

116TH CONGRESS
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To amend title 10, United States Code, to improve and enhance protections for members of the Armed Forces who are victims of a sex-related or domestic violence offense, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

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

A BILL

To amend title 10, United States Code, to improve and enhance protections for members of the Armed Forces who are victims of a sex-related or domestic violence offense, 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 “Military Special Vic-
5 tims Protection Act of 2019”.

1 **SEC. 2. ENACTMENT AND EXPANSION OF POLICY ON WITH-**
2 **HOLDING OF INITIAL DISPOSITION AUTHOR-**
3 **ITY FOR CERTAIN OFFENSES UNDER THE**
4 **UNIFORM CODE OF MILITARY JUSTICE.**

5 (a) INITIAL DISPOSITION AUTHORITY.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the proper authority for a determination
8 of disposition of reported offenses with respect to
9 any offense specified in subsection (b) shall be an of-
10 ficer in a grade not below the grade of O–6 in the
11 chain of command of the subject who is authorized
12 by chapter 47 of such title (the Uniform Code of
13 Military Justice) to convene special courts-martial.

14 (2) AUTHORITY WHEN SUBJECT AND VICTIM
15 ARE IN DIFFERENT CHAINS OF COMMAND.—If the
16 victim of an offense specified in subsection (b) is in
17 a different chain of command than the subject, the
18 proper authority under paragraph (1) shall be an of-
19 ficer described in that paragraph in the chain of
20 command of the victim.

21 (3) CONSTRUCTION.—Nothing in this sub-
22 section shall be construed—

23 (A) to prohibit the preferral of charges by
24 an authorized person under section 830(a)(1) of
25 title 10, United States Code (article 30(a)(1) of
26 the Uniform code of Military Justice), with re-

spect to the offenses specified in subsection (b),
 and the forwarding of such charges as so preferred to the proper authority under paragraph (1) with a recommendation as disposition; or

(B) to prohibit an officer in a grade below the grade of O-6 from advising an officer described in paragraph (1) who is making a determination described in that paragraph with respect to the disposition of the offenses involved.

(b) COVERED OFFENSES.—An offense specified in this subsection is any offense as follows:

(1) An offense under section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), relating to cruelty and maltreatment, if the offense constitutes sexual harassment.

(2) An offense under section 893a of title 10, United States Code (article 93a of the Uniform Code of Military Justice), relating to prohibited activity with a military recruit or trainee by a person in a position of special trust.

(3) An offense under section 918 of title 10, United States Code (article 118 of the Uniform Code of Military Justice), relating to murder, if the offense is committed in connection with family abuse or other domestic violence.

1 (4) An offense under section 919 of title 10,
2 United States Code (article 119 of the Uniform
3 Code of Military Justice), relating to manslaughter,
4 if the offense is committed in connection with family
5 abuse or other domestic violence.

6 (5) An offense under section 919a of title 10,
7 United States Code (article 119a of the Uniform
8 Code of Military Justice), relating to death or injury
9 of an unborn child, if the offense is committed in
10 connection with family abuse or other domestic vio-
11 lence.

12 (6) An offense under section 919b of title 10,
13 United States Code (article 119b of the Uniform
14 Code of Military Justice), relating to child
15 endangerment, if the offense is committed in connec-
16 tion with family abuse or other domestic violence.

17 (7) An offense under section 920 of title 10,
18 United States Code (article 120 of the Uniform
19 Code of Military Justice), relating to rape and sex-
20 ual assault generally.

21 (8) An offense under section 920b of title 10,
22 United States Code (article 120b of the Uniform
23 Code of Military Justice), relating to rape and sex-
24 ual assault of a child.

1 (9) An offense under section 920c of title 10,
2 United States Code (article 120c of the Uniform
3 Code of Military Justice), relating to other sexual
4 misconduct.

5 (10) An offense under section 925 of title 10,
6 United States Code (article 125 of the Uniform
7 Code of Military Justice), relating to kidnapping, if
8 the offense is committed in connection with family
9 abuse or other domestic violence.

