

112TH CONGRESS
2D SESSION

S. 3647

To amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2012

Ms. KLOBUCHAR (for herself and Ms. SNOWE) 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 the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment 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 “Military Sexual Assault
5 Prevention Act of 2012”.

1 **SEC. 2. PROHIBITION ON SERVICE IN THE ARMED FORCES**
2 **BY INDIVIDUALS WHO HAVE BEEN CON-**
3 **VICTED OF A SEXUAL OFFENSE.**

4 (a) PROHIBITION.—Chapter 37 of title 10, United
5 States Code, is amended adding at the end the following
6 new section:

7 **“§ 656. Prohibition on service in the armed forces by**
8 **individuals convicted of a sexual offense**

9 “(a) PROHIBITION ON COMMISSIONING OR ENLIST-
10 MENT.—(1) A person who has been convicted of an offense
11 specified in paragraph (2) under Federal or State law may
12 not be processed for commissioning or permitted to enlist
13 in the armed forces.

14 “(2) An offense specified in this paragraph is any fel-
15 ony offense as follows:

16 “(A) Rape.

17 “(B) Sexual assault.

18 “(C) Forcible sodomy.

19 “(D) Incest.

20 “(b) ADMINISTRATIVE SEPARATION FOR CERTAIN
21 OFFENSES NOT RESULTING IN PUNITIVE DISCHARGE.—

22 (1) Any member of the armed forces on active duty, and
23 any member of a reserve component of the armed forces
24 not on active duty but in active status, who is convicted
25 of an offense specified in paragraph (2) and not punitively
26 discharged from the armed forces in connection with such

1 conviction shall be separated administratively from the
2 armed forces for such offense.

3 “(2) An offense specified in this paragraph is any of-
4 fense as follows:

5 “(A) Rape or sexual assault under subsection
6 (a) or (b) of section 920 of this title (article 120 of
7 the Uniform Code of Military Justice).

8 “(B) Forcible sodomy under section 925 of this
9 title (article 125 of the Uniform Code of Military
10 Justice).

11 “(C) An attempt to commit an offense specified
12 in subparagraph (A) or (B), as punishable under
13 section 880 of this title (article 80 of the Uniform
14 Code of Military Justice).

15 “(3) Under regulations prescribed by the Secretary
16 of Defense, the Secretary of the military department con-
17 cerned may waive the requirement in paragraph (1) with
18 respect to a member if the waiver is determined appro-
19 priate in the interests of the national security of the
20 United States. Waivers under this paragraph shall be
21 made on a case-by-case basis.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 37 of such title is amended
24 by adding at the end the following new item:

“656. Prohibition on service in the armed forces by individuals convicted of a
sexual offense.”.

1 **SEC. 3. PERSONS WHO MAY EXERCISE DISPOSITION AU-**
2 **THORITY REGARDING CHARGES INVOLVING**
3 **CERTAIN SEXUAL MISCONDUCT OFFENSES**
4 **UNDER THE UNIFORM CODE OF MILITARY**
5 **JUSTICE.**

6 (a) PERSONS WHO MAY EXERCISE DISPOSITION AU-
7 THORITY.—

8 (1) DISPOSITION AUTHORITY.—With respect to
9 any charge under chapter 47 of title 10, United
10 States Code (the Uniform Code of Military Justice),
11 that alleges an offense specified in paragraph (2),
12 the Secretary of Defense shall require the Secre-
13 taries of the military departments to restrict dispo-
14 sition authority under section 830 of such chapter (ar-
15 ticle 30 of the Uniform Code of Military Justice) to
16 officers of the Armed Forces who have the authority
17 to convene special courts-martial under section 823
18 of such chapter (article 23 of the Uniform Code of
19 Military Justice), but not lower than the following:

20 (A) In the case of a training command, the
21 first brigadier general, or, in the case of the
22 Navy, the first rear admiral (lower half), with
23 a legal advisor (or access to a legal advisor) in
24 the chain of command of the person accused of
25 committing the offense.

