

116TH CONGRESS
2D SESSION

S. 3272

To provide for a safe to report policy relating to alleged instances of sexual assault involving members of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2020

Mrs. GILLIBRAND (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide for a safe to report policy relating to alleged instances of sexual assault involving members of the Armed Forces.

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

3 **SECTION 1. SAFE TO REPORT POLICY APPLICABLE ACROSS**
4 **THE ARMED FORCES.**

5 (a) IN GENERAL.—The Secretary of Defense shall,
6 in consultation with the Secretaries of the military depart-
7 ments and the Secretary of Homeland Security, prescribe
8 in regulations a safe to report policy described in sub-
9 section (b) that applies with respect to all members of the
10 Armed Forces (including members of the reserve compo-

1 nents of the Armed Forces) and cadets and midshipmen
 2 at the military service academies.

3 (b) SAFE TO REPORT POLICY.—The safe to report
 4 policy described in this subsection is a policy under which
 5 a member of the Armed Forces who is the alleged victim
 6 of sexual assault, but who may have committed minor col-
 7 lateral misconduct at or about the time of such sexual as-
 8 sault, or whose minor collateral misconduct is discovered
 9 only as a result of the investigation into such sexual as-
 10 sault, may report such sexual assault to proper authorities
 11 without fear or receipt of discipline in connection with
 12 such minor collateral misconduct absent aggravating cir-
 13 cumstances that increase the gravity of the minor collat-
 14 eral misconduct or its impact on good order and discipline.

15 (c) MINOR COLLATERAL MISCONDUCT.—For pur-
 16 poses of the safe to report policy, minor collateral mis-
 17 conduct shall include any of the following:

- 18 (1) Improper use or possession of alcohol.
- 19 (2) Consensual intimate behavior (including
 20 adultery) or fraternization.
- 21 (3) Presence in an off-limits area.
- 22 (4) Such other misconduct as the Secretary of
 23 Defense shall specify in the regulations under sub-
 24 section (a).

1 (d) AGGRAVATING CIRCUMSTANCES.—The regula-
2 tions under subsection (a) shall specify aggravating cir-
3 cumstances that increase the gravity of minor collateral
4 misconduct or its impact on good order and discipline for
5 purposes of the safe to report policy.

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