10 (11) An offense under section 928 of title 10,
11 United States Code (article 128 of the Uniform
12 Code of Military Justice), relating to aggravated as-
13 sault, if the offense is committed in connection with
14 family abuse or other domestic violence.

15 (12) An offense under section 928a of title 10,
16 United States Code (article 128a of the Uniform
17 Code of Military Justice), relating to maiming, if the
18 offense is committed in connection with family abuse
19 or other domestic violence.

20 (13) An offense under section 928b of title 10,
21 United States Code (article 128b of the Uniform
22 Code of Military Justice), relating to domestic vio-
23 lence.

24 (14) An offense under section 930 of title 10,
25 United States Code (article 130 of the Uniform

1 Code of Military Justice), relating to stalking, if the
2 offense is committed in connection with family abuse
3 or other domestic violence.

4 (15) An offense under section 932 of title 10,
5 United States Code (article 132 of the Uniform
6 Code of Military Justice), relating to retaliation.

7 (16) An offense under section 934 of title 10,
8 United States Code (article 134 of the Uniform
9 Code of Military Justice), if the offense relates to
10 child pornography.

11 (17) An offense under section 934 of title 10,
12 United States Code (article 134 of the Uniform
13 Code of Military Justice), if the offense—

14 (A) relates to animal abuse; and

15 (B) is committed in connection with family
16 abuse or other domestic violence.

17 (18) An offense under section 934 of title 10,
18 United States Code (article 134 of the Uniform
19 Code of Military Justice), if the offense—

20 (A) relates to negligent homicide; and

21 (B) is committed in connection with family
22 abuse or other domestic violence.

23 (19) An attempt to commit an offense specified
24 in a paragraph (1) through (18) as punishable under

1 section 880 of title 10, United States Code (article
2 80 of the Uniform Code of Military Justice).

3 (c) SCOPE OF DISPOSITION AUTHORITY WITH RE-
4 SPECT TO PARTICULAR OFFENSES.—The authority in
5 subsection (a) of an officer to make a disposition deter-
6 mination described in that subsection with respect to any
7 offense specified in subsection (b) extends to a determina-
8 tion of disposition with respect to any of the following:

9 (1) Any other offenses against the subject aris-
10 ing out of the incident in which the offense is alleged
11 to have occurred.

12 (2) Any reported offenses in connection with
13 misconduct of the victim, arising out of such inci-
14 dent.

15 (d) SCOPE OF DISPOSITION DETERMINATIONS.—Ex-
16 cept for an offense specified in section 818(c) of title 10,
17 United States Code (article 18(c) of the Uniform Code of
18 Military Justice), of which only general courts-martial
19 have jurisdiction, the disposition determinations permis-
20 sible in the exercise of the authority under this section
21 with respect to charges and specifications are as follows:

22 (1) No action.

23 (2) Administrative action.

24 (3) Imposition of non-judicial punishment.

25 (4) Preferral of charges.

1 (5) If such charges and specifications were pre-
 2 ferred from a subordinate, referral to court-martial
 3 for trial.

4 (6) Forwarding to a superior or subordinate au-
 5 thority for further disposition.

6 (e) REVIEW OF CERTAIN DISPOSITION DETERMINA-
 7 TIONS.—

8 (1) INITIAL REVIEW AND RECOMMENDATION.—

9 If a disposition determination under this section
 10 with respect to an offense is for a disposition speci-
 11 fied in paragraph (1), (2), or (3) of subsection (d)
 12 and the legal advisor to the officer making the dis-
 13 position determination has recommended a disposi-
 14 tion specified in paragraph (4), (5), or (6) of that
 15 subsection, a Special Victim Prosecutor (SVP), Sen-
 16 ior Trial Counsel (STC), or Regional Trial Counsel
 17 (RTC) not in the chain of command of the officer
 18 making the disposition determination shall—

19 (A) review the disposition determination;
 20 and

21 (B) recommend to the staff judge advocate
 22 in the chain of command whether to endorse or
 23 supersede the disposition determination.