1 (B) In the case of any other command, the
2 first colonel, or in the case of the Navy, the
3 first captain, with a legal advisor (or access to
4 a legal advisor) in the chain of command of the
5 person accused of committing the offense.

6 (2) COVERED OFFENSES.—Paragraph (1) ap-
7 plies with respect to a charge that alleges any of the
8 following offenses under chapter 47 of title 10,
9 United States Code (the Uniform Code of Military
10 Justice):

11 (A) Rape or sexual assault under sub-
12 section (a) or (b) of section 920 of such chapter
13 (article 120 of the Uniform Code of Military
14 Justice).

15 (B) Forcible sodomy under section 925 of
16 such chapter (article 125 of the Uniform Code
17 of Military Justice).

18 (C) An attempt to commit an offense spec-
19 ified in subparagraph (A) or (B), as punishable
20 under section 880 of such chapter (article 80 of
21 the Uniform Code of Military Justice).

22 (b) IMPLEMENTATION.—

23 (1) SECRETARIES OF MILITARY DEPART-
24 MENTS.—The Secretaries of the military depart-

1 ments shall revise policies and procedures as nec-
2 essary to comply with subsection (a).

3 (2) SECRETARY OF DEFENSE.—Not later than
4 180 days after the date of the enactment of this Act,
5 the Secretary of Defense shall recommend such
6 changes to the Manual for Courts-Martial as are
7 necessary to ensure compliance with subsection (a).

8 **SEC. 4. POLICY OF THE UNITED STATES ON DISPOSITION**
9 **OF CHARGES INVOLVING CERTAIN SEXUAL**
10 **MISCONDUCT OFFENSES UNDER THE UNI-**
11 **FORM CODE OF MILITARY JUSTICE THROUGH**
12 **COURTS-MARTIAL.**

13 (a) STATEMENT OF POLICY.—It shall be the policy
14 of the United States that any charge regarding an offense
15 specified in subsection (b) should be disposed of by court-
16 martial, rather than by non-judicial punishment or admin-
17 istrative action.

18 (b) COVERED OFFENSES.—An offense specified in
19 this subsection is any of the following offenses under chap-
20 ter 47 of title 10, United States Code (the Uniform Code
21 of Military Justice):

22 (1) Rape or sexual assault under subsection (a)
23 or (b) of section 920 of such chapter (article 120 of
24 the Uniform Code of Military Justice).

1 (2) Forcible sodomy under section 925 of such
2 chapter (article 125 of the Uniform Code of Military
3 Justice).

4 (3) An attempt to commit an offense specified
5 in paragraph (1) or (2), as punishable under section
6 880 of such chapter (article 80 of the Uniform Code
7 of Military Justice).

8 (c) JUSTIFICATION FOR DISPOSITION OTHER THAN
9 BY COURT-MARTIAL.—In the case of any charge regard-
10 ing an offense specified in subsection (b) that is disposed
11 of by non-judicial punishment or administrative action,
12 rather than by court-martial, the disposition authority
13 provided for in section 3 shall include in the case file a
14 justification for the disposition of the charge by non-judi-
15 cial punishment or administrative action, rather than by
16 court-martial.

17 **SEC. 5. INCLUSION AND COMMAND REVIEW OF INFORMA-**
18 **TION ON SEXUAL-RELATED OFFENSES IN**
19 **PERSONNEL SERVICE RECORDS OF MEM-**
20 **BERS OF THE ARMED FORCES.**

21 (a) INFORMATION ON SUBSTANTIATED REPORTS ON
22 SEXUAL-RELATED OFFENSES.—

23 (1) IN GENERAL.—If a complaint of a sexual-
24 related offense is made against a member of the
25 Armed Forces and the complaint is substantiated, a

1 notation to that effect shall be placed in the per-
2 sonnel service record of the member, regardless of
3 the member's grade.

