
IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2011

Ms. TSONGAS (for herself, Mr. TURNER, Mr. HOLT, Mr. CLEAVER, Ms. DeLAURO, Mr. TOWNS, Mr. CONAWAY, Mrs. McMorris Rodgers, Mr. DONNELLY of Indiana, Mr. RANGEL, Mr. BARTLETT, Mr. MILLER of Florida, Ms. SPEIER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. FRANKS of Arizona, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, and Ms. PINGREE of Maine) introduced the following bill; which was referred to the Committee on Armed Services

A BILL


Be it enacted by the Senate and House of Representa-
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Defense Sexual Trauma Response Oversight and Good Governance Act” (the “Defense STRONG Act”).

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Director of Sexual Assault Prevention and Response Office.
Sec. 3. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 4. Sexual assault victims access to legal counsel and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 5. Confidentiality of communications between sexual assault victims and Sexual Assault Response Coordinators, Victim Advocates, and certain other persons.
Sec. 6. Retention of records prepared in connection with sexual assaults involving members of the Armed Forces or dependents of members.
Sec. 7. Expedited consideration and priority for application for consideration of a permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault.
Sec. 8. Training and education programs for sexual assault prevention and response program.

SEC. 2. DIRECTOR OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: “, who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position’’.
SEC. 3. SEXUAL ASSAULT RESPONSE COORDINATORS AND
SEXUAL ASSAULT VICTIM ADVOCATES.

(a) ASSIGNMENT AND TRAINING.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates

“(a) ASSIGNMENT OF COORDINATORS.—(1) At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. An additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

“(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator.

“(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as nec-
necessary based on the demographics or needs of the unit.

An additional Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

“(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate.

“(c) TRAINING AND CERTIFICATION.—(1) As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

“(2) In developing the curriculum and other components of the program, the Secretary of Defense shall work with experts outside of the Department of Defense who are experts in victim advocacy and sexual assault prevention and response training.

“(3) Effective October 1, 2013, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a) or Victim Advocate under subsection (b), the member or employee
must have completed the training program required by paragraph (1) and obtained the certification.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘armed forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) The term ‘sexual assault prevention and response program’ has the meaning given such term in section 1601(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1568. Sexual assault prevention and response; Sexual Assault Response Coordinators and Victim Advocates.”.

SEC. 4. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) Access.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044d the following new section:
§ 1044e. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

(a) Availability of legal assistance and Victim Advocate services.—

(1) Members.—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

(A) legal assistance provided by a military legal assistance counsel certified as competent to provide such duties pursuant to section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice);

(B) assistance provided by a qualified Sexual Assault Response Coordinator; and

(C) assistance provided by a qualified Sexual Assault Victim Advocate.

(2) Dependents.—To the extent practicable, the Secretary of a military department shall make the assistance described in paragraph (1) available to dependent of a member of the armed forces who is the victim of a sexual assault and resides on or in the vicinity of a military installation. The Sec-
retary concerned shall define the term ‘vicinity’ for purposes of this paragraph.

“(3) Notice of availability of assistance; opt out.—The member or dependent shall be in-
formed of the availability of assistance under this subsection as soon as the member or dependent
seeks assistance from a Sexual Assault Response Co-
ordinator or any other responsible member of the armed forces or Department of Defense civilian em-
ployee. The victim shall also be informed that the legal assistance and services of a Sexual Assault Re-
sponse Coordinator and Sexual Assault Victim Advo-
cate are optional and these services may be declined, in whole or in part, at any time.

“(4) Nature of reporting immaterial.—In the case of a member of the armed forces, access to legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates are available regardless of whether the member elects unrestricted or restricted (confiden-
tial) reporting of the sexual assault.

“(b) Restricted Reporting Option.—

“(1) Availability of restricted report-
ing.—A member of the armed forces who is the vic-

in of a sexual assault may confidentially disclose
the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

“(2) Persons covered by restricted reporting.—Individuals covered by paragraph (1) are the following:

“(A) Military legal assistance counsel.

“(B) Sexual Assault Response Coordinator.

“(C) Sexual Assault Victim Advocate.

“(D) Personnel staffing the DOD Safe Helpline or successor operation.

“(E) Healthcare personnel.

“(F) Chaplain.

“(e) Definitions.—In this section:

“(1) The term ‘sexual assault’ includes any of the offenses covered by section 920 of this title (article 120).

“(2) The term ‘military legal assistance counsel’ means—

“(A) a judge advocate (as defined in section 801(13) of this title (article 1(13) of the Uniform Code of Military Justice)); or
“(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044d the following new item:

“1044e. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.”.

(c) Conforming Amendment Regarding Provision of Legal Counsel.—Section 1044(d)(3)(B) of such title is amended by striking “sections 1044a, 1044b, 1044c, and 1044d” and inserting “sections 1044a through 1044e”.

SEC. 5. CONFIDENTIALITY OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT VICTIMS AND SEXUAL ASSAULT RESPONSE COORDINATORS, VICTIM ADVOCATES, AND CERTAIN OTHER PERSONS.

(a) Access.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1034a the following new section:

“§ 1034b. Privilege against disclosure of certain communications for victims of sexual assault

“(a) Privileged Communications.—Communications between a member of the armed forces or a dependent of a member of the armed forces who is the victim
of a sexual assault and a person specified in subsection (b), and records of such communications created by or for the Department of Defense, are confidential and privileged.

“(b) COMMUNICATIONS COVERED BY PRIVILEGE.—The privilege granted by subsection (a) applies to communications between a member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault and any of the following persons:

“(1) Sexual Assault Response Coordinator.

“(2) Sexual Assault Victim Advocate.

“(3) Personnel staffing the DOD Safe Helpline or successor operation.

