

113TH CONGRESS
1ST SESSION

S. 1032

To amend title 10, United States Code, to make certain improvements in the Uniform Code of Military Justice related to sex-related offenses committed by members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Mrs. McCASKILL (for herself, Ms. COLLINS, Mrs. SHAHEEN, Mr. BLUNT, and Ms. KLOBUCHAR) 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 make certain improvements in the Uniform Code of Military Justice related to sex-related offenses committed by members of 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Better Enforcement for Sexual Assault Free Environ-
6 ments Act of 2013”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Limitations on convening authority discretion regarding court-martial findings and sentence.
- Sec. 3. Participation by complaining witnesses in elemeney phase of courts-martial process.
- Sec. 4. Mandatory discharge or dismissal for certain sex-related offenses under the Uniform Code of Military Justice and trial of such offenses by general courts-martial.
- Sec. 5. Defense counsel interview of complaining witnesses in presence of trial counsel or outside counsel.
- Sec. 6. Elimination of five-year statute of limitations on trial by court-martial for additional offenses involving sex-related crimes.
- Sec. 7. Consideration of need for, and authority to provide for, temporary administrative reassignment or removal of a member on active duty who is accused of committing a sexual assault or related offense.
- Sec. 8. Briefings of commanding officers following unrestricted reports of sexual assault on members of the Armed Forces.
- Sec. 9. Victims' Counsel for victims of sex-related offenses committed by members of the Armed Forces and related provisions.
- Sec. 10. Secretary of Defense report on sentencing reform.
- Sec. 11. Secretary of Defense report on role of commanders in military justice process.

1 **SEC. 2. LIMITATIONS ON CONVENING AUTHORITY DISCRE-**
 2 **TION REGARDING COURT-MARTIAL FINDINGS**
 3 **AND SENTENCE.**

4 (a) **ELIMINATION OF UNLIMITED COMMAND PRE-**
 5 **ROGATIVE AND DISCRETION.**—Paragraph (1) of section
 6 860(c) of title 10, United States Code (article 60(c) of
 7 the Uniform Code of Military Justice) is amended by
 8 striking the first sentence.

9 (b) **LIMITATIONS ON DISCRETION REGARDING**
 10 **COURT-MARTIAL FINDINGS.**—Paragraph (3) of section
 11 860(c) of title 10, United States Code (article 60(c) of
 12 the Uniform Code of Military Justice) is amended to read
 13 as follows:

1 “(3)(A) Action on the findings of a court-martial by
2 the convening authority or by another person authorized
3 to act under this section is not required.

4 “(B) If a convening authority or other person acts
5 on the findings of a court-martial, the convening authority
6 or other person may not—

7 “(i) dismiss any charge or specification, other
8 than a charge or specification for a qualifying of-
9 fense, by setting aside a finding of guilty thereto; or

10 “(ii) change a finding of guilty to a charge or
11 specification, other than a charge or specification for
12 a qualifying offense, to a finding of guilty to an of-
13 fense that is a lesser included offense of the offense
14 stated in the charge or specification.

15 “(C) If a convening authority or other person acts
16 on the findings to dismiss or change any charge or speci-
17 fication for a qualifying offense, the convening authority
18 or other person shall prepare a written explanation of such
19 action. Such written explanation shall be immediately pro-
20 vided and made a part of the record of the court-martial
21 at the time the action is taken and becomes effective.

22 “(D)(i) In this paragraph, the term ‘qualifying of-
23 fense’ means, except as provided in clause (ii), an offense
24 under this chapter for which—

1 “(I) the maximum sentence of confinement that
2 may be adjudged does not exceed two years; and

3 “(II) the sentence adjudged does not include
4 dismissal, a dishonorable or bad-conduct discharge,
5 or confinement for more than six months.

6 “(ii) Such term does not include the following:

7 “(I) An offense under section 920 of this title
8 (article 120).

9 “(II) An offense under section 928 of this title
10 (article 128), if such offense consisted of assault
11 consummated by battery upon child under 16 years
12 of age.

13 “(III) An offense under section 934 of this title
14 (article 134), if such offense consisted of indecent
15 language communicated to child under the age of 16
16 years.

17 “(IV) Such other offenses as the Secretary of
18 Defense may prescribe by regulation.”.