4 (2) PURPOSE.—The purpose of the inclusion of
5 information in personnel service records under para-
6 graph (1) is to alert commanders to the members of
7 their command who have received courts-martial
8 conviction, non-judicial punishment, or administra-
9 tive action for sexual-related offenses in order to re-
10 duce the likelihood that repeat offenses will escape
11 the notice of commanders.

12 (b) LIMITATION ON PLACEMENT.—A notation under
13 subsection (a) may not be placed in the restricted section
14 of the personnel service record of a member.

15 (c) CONSTRUCTION.—Nothing in subsection (a) or
16 (b) may be construed to prohibit or limit the capacity of
17 a member of the Armed Forces to challenge or appeal the
18 placement of a notation, or location of placement of a no-
19 tation, in the member's personnel service record in accord-
20 ance with procedures otherwise applicable to such chal-
21 lenges or appeals.

22 (d) SUBSTANTIATED COMPLAINTS.—For purposes of
23 implementing this section, the Secretary of Defense shall
24 use the definition of substantiated developed for purposes
25 of the annual report on sexual assaults involving members

1 of the Armed Forces prepared under section 1631 of the
2 Ike Skelton National Defense Authorization Act for Fiscal
3 Year 2011 (10 U.S.C. 1561 note).

4 (e) COMMAND REVIEW OF HISTORY OF SEXUAL-RE-
5 LATED OFFENSES OF MEMBERS UPON ASSIGNMENT OR
6 TRANSFER TO NEW UNIT.—

7 (1) REVIEW REQUIRED.—Under uniform regu-
8 lations prescribed by the Secretary of Defense, the
9 commanding officer of a facility, installation, or unit
10 to which a member of the Armed Forces described
11 in paragraph (2) is permanently assigned or trans-
12 ferred shall review the history of substantiated sex-
13 ual offenses of the member in order to familiarize
14 such officer with such history of the member.

15 (2) COVERED MEMBERS.—A member of the
16 Armed Forces described in this paragraph is a mem-
17 ber of the Armed Forces who, at the time of assign-
18 ment or transfer as described in paragraph (1), has
19 a history of one or more substantiated sexual of-
20 fenses as documented in the personnel service record
21 of such member or such other records or files as the
22 Secretary shall specify in the regulations prescribed
23 under paragraph (1).

1 **SEC. 6. COLLECTION AND RETENTION OF RECORDS ON DIS-**
2 **POSITION OF REPORTS OF SEXUAL ASSAULT.**

3 (a) COLLECTION.—The Secretary of Defense shall re-
4 quire that the Secretary of each military department es-
5 tablish a record on the disposition of any report of sexual
6 assault, whether such disposition is court-martial, non-ju-
7 dicial punishment, or other administrative action. The
8 record of any such disposition shall include the following,
9 as appropriate:

10 (1) Documentary information collected about
11 the incident reported.

12 (2) Punishment imposed, including the sen-
13 tencing by judicial or non-judicial means including
14 incarceration, fines, restriction, and extra duty as a
15 result of military court-martial, Federal and local
16 court and other sentencing, or any other punishment
17 imposed.

18 (3) Reasons for the selection of the disposition
19 and punishments selected.

20 (4) Administrative actions taken, if any.

21 (5) Any pertinent referrals offered as a result
22 of the incident (such as drug and alcohol counseling
23 and other types of counseling or intervention).

24 (b) RETENTION.—The Secretary of Defense shall re-
25 quire that—

1 (1) the records established pursuant to sub-
2 section (a) be retained by the Department of De-
3 fense for a period of not less than 50 years; and

4 (2) a copy of such records be maintained at a
5 centralized location for the same period as applies to
6 retention of the records under paragraph (1).

