES AS STU-**
3 **DENTS AT LAW SCHOOLS.**

4 (a) IN GENERAL.—Chapter 101 of title 10, United
5 States Code, is amended by inserting after section 2004
6 the following new section:

7 **“§ 2004a. Detail as students at law schools: certain**
8 **enlisted members**

9 “(a) IN GENERAL.—The Secretary of each military
10 department may, under regulations prescribed by the Sec-
11 retary of Defense, detail enlisted members of the armed
12 forces as students at accredited law schools, located in the
13 United States, for a period of training leading to the de-
14 gree of bachelor of laws or juris doctor. No more than
15 twenty-five officers from each military department may
16 commence such training in any single fiscal year.

17 “(b) ELIGIBILITY FOR DETAIL.—To be eligible for
18 detail under subsection (a), a member must be a citizen
19 of the United States and must—

20 “(1) as of the time training is to begin—

21 “(A) have served on active duty for a pe-
22 riod of not less than four years nor more than
23 eight years;

24 “(B) be in pay grade E–5 or E–6; and

1 “(C) meet all requirements for acceptance
2 of a commission as a commissioned officer in
3 the armed forces; and

4 “(2) sign an agreement that, unless sooner sep-
5 arated, the member will—

6 “(A) complete the educational course of
7 legal training;

8 “(B) upon completion of the educational
9 course of legal training—

10 “(i) accept a commission as a commis-
11 sioned officer in the armed forces; and

12 “(ii) accept transfer or detail as a
13 judge advocate or law specialist within the
14 department concerned; and

15 “(C) agree to serve on active duty fol-
16 lowing completion or other termination of the
17 educational course of legal training for a period
18 of two years for each year or part thereof of
19 such training.

20 “(c) SELECTION.—Members detailed for legal train-
21 ing under subsection (a) shall be selected on a competitive
22 basis by the Secretary of the military department con-
23 cerned, under the regulations required by subsection (a).

24 “(d) SERVICE AND SERVICE OBLIGATIONS.—(1) Ex-
25 cept as provided in paragraph (2), any service obligation

1 incurred by a member under an agreement entered into
2 under subsection (b) shall be in addition to any service
3 obligation incurred by the member under any other provi-
4 sion of law or agreement.

5 “(2)(A) A member who does not successfully com-
6 plete a course of legal training to which detailed pursuant
7 to this section shall cease such detail and return to the
8 armed force concerned as an enlisted member.

9 “(B) Any time of a member described by subpara-
10 graph (A) in a course of legal training described in that
11 subparagraph shall not count toward satisfaction of any
12 period of service required under the current contract or
13 agreement of the member for enlistment in the armed
14 forces.

15 “(e) LIMITATION ON NUMBER DETAILABLE.—The
16 aggregate number of enlisted members detailed under this
17 section and commissioned officers detailed under section
18 2004 of this title in any fiscal year by a Secretary of a
19 military department may not exceed 25.

20 “(f) OTHER ADMINISTRATIVE MATTERS.—Sub-
21 sections (d) and (f) of section 2004 of this title shall apply
22 to the detail of members under this section, except that
23 any reference in such section to an ‘officer’ shall be
24 deemed to be a reference to an ‘enlisted member’ for such
25 purposes.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) IN GENERAL.—Section 2004 of such title is
3 amended—

4 (A) in subsection (a), by striking the sec-
5 ond sentence; and

6 (B) in subsection (f)—

7 (i) by inserting “(1)” after “(f)”; and

8 (ii) by adding at the end the following
9 new paragraph:

10 “(2) The aggregate number of commissioned officers
11 detailed under this section and enlisted members detailed
12 under section 2004s of this title in any fiscal year by a
13 Secretary of a military department may not exceed 25.”.

14 (2) HEADING AMENDMENT.—The heading of
15 section 2004 of such title is amended to read as fol-
16 lows:

17 “§ 2004. **Detail as students at law schools: commis-**
18 **sioned officers”.**

19 (c) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 101 of such title is amended
21 by striking the item relating to section 2004 and inserting
22 the following new items:

“2004. Detail as students at law schools: commissioned officers.

“2004a. Detail as students at law schools: certain enlisted members.”.

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