19 (c) LIMITATIONS OF DISCRETION TO MODIFY AN AD-
20 JUDGED SENTENCE TO LESS THAN MANDATORY MIN-
21 IMUM SENTENCE.—Section 860(c) of title 10, United
22 States Code (article 60(c) of the Uniform Code of Military
23 Justice) is amended—

24 (1) in paragraph (2), by striking “The con-
25 vening authority” and inserting the following:

1 “(B) Except as provided in paragraph (4), the con-
2 vening authority”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(4) If a mandatory minimum sentence exists for a
6 charge, the convening authority or another person author-
7 ized to act under this section may not modify an adjudged
8 sentence to reduce the sentence to less than the mandatory
9 minimum sentence, except that, upon the recommendation
10 of the trial counsel, the convening authority or other per-
11 son shall have the authority to impose a sentence below
12 a level established by statute as a minimum sentence so
13 as to reflect the substantial assistance by the accused in
14 the investigation or prosecution of another person who has
15 committed an offense.”.

16 (d) EXPLANATION FOR ANY DECISION DIS-
17 APPROVING, COMMUTING, OR SUSPENDING COURT-MAR-
18 TIAL SENTENCE.—Section 860(c)(2) of title 10, United
19 States Code (article 60(c)(2) of the Uniform Code of Mili-
20 tary Justice), as amended by subsection (c)(1), is further
21 amended—

22 (1) by inserting “(A)” after “(2)”; and

23 (2) by adding at the end the following new sub-
24 paragraph:

1 “(C) If the convening authority or other person
2 makes a decision to disapprove, commute, or suspend the
3 sentence in whole or in part, the convening authority or
4 such person shall prepare a detailed written explanation
5 of such action. Such written explanation shall be imme-
6 diately provided and made a part of the record of the
7 court-martial at the time the action is taken and becomes
8 effective.”.

9 (e) CONFORMING AMENDMENT TO OTHER AUTHOR-
10 ITY FOR CONVENING AUTHORITY TO SUSPEND SEN-
11 TENCE.—Section 871(d) of such title (article 71(d) of the
12 Uniform Code of Military Justice) is amended by adding
13 at the end the following new sentence: “Paragraphs (2)
14 and (4) of subsection (c) of section 860 of this title (article
15 60) shall apply to any decision by the convening authority
16 or such person to suspend the execution of any sentence
17 or part thereof under this subsection.”.

18 (f) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect 180 days after the date of
20 the enactment of this Act and shall apply with respect to
21 findings and sentences of courts-martial reported to con-
22 vening authorities under section 860 of title 10, United
23 States Code (article 60 of the Uniform Code of Military
24 Justice), as amended by this section, on or after that ef-
25 fective date.

1 **SEC. 3. PARTICIPATION BY COMPLAINING WITNESSES IN**
2 **CLEMENCY PHASE OF COURTS-MARTIAL**
3 **PROCESS.**

4 Section 860(b) of title 10, United States Code (article
5 60(b) of the Uniform Code of Military Justice), is amend-
6 ed by adding at the end the following new paragraphs:

7 “(5)(A) If an accused elects to submit matters for
8 consideration by the convening authority under this sub-
9 section, a copy of any portion of such matters that refers
10 to a complaining witness shall be provided to the com-
11 plaining witness before the convening authority takes any
12 action on the findings or sentence under this section.

13 “(B)(i) Upon receipt of matters under this para-
14 graph, a complaining witness shall have 10 days to submit
15 materials in response to such matters to the convening au-
16 thority.

17 “(ii) If a complaining witness shows that additional
18 time is required for submission of materials under this
19 subparagraph, the convening authority or other person
20 taking action under this section, for good cause, may ex-
21 tend the applicable period for submission of such materials
22 for not more than an additional 20 days.

23 “(6) In any case in which findings and sentence have
24 been adjudged for an offense involving a complaining wit-
25 ness, the complaining witness shall be provided an oppor-

1 tunity to submit matters to the convening authority for
 2 consideration prior to taking action under this section.

3 “(7) The convening authority shall not consider
 4 under this section any submitted matters that go to the
 5 character of a complaining witness unless such matters
 6 were presented at the court-martial.”.

7 **SEC. 4. MANDATORY DISCHARGE OR DISMISSAL FOR CER-**
 8 **TAIN SEX-RELATED OFFENSES UNDER THE**
 9 **UNIFORM CODE OF MILITARY JUSTICE AND**
 10 **TRIAL OF SUCH OFFENSES BY GENERAL**
 11 **COURTS-MARTIAL.**

12 (a) MANDATORY DISCHARGE OR DISMISSAL RE-
 13 QUIRED.—

14 (1) IMPOSITION.—Section 856 of title 10,
 15 United States Code (article 56 of the Uniform Code
 16 of Military Justice) is amended—

17 (A) by inserting “(a)” before “The punish-
 18 ment”; and

19 (B) by adding at the end the following new
 20 subsection:

21 “(b)(1) While a person subject to this chapter who
 22 is found guilty of an offense specified in paragraph (2)
 23 shall be punished as a general court-martial may direct,
 24 such punishment must include, at a minimum, dismissal
 25 or dishonorable discharge.