7 **SEC. 7. RETENTION OF CERTAIN FORMS IN CONNECTION**
8 **WITH RESTRICTED REPORTS ON SEXUAL AS-**
9 **SAULT INVOLVING MEMBERS OF THE ARMED**
10 **FORCES.**

11 (a) PERIOD OF RETENTION.—The Secretary of De-
12 fense shall ensure that all copies of Department of De-
13 fense Form 2910 and Department of Defense Form 2911
14 filed in connection with a Restricted Report on an incident
15 of sexual assault involving a member of the Armed Forces
16 shall be retained for the longer of—

17 (1) 50 years commencing on the date of signa-
18 ture of the member on Department of Defense Form
19 2910; or

20 (2) the time provided for the retention of such
21 forms in connection with Unrestricted Reports on in-
22 cidents of sexual assault involving members of the
23 Armed Forces under Department of Defense Direc-
24 tive-Type Memorandum (DTM) 11-062, entitled
25 “Document Retention in Cases of Restricted and

1 Unrestricted Reports of Sexual Assault”, or any suc-
2 cessor directive or policy.

3 (b) PROTECTION OF CONFIDENTIALITY.—Any De-
4 partment of Defense form retained under subsection (a)
5 shall be retained in a manner that protects the confiden-
6 tiality of the member of the Armed Forces concerned in
7 accordance with procedures for the protection of confiden-
8 tiality of information in Restricted Reports under Depart-
9 ment of Defense memorandum JTF–SAPR–009, relating
10 to the Department of Defense policy on confidentiality for
11 victims of sexual assault, or any successor policy or direc-
12 tive.

13 **SEC. 8. ENHANCEMENT OF ANNUAL REPORTS REGARDING**
14 **SEXUAL ASSAULTS INVOLVING MEMBERS OF**
15 **THE ARMED FORCES.**

16 (a) IN GENERAL.—Section 1631(b) of the Ike Skel-
17 ton National Defense Authorization Act for Fiscal Year
18 2011 (10 U.S.C. 1561 note) is amended—

19 (1) by striking paragraph (3) and inserting the
20 following new paragraph (3):

21 “(3) A synopsis of each such substantiated
22 case, organized by offense, and, for each such case,
23 the action taken in such case, including the following
24 information:

1 “(A) The type of disciplinary or adminis-
2 trative sanction imposed, if any, including
3 courts-martial sentences, non-judicial punish-
4 ments administered by commanding officers
5 pursuant to section 815 of title 10, United
6 States Code (article 15 of the Uniform Code of
7 Military Justice), and administrative separa-
8 tions.

9 “(B) A description of and rationale for the
10 final disposition and punishment, regardless of
11 type of disciplinary or administrative sanction
12 imposed, including, in a case in which an Arti-
13 cle 32 investigating officer recommended dis-
14 missal of the charges, an explicit statement of
15 the reasons for such recommendation.

16 “(C) The unit and location of service at
17 which the incident occurred.

18 “(D) Whether the accused was previously
19 accused of a substantiated sexual assault or
20 sexual harassment.

21 “(E) Whether the accused was admitted to
22 the Armed Forces under a moral waiver grant-
23 ed with respect to prior sexual misconduct.

24 “(F) Whether alcohol was involved in the
25 incident.

1 “(G) If the member was administratively
2 separated or, in the case of an officer, allowed
3 to resign in lieu of facing a court-martial, the
4 characterization given the service of the mem-
5 ber upon separation.”; and

6 (2) by adding at the end the following new
7 paragraphs

8 “(7) The number of applications submitted
9 under section 673 of title 10, United States Code,
10 during the year covered by the report for a perma-
11 nent change of station or unit transfer for members
12 of the Armed Forces on active duty who are the vic-
13 tim of a sexual assault or related offense, the num-
14 ber of applications denied, and, for each application
15 denied, a description of the reasons why such appli-
16 cation was denied.

17 “(8) An analysis and assessment of trends in
18 the incidence, disposition, and prosecution of sexual
19 assaults by commands and installations during the
20 year covered by the report, including trends relating
21 to prevalence of incidents, prosecution of incidents,
22 and avoidance of incidents.

23 “(9) An assessment of the adequacy of sexual
24 assault prevention and response activities carried out

1 by training commands during the year covered by
2 the report.

