

116TH CONGRESS
2D SESSION

H. R. 5738

To direct the Secretary of Defense to implement a safe-to-report policy applicable across the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2020

Ms. SPEIER (for herself, Mr. BACON, Ms. NORTON, Mr. CISNEROS, Mr. HASTINGS, Ms. CASTOR of Florida, Mr. CUELLAR, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to implement a safe-to-report policy applicable across 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, prescribe in regulations a safe-to-report policy de-
8 scribed in subsection (b) that applies with respect to all
9 members of the Armed Forces (including members of the

1 reserve components of the Armed Forces) and cadets and
2 midshipmen 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.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “Armed Forces” has the meaning
8 given that term in section 101(a)(4) of title 10,
9 United States Code, except such term does not in-
10 clude the Coast Guard.

11 (2) The term “military service academy” means
12 the following:

13 (A) The United States Military Academy.

14 (B) The United States Naval Academy.

15 (C) The United States Air Force Academy.

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