24 (2) SJA REVIEW AND ADVICE.—Upon comple-
 25 tion of a review of a recommendation under para-

graph (1)(B), the staff judge advocate concerned shall advise the next superior commander in the chain of command of the officer making the original disposition determination whether such disposition determination should be endorsed or superseded.

(3) FINAL DISPOSITION DETERMINATION.—

After considering advice under paragraph (2) with respect to an original disposition determination, the superior commander concerned shall—

(A) make a new disposition determination

with respect to the offenses concerned; or

(B) endorse the original disposition deter-

mination for appropriate further action.

(f) TRAINING.—

(1) IN GENERAL.—The training provided to

commissioned officers of the Armed Forces in grades

O–6 and above on the exercise of authority pursuant

to this section for determinations of the disposition

of an offense specified in subsection (b) shall include

specific training on such matters in connection with

sexual harassment, sexual assault, and family abuse

and domestic violence as the Secretary of Defense

considers appropriate to make informed disposition

determinations under such authority.

1 (2) CONSTRUCTION.—Nothing in this sub-
 2 section shall be construed to deprive a court-martial
 3 of jurisdiction based on the level or amount of train-
 4 ing received by the disposition authority pursuant to
 5 this section.

6 (g) MANUAL FOR COURTS-MARTIAL.—The President
 7 shall implement the requirement of this section into the
 8 Manual for Courts-Martial in accordance with section 836
 9 of title 10, United States Code (article 36 of the Uniform
 10 Code of Military Justice).

11 **SEC. 3. SPECIAL VICTIMS' COUNSEL MATTERS.**

12 (a) EXPANSION OF COVERED OFFENSES TO IN-
 13 CLUDE ALLEGED DOMESTIC VIOLENCE OFFENSES.—

14 (1) IN GENERAL.—Section 1044e of title 10,
 15 United States Code, is amended—

16 (A) by striking “alleged sex-related of-
 17 fense” each place it appears and inserting “al-
 18 leged covered offense”; and

19 (B) by striking subsection (g) and insert-
 20 ing the following new subsection (g):

21 “(g) DEFINITIONS.—In this section:

22 “(1) The term ‘alleged covered offense’ means
 23 any of the following:

24 “(A) An alleged sex-related offense.

25 “(B) An alleged domestic violence offense.

1 “(2) The term ‘alleged sex-related offense’
2 means any allegation of—

3 “(A) a violation of section 920, 920b,
4 920c, or 930 of this title (article 120, 120b,
5 120c, or 130 of the Uniform Code of Military
6 Justice); or

7 “(B) an attempt to commit an offense
8 specified in a subparagraph (A) as punishable
9 under section 880 of this title (article 80 of the
10 Uniform Code of Military Justice).

11 “(3) The term ‘alleged domestic violence of-
12 fense’ means any allegation of—

13 “(A) a violation of section 928(b), 928b(1),
14 928b(5), or 930 of this title (article 128(b),
15 128b(1), 128b(5), or 130 of the Uniform Code
16 of Military Justice), when committed against a
17 spouse, intimate partner, or immediate family
18 member;

19 “(B) a violation of any other provision of
20 subchapter X of chapter 47 of this title (the
21 Uniform Code of Military Justice), when com-
22 mitted against a spouse, intimate partner, or
23 immediate family member, as specified by the
24 Secretary concerned for purposes of eligibility
25 for legal consultation and assistance by Special

1 Victims' Counsel under the jurisdiction of such
 2 Secretary under this section; or

3 “(C) an attempt to commit an offense
 4 specified in a subparagraph (A) or (B) as pun-
 5 ishable under section 880 of this title (article
 6 80 of the Uniform Code of Military Justice).”.