3 “(10) An analysis of the specific factors that
4 may have contributed to sexual assault during the
5 year covered by the report, including sexual harass-
6 ment and substance abuse, an assessment of the role
7 of such factors in contributing to sexual assaults
8 during that year, and recommendations for mecha-
9 nisms to eliminate or reduce the incidence of such
10 factors or their contributions to sexual assaults.”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 this section shall take effect on the date of the enactment
13 of this Act, and shall apply beginning with the report re-
14 quired to be submitted by March 1, 2014, under section
15 1631 of the Ike Skelton National Defense Authorization
16 Act for Fiscal Year 2011 (as amended by subsection (a)).

17 **SEC. 9. INDEPENDENT REVIEW AND ASSESSMENT OF UNI-**
18 **FORM CODE OF MILITARY JUSTICE AND JU-**
19 **DICIAL PROCEEDINGS OF SEXUAL ASSAULT**
20 **CASES.**

21 (a) **INDEPENDENT REVIEW AND ASSESSMENT.**—
22 There is hereby established an independent panel to con-
23 duct an independent review and assessment of judicial
24 proceedings under chapter 47 of title 10, United States
25 Code (the Uniform Code of Military Justice), involving

1 sexual assault and related offenses for the purpose of de-
2 veloping potential improvements to such proceedings.

3 (b) INDEPENDENT PANEL FOR REVIEW.—

4 (1) COMPOSITION.—The panel required by sub-
5 section (a) shall be composed of seven members, ap-
6 pointed as provided in paragraph (2) from among
7 private United States citizens who have expertise in
8 military law, civilian law, prosecution of sexual as-
9 saults in Federal criminal court, military justice
10 policies, the missions of the Armed Forces, or of-
11 fenses relating to rape, sexual assault, and other
12 sexual misconduct under the Uniform Code of Mili-
13 tary Justice.

14 (2) APPOINTMENTS.—Of the members of the
15 panel—

16 (A) three shall be appointed by the Sec-
17 retary of Defense;

18 (B) one shall be appointed by the Speaker
19 of the House of Representatives;

20 (C) one shall be appointed by the minority
21 leader of the House of Representatives;

22 (D) one shall be appointed by the majority
23 leader of Senate; and

24 (E) one shall be appointed by the minority
25 leader of the Senate.

1 (3) CHAIR.—The chair of the panel shall be ap-
2 pointed by the Secretary from among the members
3 of the panel appointed under paragraph (1).

4 (4) PERIOD OF APPOINTMENT; VACANCIES.—
5 Members shall be appointed for the life of the panel.
6 Any vacancy in the panel shall be filled in the same
7 manner as the original appointment.

8 (5) DEADLINE FOR APPOINTMENTS.—All origi-
9 nal appointments to the panel shall be made not
10 later than 120 days after the date of the enactment
11 of this Act.

12 (6) MEETINGS.—The panel shall meet at the
13 call of the chair.

14 (7) FIRST MEETING.—The chair shall call the
15 first meeting of the panel not later than 60 days
16 after the date of the appointment of all the members
17 of the panel.

18 (8) DURATION.—The panel shall expire on Sep-
19 tember 30, 2017.

20 (c) DUTIES.—

21 (1) ANNUAL REVIEW REPORT ON UCMJ AND
22 RECENT REFORMS.—The panel required by sub-
23 section (a) shall—

24 (A) review and assess on an annual basis
25 judicial proceedings under chapter 47 of title

1 10, United States Code (the Uniform Code of
2 Military Justice), involving sexual assault and
3 related offenses; and

4 (B) prepare on an annual basis a report
5 summarizing the results of the review and as-
6 sessment under subparagraph (A).

7 (2) CONSIDERATIONS.—In conducting reviews
8 and assessments and preparing annual reports under
9 paragraph (1), the panel shall review, evaluate, and
10 assess the following:

11 (A) The advisory sentencing guidelines
12 given by judges in Federal courts and how
13 those guidelines compare to advisory sentencing
14 guidance provided to panels rendering punish-
15 ments in court-martial proceedings, including
16 whether it would be more beneficial for advisory
17 sentencing guidelines to be provided to panels
18 or for discretion to be given to judges regarding
19 whether to issue advisory sentencing guidelines.