“(4) Military legal assistance counsel.

“(c) CONSENT EXCEPTION.—Without the consent of the member or dependent involved, any communication or record referred to in subsection (a) may not be—

“(1) subject to discovery or admitted into evidence in any judicial or administrative proceeding; or

“(2) disclosed to any person or entity.

“(d) RELATION TO OTHER PRIVILEGES AGAINST DISCLOSURE.—The privilege granted by subsection (a) is in addition to any other privilege against disclosure that
may exist with regard to communications between a victim
of a sexual assault and another person.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘sexual assault’ includes any of
the offenses covered by section 920 of this title (arti-
cle 120).

“(2) The term ‘military legal assistance counsel’
means—

“(A) a judge advocate (as defined in sec-
tion 801(13) of this title (article 1(13) of the
Uniform Code of Military Justice)); or

“(B) a civilian attorney serving as a legal
assistance officer under the provisions of sec-
tion 1044 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 1044d the following new
item:

“1034b. Privilege against disclosure of certain communications for victims of
sexual assault.”.

(c) APPLICABILITY.—Section 1034b of title 10,
United States Code, as added by subsection (a), applies
to communications described in such section whether made
before, on, or after the date of the enactment of this Act.
SEC. 6. RETENTION OF RECORDS PREPARED IN CONNECTION WITH SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES OR DEPENDENTS OF MEMBERS.

(a) RETENTION AND CONFIDENTIALITY OF SEXUAL ASSAULT RECORDS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 993. Recordkeeping requirement: medical, investigative, and other records prepared in connection with sexual assaults

“(a) PERMANENT RETENTION OF RECORDS.—The Secretary of Defense shall establish a system for tracking and maintaining for not less than 100 years the records described in subsection (b) that are prepared by personnel of the Department of Defense or obtained by the Department in connection with a sexual assault involving a member of the armed forces or a dependents of a member to ensure future access to the records.

“(b) COVERED RECORDS.—The recordkeeping requirement imposed by subsection (a) applies to the following:

“(1) Department of Defense Form 2910, regarding the victim reporting preference statement, or any successor document."
“(2) Department of Defense Form 2911, regarding the forensic medical report prepared in the case of a sexual assault examination, or any successor document.

“(3) Medical records.

“(4) Investigative records prepared in connection with a sexual assault.

“(5) Such other information and reports as the Secretary of Defense considers appropriate.

“(c) Victim Access.—The Secretary of Defense shall ensure that the victim of the sexual assault for which the records described in subsection (b) are prepared has permanent access to the records.

“(d) Protection of Restricted Reporting Option.—The Secretary of Defense shall ensure that the recordkeeping system established pursuant to this section does not jeopardize the confidentiality of the restricted reporting option available under section 1044e(b) of this title to a victim of a sexual assault.”.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“993. Recordkeeping requirement: medical and investigative records prepared in connection with sexual assaults.”.

(b) Transmittal of Records to Department of Veterans Affairs.—Subsection (c) of section 1142 of
title 10, United States Code, is amended to read as fol-
lows:

“(c) Transmittal of Certain Records to De-
partment of Veterans Affairs.—(1) In the case of
members described in paragraph (2), the Secretary con-
cerned shall transmit (subject to the consent of the mem-
ber) to the Secretary of Veterans Affairs the following
records:

“(A) a copy of the service medical record of the
member, including the results of any Physical Eval-
uation Board held with regard to the member.

“(B) Any records maintained pursuant to sec-
tion 993(b) of this title pertaining to the member.

“(2) Paragraph (1) applies with respect to the fol-
lowing members:

“(A) A member being medically separated or
retired under chapter 61 of this title.

“(B) A member who was the victim of a sexual
assault.

“(3) The copy of the service medical record shall be
transmitted within 60 days of the separation or retirement
of the member.

(e) Copy of Record of Court-Martial to Victim
of Sexual Assault.—Section 854 of title 10, United
States Code (article 54 of the Uniform Code of Military
Justice), is amended by adding at the end the following
new subsection:

“(e) In the case of a general or special court-martial
involving a sexual assault or other offense covered by sec-
tion 920 of this title (article 120), a copy of the prepared
record of the proceedings of the court-martial shall be
given to the victim of the offence if the victim testified
during the proceedings. The record of the proceedings
shall be provided without charge and as soon as the record
is authenticated. The victim shall be notified of the oppor-
tunity to receive the record of the proceedings.”.

SEC. 7. EXPEDITED CONSIDERATION AND PRIORITY FOR

APPLICATION FOR CONSIDERATION OF A
PERMANENT CHANGE OF STATION OR UNIT
TRANSFER BASED ON HUMANITARIAN CONDI-
TIONS FOR VICTIM OF SEXUAL ASSAULT.

(a) In general.—Chapter 39 of title 10, United
States Code, is amended by inserting after section 672 the
following new section:

“§673. Consideration of application for permanent
change of station or unit transfer for
members on active duty who are the vic-
tim of a sexual assault

“(a) EXPEDITED CONSIDERATION AND PRIORITY
for approval.—To the maximum extent practicable, the
Secretary concerned shall provide for the expedited consider-
eration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

“(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

“673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault.”.

SEC. 8. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Subtitle A of title XVI of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding at the end the following new section:
“SEC. 1615. IMPROVED TRAINING AND EDUCATION PROGRAMS.

“(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

“(1) DEVELOPMENT OF CURRICULUM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop a curriculum to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault. In developing the curriculum, the Secretary shall work with experts outside of the Department of Defense who are experts in sexual assault prevention and response training.

“(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.
“(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

“(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

“(c) INCLUSION IN FIRST RESPONDER TRAINING.—

“(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

“(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators,
healthcare personnel, judge advocates, and chaplains.”.