7 (2) CONFORMING AND CLERICAL AMEND-
 8 MENTS.—

9 (A) HEADING AMENDMENT.—The heading
 10 of such section is amended to read as follows:

11 **“§ 1044e. Special Victims' Counsel: victims of sex-re-**
 12 **lated offenses; victims of domestic vio-**
 13 **lence offenses”.**

14 (B) TABLE OF SECTIONS.—the table of
 15 sections at the beginning of chapter 53 of such
 16 title is amended by striking the item relating to
 17 section 1044e and inserting the following new
 18 item:

“1044e. Special Victims' Counsel: victims of sex-related offenses; victims of do-
 mestic violence offenses.”.

19 (b) EXPANSION OF ELIGIBILITY TO ALL CIVILIAN
 20 VICTIMS OF ALLEGED COVERED OFFENSES.—Subsection
 21 (a)(2) of section 1044e of such title, as amended by sub-
 22 section (a)(1) of this section, is further amended by strik-
 23 ing subparagraph (C) and inserting the following new sub-
 24 paragraph (C):

1 “(C) Any civilian individual not covered by sub-
 2 paragraph (A) or (B) who is the victim of an alleged
 3 covered offense if the Secretary of Defense or the
 4 Secretary of the military department concerned
 5 waives any condition in such section for the purposes
 6 of offering Special Victims’ Counsel services to such
 7 individual.”.

8 (c) ENHANCEMENT OF LEGAL CONSULTATION AND
 9 ASSISTANCE IN CONNECTION WITH POTENTIAL VICTIM
 10 BENEFITS.—Paragraph (8)(D) of subsection (b) of such
 11 section is amended by striking “and other” and inserting
 12 “, section 1408(h) of this title, and other”.

13 (d) EXPANSION OF LEGAL ASSISTANCE AUTHORIZED
 14 TO INCLUDE CONSULTATION AND ASSISTANCE FOR RE-
 15 TALIATION.—Subsection (b) of such section is amended
 16 further—

17 (1) by redesignating paragraph (10) as para-
 18 graph (11); and

19 (2) by inserting after paragraph (9) the fol-
 20 lowing new paragraph (10):

21 “(10) Legal consultation and assistance in con-
 22 nection with an incident of retaliation, whether such
 23 incident occurs before, during, or after the conclu-
 24 sion of any criminal proceedings, including—

1 “(A) in understanding the rights and pro-
 2 tections afforded to victims of retaliation;
 3 “(B) in the filing of complaints; and
 4 “(C) in any resulting military justice pro-
 5 ceedings.”.

6 (e) CODIFICATION OF DUTY TO DETERMINE VIC-
 7 TIM’S PREFERENCE FOR PROSECUTION OF ALLEGED OF-
 8 FENSE BY COURT-MARTIAL OR CIVILIAN COURT.—

9 (1) IN GENERAL.—Such section is further
 10 amended—

11 (A) by redesignating subsections (d)
 12 through (h) as subsections (e) through (i), re-
 13 spectively; and

14 (B) by inserting after subsection (c) the
 15 following new subsection (d):

16 “(d) DUTY TO DETERMINE VICTIM’S PREFERENCE
 17 FOR PROSECUTION OF AN ALLEGED COVERED OFFENSE
 18 BY COURT-MARTIAL OR CIVILIAN COURT.—(1) In pro-
 19 viding legal consultation and representation to a victim
 20 under this section in connection with an alleged covered
 21 offense that occurs in the United States, a Special Vic-
 22 tims’ Counsel shall have the duty—

23 “(A) to solicit the victim’s preference regarding
 24 whether the offense should be prosecuted by court-

1 martial or in a civilian court with jurisdiction over
2 the offense; and

3 “(B) to make the victim’s preference, if offered,
4 known to appropriate military prosecutors.

5 “(2) Any consultation by a Special Victims’ Counsel
6 pursuant to paragraph (1) shall occur in accordance with
7 the process for such consultation established pursuant to
8 section 534(b) of the Carl Levin and Howard P. ‘Buck’
9 McKeon National Defense Authorization Act for Fiscal
10 Year 2015 (10 U.S.C. 1044e note) or such other process
11 as the Secretary of Defense shall establish for that pur-
12 pose.”.