20 (B) The punishments or administrative ac-
21 tions taken in response to sexual assault court-
22 martial proceedings, including the number of
23 punishments or administrative actions taken as
24 rendered by a panel and the number of punish-
25 ments or administrative actions rendered by a

1 judge and the consistency and proportionality of
2 the decisions, punishments, and administrative
3 actions to the facts of each case compared with
4 Federal and State criminal courts.

5 (C) The court-martial convictions of sexual
6 assaults in the year covered by the report and
7 the number and description of instances when
8 punishments were reduced upon appeal and the
9 instances in which the defendant appealed fol-
10 lowing a plea agreement, if such information is
11 available.

12 (D) The training level of defense and pros-
13 ecution trial counsel, including an inventory of
14 the experience of judge advocate general lead
15 trial counsel in each instance and any existing
16 standards or requirements for lead counsel, in-
17 cluding their experience in defending or pros-
18 ecuting sexual assault and related offenses.

19 (E) The extent and nature, if any, of illicit
20 pressure on prosecutors either to bring cases to
21 trial or not bring cases to trial, and any influ-
22 ence of commanders on and over judicial pro-
23 ceedings.

1 (F) The training provided criminal inves-
2 tigators, and the procedures followed to inves-
3 tigate cases before trial.

4 (G) The implementation of recent reforms
5 to offenses relating to sexual assault and re-
6 lated offenses, including the reforms enacted by
7 section 544 of the National Defense Authoriza-
8 tion Act for Fiscal Year 2012 (Public Law
9 112–81; 125 Stat. 1404) and any other recent
10 reforms.

11 (H) Such other matters and materials as
12 the panel considers appropriate for purposes of
13 the reports.

14 (3) USE OF OTHER STUDIES.—In preparing the
15 reports, the panel may review, and incorporate as
16 appropriate, the findings of applicable ongoing and
17 completed studies.

18 (4) FIRST REPORT.—Not later than 180 days
19 after its first meeting, the panel shall submit to the
20 Secretary of Defense and the Committees on Armed
21 Services of the Senate and the House of Representa-
22 tives its first report under this subsection. The panel
23 shall include in the report such proposals for legisla-
24 tive or administrative action as the panel considers
25 appropriate in light of its review.

1 (d) POWERS OF PANEL.—

2 (1) HEARING.—The panel may hold such hear-
3 ings, sit and act at such times and places, take such
4 testimony, and receive such evidence as the panel
5 considers appropriate to carry out its duties under
6 this section.

7 (2) INFORMATION FROM FEDERAL AGENCIES.—
8 Upon request by the chair of the panel, any depart-
9 ment or agency of the Federal Government may pro-
10 vide information that the panel considers necessary
11 to carry out its duties under this section.

12 (e) PERSONNEL MATTERS.—

13 (1) PAY OF MEMBERS.—Members of the panel
14 shall serve without pay by reason of their work on
15 the panel.

16 (2) TRAVEL EXPENSES.—The members of the
17 panel shall be allowed travel expenses, including per
18 diem in lieu of subsistence, at rates authorized for
19 employees of agencies under subchapter I of chapter
20 57 of title 5, United States Code, while away from
21 their homes or regular places of business in the per-
22 formance or services for the panel.

23 **SEC. 10. PREVENTION AND RESPONSE TO SEXUAL HARASS-**
24 **MENT IN THE ARMED FORCES.**

25 (a) COMPREHENSIVE POLICY REQUIRED.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall, in consultation with the Secretaries of the
3 military departments and the Equal Opportunity Of-
4 fice of the Department of Defense, develop a com-
5 prehensive policy to prevent and respond to sexual
6 harassment in the Armed Forces. The policy shall
7 provide for the following:

8 (A) Training for members of the Armed
9 Forces on the prevention of sexual harassment.

10 (B) Mechanisms for reporting incidents of
11 sexual harassment in the Armed Forces, includ-
12 ing procedures for reporting anonymously.