1 “(2) Paragraph (1) applies to the following offenses:

2 “(A) An offense in violation of subsection (a) or
3 (b) of section 920 (article 120(a) or (b)).

4 “(B) Forcible sodomy under section 925 of this
5 title (article 125).

6 “(C) An attempt to commit an offense specified
7 in subparagraph (A) or (B) that is punishable under
8 section 880 of this title (article 80).”.

9 (2) CLERICAL AMENDMENTS.—

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

12 **“§ 856. Art. 56. Maximum and minimum limits”.**

13 (B) TABLE OF SECTIONS.—The table of
14 sections at the beginning of subchapter VIII of
15 chapter 47 of such title is amended by striking
16 the item relating to section 856 and inserting
17 the following new item:

“856. Art 56. Maximum and minimum limits.”.

18 (b) JURISDICTION LIMITED TO GENERAL COURTS-
19 MARTIAL.—Section 818 of such title (article 18 of the
20 Uniform Code of Military Justice) is amended—

21 (1) by inserting “(a)” before the first sentence;

22 (2) in the third sentence, by striking “However,
23 a general court-martial” and inserting the following:

24 “(b) A general court-martial”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(c) Consistent with sections 819, 820, and 856(b)
4 of this title (articles 19, 20, and 56(b)), only general
5 courts-martial have jurisdiction over an offense specified
6 in section 856(b)(2) of this title (article 56(b)(2)).”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect 180 days after the date of
9 the enactment of this Act.

10 **SEC. 5. DEFENSE COUNSEL INTERVIEW OF COMPLAINING**

11 **WITNESSES IN PRESENCE OF TRIAL COUNSEL**

12 **OR OUTSIDE COUNSEL.**

13 Section 846 of title 10, United States Code (article
14 46 of the Uniform Code of Military Justice), is amended—

15 (1) by inserting “(a) OPPORTUNITY TO OBTAIN
16 WITNESSES AND OTHER EVIDENCE.—” before “The
17 trial counsel”;

18 (2) by striking “Process issued” and inserting
19 the following:

20 “(c) PROCESS.—Process issued”; and

21 (3) by inserting after subsection (a), as des-
22 ignated by paragraph (1), the following new sub-
23 section (b):

24 “(b) INTERVIEW OF COMPLAINING WITNESSES BY
25 DEFENSE COUNSEL.—(1) Upon notice by trial counsel to

1 defense counsel of the name and address of the com-
 2 plaining witness or witnesses trial counsel intends to call
 3 to testify in any portion of an investigation under section
 4 832 of this title (article 32) or a court-martial under this
 5 chapter, defense counsel shall make all requests to inter-
 6 view any such complaining witness through trial counsel.

7 “(2) If requested by a complaining witness subject
 8 to a request for interview under paragraph (1), any inter-
 9 view of the witness by defense counsel shall take place only
 10 in the presence of trial counsel, counsel for the witness,
 11 or outside counsel.”.

12 **SEC. 6. ELIMINATION OF FIVE-YEAR STATUTE OF LIMITA-**
 13 **TIONS ON TRIAL BY COURT-MARTIAL FOR AD-**
 14 **DITIONAL OFFENSES INVOLVING SEX-RE-**
 15 **LATED CRIMES.**

16 (a) INCLUSION OF ADDITIONAL OFFENSES.—Section
 17 843(a) of title 10, United States Code (article 43(a) of
 18 the Uniform Code of Military Justice) is amended by
 19 striking “rape, or rape of a child” and inserting “rape
 20 or sexual assault, or rape or sexual assault of a child”.

21 (b) CONFORMING AMENDMENT.—Section
 22 843(b)(2)(B)(i) of title 10, United States Code (article
 23 43(b)(2)(B)(i) of the Uniform Code of Military Justice)
 24 is amended by inserting before the period at the end the

1 following: “, unless the offense is covered by subsection
2 (a)”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act, and shall apply with respect to an offense cov-
6 ered by section 920(b) or 920b(b) of title 10, United
7 States Code (article 120(b) or 120b(b) of the Uniform
8 Code of Military Justice) that is committed on or after
9 that date.