13 (2) CONFORMING AMENDMENT.—Paragraph
14 (11) of subsection (b) of such section, as redesign-
15 nated by subsection (d)(1) of this section, is amend-
16 ed by striking “subsection (h)” and inserting “sub-
17 section (i)”.

18 (f) PERSONNEL AND TRAINING.—

19 (1) PERSONNEL.—Commencing October 1,
20 2019, each Secretary concerned shall establish and
21 maintain such additional military and civilian billets
22 for legal counsel and paralegals as such Secretary
23 considers appropriate in order to ensure that each
24 Armed Force under the jurisdiction of such Sec-
25 retary is appropriately staffed to provide legal coun-

1 sel and assistance required under section 1044e of
2 title 10, United States Code, by reason of the
3 amendments made by this section by not later than
4 September 30, 2025.

5 (2) TRAINING.—Each Secretary concerned shall
6 provide military and civilian legal personnel under
7 the jurisdiction of such Secretary such training as
8 the Secretary considers appropriate for the provision
9 of legal counsel and assistance required under sec-
10 tion 1044e of title 10, United States Code, by rea-
11 son of the amendments made by this section. To the
12 extent practicable, the training provided pursuant to
13 this paragraph shall be uniform across the Armed
14 Forces.

15 (3) CONSULTATION.—Each Secretary concerned
16 shall consult with the Judge Advocate General con-
17 cerned regarding the additional number of billets re-
18 quired pursuant to paragraph (1) and the training
19 to be provided pursuant to paragraph (2).

20 (4) REPORTS.—Not later than 180 days after
21 the date of the enactment of this Act, each Secretary
22 concerned shall submit to the congressional defense
23 committees a report setting forth the plan of such
24 Secretary to modify the Special Victims' Counsel
25 program under the jurisdiction of such Secretary in

1 order to meet the requirement in paragraph (1) by
 2 the deadline specified in that paragraph. Each re-
 3 port shall set forth, for the Special Victims' Counsel
 4 program concerned, the number of additional mili-
 5 tary billets and additional civilian billets the Sec-
 6 retary concerned requires to establish and maintain
 7 under paragraph (1) in order to meet the require-
 8 ment in that paragraph by the deadline specified in
 9 that paragraph.

10 (5) DEFINITIONS.—In this subsection:

11 (A) The term “Secretary concerned” has
 12 the meaning given that term in section
 13 101(a)(9) of title 10, United States Code.

14 (B) The term “Judge Advocate General”
 15 has the meaning given that term in section
 16 801(1) of title 10, United States Code (article
 17 1(1) of the Uniform Code of Military Justice).

18 **SEC. 4. CORRECTION OF MILITARY RECORDS AND DIS-**
 19 **CHARGE REVIEW FOR CERTAIN FORMER**
 20 **MEMBERS WHOSE NARRATIVE REASON FOR**
 21 **DISCHARGE WAS WRONGFULLY DESCRIBED**
 22 **AS PERSONALITY DISORDER.**

23 (a) CORRECTION OF MILITARY RECORDS.—Section
 24 1552 of title 10, United States Code, is amended—

1 (1) by redesignating subsections (i) and (j) as
2 subsections (j) and (k), respectively; and

3 (2) by inserting after subsection (h) the fol-
4 lowing new subsection (i):

5 “(i)(1) This subsection applies to a former member
6 of the Armed Forces who is a military sexual trauma sur-
7 vivor and suffers from post-traumatic stress disorder or
8 traumatic brain injury and whose claim under this section
9 is for review of the narrative reason for discharge of the
10 former member as personality disorder, borderline per-
11 sonal disorder, or a related non-disability mental condition
12 (NDMC).

13 “(2) A claimant under this subsection shall support
14 the claim with documentation or other evidence from a
15 psychiatrist, psychologist, or other competent health care
16 professional that the claimant does not have the disorder
17 providing the narrative reason for the claimant’s dis-
18 charge.