13 (C) Mechanisms for responding to and re-
14 solving incidents of alleged sexual harassment
15 incidences involving members of the Armed
16 Forces, including through the prosecution of of-
17 fenders.

18 (2) REPORT.—Not later than one year after the
19 date of the enactment of this Act, the Secretary of
20 Defense shall submit to the Committees on Armed
21 Services of the Senate and the House of Representa-
22 tives a report setting forth the policy required by
23 paragraph (1).

24 (b) COLLECTION AND RETENTION OF RECORDS ON
25 DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.—

1 (1) COLLECTION.—The Secretary of Defense
2 shall require that the Secretary of each military de-
3 partment establish a record on the disposition of any
4 report of sexual harassment, whether such disposi-
5 tion is court-martial, non-judicial punishment, or
6 other administrative action. The record of any such
7 disposition shall include the following, as appro-
8 priate:

9 (A) Documentary information collected
10 about the incident reported.

11 (B) Punishment imposed, including the
12 sentencing by judicial or non-judicial means in-
13 cluding incarceration, fines, restriction, and
14 extra duty as a result of military court-martial,
15 Federal and local court and other sentencing,
16 or any other punishment imposed.

17 (C) Reasons for the selection of the dis-
18 position and punishments selected.

19 (D) Administrative actions taken, if any.

20 (E) Any pertinent referrals offered as a re-
21 sult of the incident (such as drug and alcohol
22 counseling and other types of counseling or
23 intervention).

24 (2) RETENTION.—The Secretary of Defense
25 shall require that—

1 (A) the records established pursuant to
2 paragraph (1) be retained by the Department of
3 Defense for a period of not less than 50 years;
4 and

5 (B) a copy of such records be maintained
6 at a centralized location for the same period as
7 applies to retention of the records under sub-
8 paragraph (A).

9 (c) ANNUAL REPORT ON SEXUAL HARASSMENT IN-
10 VOLVING MEMBERS OF THE ARMED FORCES.—

11 (1) ANNUAL REPORT ON SEXUAL HARASS-
12 MENT.—Not later than March 1, 2015, and each
13 March 1 thereafter through March 1, 2018, the Sec-
14 retary of each military department shall submit to
15 the Secretary of Defense a report on the sexual har-
16 assments involving members of the Armed Forces
17 under the jurisdiction of such Secretary during the
18 preceding year. Each Secretary of a military depart-
19 ment shall submit the report on a year under this
20 section at the same time as the submittal of the an-
21 nual report on sexual assaults during that year
22 under section 1631 of the Ike Skelton National De-
23 fense Authorization Act for Fiscal Year 2011 (10
24 U.S.C. 1561 note). In the case of the Secretary of

1 the Navy, separate reports shall be prepared under
2 this section for the Navy and the Marine Corps.

3 (2) CONTENTS.—The report of a Secretary of a
4 military department for an Armed Force under
5 paragraph (1) shall contain the following:

6 (A) The number of sexual harassments
7 committed against members of the Armed
8 Force that were reported to military officials
9 during the year covered by the report, and the
10 number of the cases so reported that were sub-
11 stantiated.

12 (B) The number of sexual harassments
13 committed by members of the Armed Force
14 that were reported to military officials during
15 the year covered by the report, and the number
16 of the cases so reported that were substan-
17 tiated. The information required by this sub-
18 paragraph may not be combined with the infor-
19 mation required by subparagraph (A).

20 (C) A synopsis of each such substantiated
21 case and, for each such case, the action taken
22 in such case, including the type of disciplinary
23 or administrative sanction imposed, section 815
24 of title 10, United States Code (article 15 of
25 the Uniform Code of Military Justice).

1 (D) The policies, procedures, and processes
2 implemented by the Secretary during the year
3 covered by the report in response to incidents of
4 sexual harassment involving members of that
5 Armed Force.

6 (E) Any other matters relating to sexual
7 harassment involving members of the Armed
8 Forces that the Secretary considers appro-
9 priate.

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