10 **SEC. 7. CONSIDERATION OF NEED FOR, AND AUTHORITY**
11 **TO PROVIDE FOR, TEMPORARY ADMINISTRA-**
12 **TIVE REASSIGNMENT OR REMOVAL OF A**
13 **MEMBER ON ACTIVE DUTY WHO IS ACCUSED**
14 **OF COMMITTING A SEXUAL ASSAULT OR RE-**
15 **LATED OFFENSE.**

16 (a) IN GENERAL.—Chapter 39 of title 10, United
17 States Code, is amended by inserting after section 673 the
18 following new section:

19 **“§ 674. Temporary administrative reassignment or re-**
20 **moval of a member on active duty ac-**
21 **cused of committing a sexual assault or**
22 **related offense**

23 “(a) GUIDANCE FOR TIMELY CONSIDERATION AND
24 ACTION.—The Secretary concerned may provide guidance,
25 within guidelines provided by the Secretary of Defense, for

1 commanders regarding their authority to make a timely
2 determination, and to take action, regarding whether a
3 member of the armed forces serving on active duty who
4 is alleged to have committed a sexual assault or other sex-
5 related offense covered by section 920, 920a, 920b, or
6 920c of this title (article 120, 120a, 120b, or 120c of the
7 Uniform Code of Military Justice) should be temporarily
8 reassigned or removed from a position of authority or as-
9 signment, not as a punitive measure, but solely for the
10 purpose of maintaining good order and discipline within
11 the member's unit.

12 “(b) TIME FOR DETERMINATIONS.—A determination
13 described in subsection (a) may be made at any time after
14 receipt of notification of an unrestricted report of a sexual
15 assault or other sex-related offense that identifies the
16 member as an alleged perpetrator.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item relating to section 673 the following new
20 item:

“674. Temporary administrative reassignment or removal of a member on active
duty accused of committing a sexual assault or related of-
fense.”.

21 (c) ADDITIONAL TRAINING REQUIREMENT FOR COM-
22 MANDERS.—The Secretary of Defense shall provide for in-
23 clusion of information and discussion regarding the avail-
24 ability and use of the authority provided by section 674

1 of title 10, United States Code, as added by subsection
2 (a), as part of the training for new and prospective com-
3 manders at all levels of command required by section
4 585(b) of the National Defense Authorization Act for Fis-
5 cal Year 2012 (Public Law 112–81; 10 U.S.C. 1561 note).

6 **SEC. 8. BRIEFINGS OF COMMANDING OFFICERS FOL-**
7 **LOWING UNRESTRICTED REPORTS OF SEX-**
8 **UAL ASSAULT ON MEMBERS OF THE ARMED**
9 **FORCES.**

10 (a) BRIEFINGS REQUIRED.—Not later than eight
11 days after a member of the Armed Forces files an unre-
12 stricted report on a sexual assault of such member, the
13 commanding officer of the member filing such report shall
14 provide a briefing on such incident to the following:

15 (1) The first colonel, or captain in the case of
16 the Navy, in the chain of command of such member.

17 (2) The first general or flag officer in the chain
18 of command of such member.

19 (b) ELEMENTS.—

20 (1) IN GENERAL.—A briefing on an incident
21 under subsection (a) shall include the following:

22 (A) Information on the victim (other than
23 the name of the victim).

24 (B) Information on the alleged offender
25 (other than the name of the alleged offender).

1 (C) The details of the incident.

2 (D) Any actions taken in connection with
3 the incident, including the following:

4 (i) Referral of the victim to any serv-
5 ices available for members of the Armed
6 Forces who are victims of sexual assault,
7 including the date of each such referral.

8 (ii) Any investigation of the incident,
9 including the date of any significant action
10 in connection any such investigation.

11 (2) MODIFICATION.—The Secretary of Defense
12 may modify the elements required in a briefing
13 under this section if the Secretary determines that
14 such modification will facilitate compliance of brief-
15 ings under this section with best practices for such
16 briefing as identified by the Sexual Assault Preven-
17 tion and Response Office of the Department of De-
18 fense.

19 (c) PREPARATION.—The collection and assembly of
20 any information required for a briefing under this section
21 shall be conducted by a Sexual Assault Response Coordi-
22 nator. Information required for a briefing may not be col-
23 lected or assembled through an investigation or interview
24 of the victim by any commanding officer of the victim.

1 (d) REGULATIONS.—The Secretary of Defense shall
2 prescribe regulations to carry out this section.