19 “(3) In the case of a claimant described in paragraph
20 (1), a board established under subsection (a) shall—

21 “(A) review and give liberal consideration to the
22 documentation or evidence of the claimant under
23 paragraph (2); and

24 “(B) if the board determines that the claimant
25 does not have the disorder, correct the military

1 records of the claimant to provide a narrative reason
 2 for the claimant’s discharge as Secretarial Authority
 3 (or similar authority available at the time of the
 4 claimant’s discharge if before the recognition of Sec-
 5 retarial Authority) or such other narrative reason
 6 (other than the disorder) as the board considers ap-
 7 propriate.”.

8 (b) DISCHARGE REVIEW.—Section 1553 of such title
 9 is amended—

10 (1) by redesignating subsection (f) as sub-
 11 section (g); and

12 (2) by inserting after subsection (e) the fol-
 13 lowing new subsection (f):

14 “(f) In the case of a former member of the Armed
 15 Forces who is a military sexual trauma survivor and suf-
 16 fers from post-traumatic stress disorder or traumatic
 17 brain injury and whose narrative reason for discharge or
 18 dismissal was personality disorder, borderline personality
 19 disorder, or a related non-disability mental condition
 20 (NDMC) and who submits to a board established under
 21 this section documentation or other evidence from a psy-
 22 chiatrist, psychologist, or other competent health care pro-
 23 fessional that the former member does not have the dis-
 24 order providing the narrative reason for the former mem-
 25 ber’s discharge or dismissal, the board shall—

1 “(1) review and give liberal consideration to the
2 documentation or evidence submitted by the former
3 member; and

4 “(2) if the board determines that the former
5 member does not have the disorder, change the nar-
6 rative reason for the former member’s discharge or
7 dismissal to Secretarial Authority or such other nar-
8 rative reason (other than the disorder) as the board
9 considers appropriate.”.

10 (c) REPORTS.—

11 (1) IN GENERAL.—Not later than 270 days
12 after the date of the enactment of this Act, and an-
13 nually thereafter for the next four years, each Sec-
14 retary concerned shall submit to Congress a report
15 on the activities of boards for the correction of mili-
16 tary records under subsection (i) of section 1552 of
17 title 10, United States Code (as amended by sub-
18 section (a) of this section), and of discharge review
19 boards under subsection (f) of section 1553 of title
20 10, United States Code (as amended by subsection
21 (b) of this section), under the jurisdiction of such
22 Secretary during the one-year period ending on the
23 date of such report. Each report shall include the
24 following:

25 (A) For the period covered by such report:

1 (i) The number of claims submitted
 2 under such subsection (i) to boards for the
 3 correction of military records under the ju-
 4 risdiction of such Secretary, and the num-
 5 ber of claims for which relief was granted.

6 (ii) The number of claims submitted
 7 under such subsection (f) to discharge re-
 8 view boards under the jurisdiction of such
 9 Secretary, and the number of claims for
 10 which relief was granted.

11 (B) Such recommendations for administra-
 12 tive action or legislative action in connection
 13 with the activities of such boards under such
 14 subsections (i) and (f) as such Secretary con-
 15 siders appropriate.

16 (2) SECRETARY CONCERNED DEFINED.—In this
 17 subsection, the term “Secretary concerned” has the
 18 meaning given that term in section 101(a)(9) of title
 19 10, United States Code.

20 **SEC. 5. INCLUSION OF INTIMATE PARTNER VIOLENCE**
 21 **AMONG SUPPORTING RATIONALES FOR CER-**
 22 **TAIN CLAIMS FOR CORRECTIONS OF MILI-**
 23 **TARY RECORDS AND DISCHARGE REVIEW.**

24 (a) CORRECTION OF MILITARY RECORDS.—Section
 25 1552(h)(1) of title 10, United States Code, is amended

1 by striking “or military sexual trauma” and inserting “,
2 military sexual trauma, or intimate partner violence”.

3 (b) DISCHARGE REVIEW.—Section 1553(d)(3)(B) of
4 such title is amended by striking “or military sexual trau-
5 ma” and inserting “, military sexual trauma, or intimate
6 partner violence”.

