

116TH CONGRESS  
1ST SESSION

# H. R. 3216

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2019

Mrs. TRAHAN (for herself, Mr. TURNER, and Mr. CISNEROS) introduced the  
following bill; which was referred to the Committee on Armed Services

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## 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 trauma and trauma symp-  
21 toms.

22 (D) Expertise in the change of culture of  
23 large organizations.

24 (E) Expertise in implementation science.

1           (2) BACKGROUND OF INDIVIDUALS.—Individ-  
2           uals appointed to the Advisory Committee may in-  
3           clude individuals with expertise in sexual assault  
4           prevention efforts of institutions of higher education,  
5           public health officials, and such other individuals as  
6           the Secretary considers appropriate.

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

12         (c) DUTIES.—

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

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

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

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

5                   (A) Closed cases involving allegations of  
6                   sexual assault described in paragraph (1).

7                   (B) Efforts of institutions of higher edu-  
8                   cation to prevent sexual assault among stu-  
9                   dents.

10                  (C) Any other information or matters that  
11                  the Advisory Committee or the Secretary con-  
12                  siders appropriate.

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

21           (d) ANNUAL REPORT.—Not later than March 30  
22           each year, the Advisory Committee shall submit to the  
23           Secretary and the Committees on Armed Services of the  
24           Senate and the House of Representatives a report on the

1 activities of the Advisory Committee pursuant to this sec-  
2 tion during the preceding year.

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

6 (1) inappropriate actions (such as sexist jokes),  
7 sexual harassment, gender discrimination, hazing,  
8 cyber bullying, or other behavior that contributes to  
9 a culture that is tolerant of, or increases risk for,  
10 sexual assault; and

11 (2) maltreatment or ostracism of a victim for a  
12 report of sexual misconduct.

13 (f) TERMINATION.—

14 (1) IN GENERAL.—Except as provided in para-  
15 graph (2), the Advisory Committee shall terminate  
16 on the date that is five years after the date of the  
17 establishment of the Advisory Committee pursuant  
18 to subsection (a).

19 (2) CONTINUATION.—The Secretary of Defense  
20 may continue the Advisory Committee after the ter-  
21 mination date applicable under paragraph (1) if the  
22 Secretary determines that continuation of the Advi-  
23 sory Committee after that date is advisable and ap-  
24 propriate. If the Secretary determines to continue  
25 the Advisory Committee after that date, the Sec-

1       retary shall notify the Committees on the Armed  
2       Services of the Senate and House of Representa-  
3       tives.

4   **SEC. 3. NOTICE TO VICTIMS OF ALLEGED SEXUAL ASSAULT**  
5                   **OF PENDENCY OF FURTHER ADMINISTRA-**  
6                   **TIVE ACTION FOLLOWING A DETERMINATION**  
7                   **NOT TO REFER TO TRIAL BY COURT-MAR-**  
8                   **TIAL.**

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

21   **SEC. 4. AUTHORITY FOR DETAIL OF CERTAIN ENLISTED**  
22                   **MEMBERS OF THE ARMED FORCES AS STU-**  
23                   **DENTS AT LAW SCHOOLS.**

24       (a) IN GENERAL.—Chapter 101 of title 10, United  
25      States Code, is amended—

1           (1) by redesignating sections 2004a and 2004b  
2           as sections 2004b and 2004c, respectively; and

3           (2) by inserting after section 2004 the following  
4           new section:

5   **“§ 2004a. Detail as students at law schools: certain**  
6                 **enlisted members**

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

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

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

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

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

23                         “(C) meet all requirements for acceptance  
24                         of a commission as a commissioned officer in  
25                         the armed forces; and

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

3           “(A) complete the educational course of  
4       legal training;

5           “(B) upon completion of the educational  
6       course of legal training—

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

9           “(ii) accept transfer or detail as a  
10      judge advocate or law specialist within the  
11      department concerned; and

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

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

21          “(d) SERVICE AND SERVICE OBLIGATIONS.—(1) Ex-  
22      cept as provided in paragraph (2), any service obligation  
23      incurred by a member under an agreement entered into  
24      under subsection (b) shall be in addition to any service



1 obligation incurred by the member under any other provi-  
2 sion of law or agreement.

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

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

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

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

24 (b) CONFORMING AMENDMENTS.—

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

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

5 (B) in subsection (f)—

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

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

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

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

16 **“§ 2004. Detail as students at law schools: commis-**  
 17 **sioned officers”.**

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

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

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

“2004b. Detail of commissioned officers as students at medical schools.

“2004c. Detail of commissioned officers as students at schools of psychology.”.

