

113TH CONGRESS
2D SESSION

H. R. 4485

To provide for additional enhancements to the sexual assault prevention and response activities of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2014

Mr. TURNER (for himself and Ms. TSONGAS) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for additional enhancements to the sexual assault prevention and response activities of 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. SHORT TITLE.**

4 This Act may be cited as the “Furthering Account-
5 ability and Individual Rights within the Military Act of
6 2014” or the “Fair Military Act”.

1 **SEC. 2. APPRAISALS OF MEMBERS OF THE ARMED FORCES**
2 **REGARDING COMPLIANCE WITH SEXUAL AS-**
3 **SAULT PREVENTION AND RESPONSE PRO-**
4 **GRAMS.**

5 The Secretary of a military department shall each en-
6 sure that the written performance appraisals of each mem-
7 ber of the Armed Forces (whether an officer or enlisted
8 member) under the jurisdiction of that Secretary include
9 an assessment of the extent to which the member supports
10 the sexual assault prevention and response program of the
11 Armed Force concerned.

12 **SEC. 3. PERFORMANCE APPRAISALS OF COMMANDING OF-**
13 **FICERS REGARDING COMMAND CLIMATE.**

14 The Secretary of a military department shall each en-
15 sure that the performance appraisals of each commanding
16 officer under the jurisdiction of that Secretary indicate the
17 extent to which the commanding officer has or has not
18 established a command climate in which—

19 (1) allegations of sexual assault are properly
20 managed and fairly evaluated; and

21 (2) a victim can report criminal activity, includ-
22 ing sexual assault, without fear of retaliation, in-
23 cluding ostracism and group pressure from other
24 members of the command.

1 **SEC. 4. MODIFICATION OF MILITARY RULES OF EVIDENCE**
2 **RELATING TO ADMISSIBILITY OF GENERAL**
3 **MILITARY CHARACTER TOWARD PROB-**
4 **ABILITY OF INNOCENCE.**

5 (a) **MODIFICATION REQUIRED.**—Not later than 180
6 days after the date of the enactment of this Act, Rule
7 404(a) of the Military Rules of Evidence shall be modified
8 to clarify that, except as provided by subsection (b), the
9 general military character of an accused is not admissible
10 for the purpose of showing the probability of innocence
11 of the accused.

12 (b) **EXCEPTION.**—Evidence of a trait of the military
13 character of an accused may be offered in evidence by the
14 accused when that trait is relevant to an element of an
15 offense for which the accused has been charged.

16 **SEC. 5. APPLICABILITY OF SEXUAL ASSAULT PREVENTION**
17 **AND RESPONSE AND RELATED MILITARY**
18 **JUSTICE ENHANCEMENTS TO MILITARY**
19 **SERVICE ACADEMIES.**

20 (a) **MILITARY SERVICE ACADEMIES.**—The Secretary
21 of the military department concerned shall ensure that the
22 provisions of title XVII of the National Defense Author-
23 ization Act for Fiscal Year 2014 (Public Law 113–66) and
24 this Act apply to the United States Military Academy, the
25 Naval Academy, and the Air Force Academy in the same
26 manner and to the same extent as such title and this Act

1 apply to an Armed Force under the jurisdiction of that
2 Secretary.

3 (b) COAST GUARD ACADEMY.—The Secretary of the
4 Department in which the Coast Guard is operating shall
5 ensure that the provisions of title XVII of the National
6 Defense Authorization Act for Fiscal Year 2014 (Public
7 Law 113–66) and this Act apply to the Coast Guard Acad-
8 emy in the same manner and to the same extent as such
9 title and this Act apply to the Coast Guard.

10 **SEC. 6. JUDICIAL PROCEEDINGS PANEL ASSESSMENT OF**
11 **USE OF MENTAL HEALTH RECORDS BY DE-**
12 **FENSE DURING PRELIMINARY HEARING AND**
13 **COURT-MARTIAL PROCEEDINGS.**

14 (a) ADDITIONAL ASSESSMENTS.—The independent
15 panel established by the Secretary of Defense under sub-
16 section (a)(2) of section 576 of the National Defense Au-
17 thorization Act for Fiscal Year 2013 (Public Law 112–
18 239; 126 Stat. 1758), known as the “judicial proceedings
19 panel”, shall conduct assessments of—

20 (1) the use of mental health records by the de-
21 fense during preliminary hearing and court-martial
22 proceedings; and

23 (2) the use of these records in similar civilian
24 proceedings to determine whether any significant
25 discrepancies exist between the two legal systems.

1 (b) SUBMISSION OF RESULTS.—The judicial pro-
2 ceedings panel shall include the results of the assessments
3 required by subsection (a) in the remaining reports re-
4 quired by subsection (c)(2)(B) of section 576 of the Na-
5 tional Defense Authorization Act for Fiscal Year 2013.

6 **SEC. 7. COMPTROLLER GENERAL REPORT ON DEPART-**
7 **MENT OF DEFENSE ACTIONS REGARDING**
8 **SEXUAL ASSAULT PREVENTION AND RE-**
9 **SPONSE IN THE ARMED FORCES.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Comptroller General of the United
12 States shall submit to the Committees on Armed Services
13 of the Senate and the House of Representatives a report
14 describing the status of the implementation of the sexual
15 assault provisions contained in the National Defense Au-
16 thorization Act for Fiscal Year 2012 (Public Law 112–
17 181), the National Defense Authorization Act for Fiscal
18 Year 2013 (Public Law 112–239), and the National De-
19 fense Authorization Act for Fiscal Year 2014 (Public Law
20 113–66) and the sexual assault prevention initiatives an-
21 nounced in memoranda by the Secretary of Defense on
22 May 6, 2013, and August 14, 2013.

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