7 **SEC. 6. TRAINING OF MEMBERS OF BOARDS FOR CORREC-**
8 **TION OF MILITARY RECORDS AND DIS-**
9 **CHARGE REVIEW BOARDS ON MILITARY SEX-**
10 **UAL TRAUMA, INTIMATE PARTNER VIO-**
11 **LENCE, AND RELATED MATTERS.**

12 (a) BOARDS FOR CORRECTION OF MILITARY
13 RECORDS.—The curriculum of training for members of
14 boards for the correction of military records under section
15 534(c) of the National Defense Authorization Act for Fis-
16 cal Year 2017 (10 U.S.C. 1552 note) shall include train-
17 ing on each of the following:

- 18 (1) Military sexual trauma.
- 19 (2) Intimate partner violence.
- 20 (3) The various responses of individuals to
21 trauma.

22 (b) DISCHARGE REVIEW BOARDS.—

- 23 (1) IN GENERAL.—Each Secretary concerned
24 shall develop and provide training for members of
25 discharge review boards under section 1553 of title

1 10, United States Code, that are under the jurisdic-
 2 tion of such Secretary on each of the following:

3 (A) Military sexual trauma.

4 (B) Intimate partner violence.

5 (C) The various responses of individuals to
 6 trauma.

7 (2) UNIFORMITY OF TRAINING.—The Secretary
 8 of Defense and the Secretary of Homeland Security
 9 shall jointly ensure that the training developed and
 10 provided pursuant to this subsection is, to the extent
 11 practicable, uniform.

12 (3) SECRETARY CONCERNED DEFINED.—In this
 13 subsection, the term “Secretary concerned” has the
 14 meaning given that term in section 101(a)(9) of title
 15 10, United States Code.

16 **SEC. 7. REPORT ON ESTABLISHMENT OF GUARDIAN AD**
 17 **LITEM PROGRAM FOR CERTAIN MILITARY**
 18 **DEPENDENTS WHO ARE VICTIM OR WITNESS**
 19 **OF OFFENSES UNDER THE UNIFORM CODE**
 20 **OF MILITARY JUSTICE INVOLVING ABUSE OR**
 21 **EXPLOITATION.**

22 (a) REPORT REQUIRED.—

23 (1) IN GENERAL.—Not later than one year
 24 after the date of the enactment of this Act, the Sec-
 25 retary of Defense shall submit to the Committees on

1 Armed Services of the Senate and the House of Rep-
 2 resentatives a report setting forth an assessment of
 3 the feasibility and advisability of establishing a
 4 guardian ad litem program for military dependents
 5 described in paragraph (2) who are a victim or wit-
 6 ness of an offense under chapter 47 of title 10,
 7 United States Code (the Uniform Code of Military
 8 Justice), that involves an element of abuse or exploi-
 9 tation in order to protect the best interests of such
 10 dependents in a court-martial of such offense.

11 (2) COVERED DEPENDENTS.—The military de-
 12 pendents described in this paragraph are as follows:

13 (A) Military dependents under 12 years of
 14 age.

15 (B) Military dependents who lack mental
 16 or other capacity.

17 (b) ELEMENTS.—The report required by subsection
 18 (a) shall include the following:

19 (1) An assessment of the feasibility and advis-
 20 ability of establishing a guardian ad litem program
 21 as described in subsection (a).

22 (2) If establishment of the guardian ad litem
 23 program is considered feasible and advisable, the fol-
 24 lowing:

1 (A) A description of administrative re-
2 quirements in connection with the program, in-
3 cluding the following:

4 (i) Any memoranda of understanding
5 between the Department of Defense and
6 State and local authorities required for
7 purposes of the program.

8 (ii) The personnel, funding, and other
9 resources required for purposes of the pro-
10 gram.

11 (B) Best practices for the program (as de-
12 termined in consultation with appropriate civil-
13 ian experts on child advocacy).

14 (C) Such recommendations for legislative
15 and administration action to implement the pro-
16 gram as the Secretary considers appropriate.

○