3 **SEC. 9. VICTIMS' COUNSEL FOR VICTIMS OF SEX-RELATED**
4 **OFFENSES COMMITTED BY MEMBERS OF THE**
5 **ARMED FORCES AND RELATED PROVISIONS.**

6 (a) DESIGNATION AND DUTIES.—

7 (1) IN GENERAL.—Chapter 53 of title 10,
8 United States Code, is amended by inserting after
9 section 1044d the following new section:

10 **“§ 1044e. Victims' Counsel for victims of sex-related**
11 **offenses committed by members of the**
12 **armed forces**

13 “(a) DESIGNATION; PURPOSES.—Under regulations
14 prescribed by the Secretary of Defense, the Secretary con-
15 cerned shall designate legal counsel (to be known as ‘Vic-
16 tims' Counsel’) for the purpose of providing legal assist-
17 ance to any member of the armed forces, any dependent
18 of a member, or any other individual eligible for military
19 legal assistance under section 1044 of this title, who is
20 the victim of a sex-related offense, regardless of whether
21 the allegation is restricted or unrestricted.

22 “(b) TYPES OF LEGAL ASSISTANCE.—The types of
23 legal assistance contemplated by this subsection may in-
24 clude the following:

1 “(1) Legal consultation regarding potential
2 criminal liability of the victim stemming from or in
3 relation to the circumstances surrounding the al-
4 leged sex-related offense and the victim’s right to
5 seek military defense services.

6 “(2) Legal consultation regarding the Victim
7 Witness Assistance Program (VWAP), including—

8 “(A) the rights and benefits afforded the
9 victim;

10 “(B) the role of the Victim/Witness Advo-
11 cate or Liaison and what privileges do or do not
12 exist between the victim and the Advocate or
13 Liaison; and

14 “(C) the nature of communication made to
15 the Victim/Witness Advocate or Liaison as op-
16 posed to communication made to the Legal As-
17 sistance Attorney.

18 “(3) Legal consultation regarding the potential
19 for civil litigation against other parties (other than
20 the Department of Defense).

21 “(4) Legal consultation regarding any pro-
22 ceedings of the military justice process that the vic-
23 tim may observe.

24 “(5) Legal consultation regarding the military
25 justice system, including—

1 “(A) the roles and responsibilities of the
2 trial counsel, the defense counsel, and investiga-
3 tors;

4 “(B) any proceedings of the military jus-
5 tice process in which the victim may observe or
6 participate as a witness or other party;

7 “(C) the Government’s authority to compel
8 cooperation and testimony; and

9 “(D) the victim’s responsibility to testify,
10 and other duties to the court.

11 “(6) Accompanying the victim at any pro-
12 ceedings in connection with the reporting, military
13 investigation, and military prosecution of the alleged
14 sex-related offense.

15 “(7) Legal consultation regarding—

16 “(A) services available from appropriate
17 agencies or offices for emotional and mental
18 health counseling and other medical services;

19 “(B) eligibility for and requirements for
20 obtaining any available military and veteran
21 benefits, such as transitional compensation ben-
22 efits found in section 1059 of this title and
23 other State and Federal victims’ compensation
24 programs; and

1 “(C) the availability of, and any protec-
2 tions offered by, civilian and military restrain-
3 ing orders.

4 “(8) Legal consultation and assistance in per-
5 sonal civil legal matters in accordance with section
6 1044 of this title.

7 “(9) Such other legal assistance as the Sec-
8 retary concerned may specify under this subsection.

9 “(c) QUALIFICATIONS.—An individual may not be
10 designated as a Victims’ Counsel under this section unless
11 the individual is—

12 “(1) a judge advocate or a civilian attorney
13 serving as a legal assistance attorney who is a grad-
14 uate of an accredited law school and is a member of
15 the bar of a Federal court or of the highest court
16 of a State; and

17 “(2) is certified as competent to be designated
18 as a Victims’ Counsel by the Judge Advocate Gen-
19 eral of the Armed Force of which the individual is
20 a member.

21 “(d) ADMINISTRATIVE RESPONSIBILITY.—Under
22 such regulations as may be prescribed by the Secretary
23 concerned, the Judge Advocate General (as defined in sec-
24 tion 801(1) of this title) under the jurisdiction of the Sec-
25 retary, and within the Marine Corps the Staff Judge Ad-

1 vocate to the Commandant of the Marine Corps, is respon-
2 sible for the establishment and supervision of individuals
3 designated as Victims' Counsel.

4 “(e) SEX-RELATED OFFENSE DEFINED.—In this
5 subsection, a ‘sex-related offense’ includes—

6 “(1) any offense covered by section 920, 920a,
7 920b, 920c, or 925 (article 120, 120a, 120b, 120c,
8 or 125 of the Uniform Code of Military Justice); or

9 “(2) an attempt to commit an offense specified
10 in a paragraph (1) as punishable under section 880
11 of this title (article 80 of the Uniform Code of Mili-
12 tary Justice).

13 “(f) AVAILABILITY OF VICTIMS' COUNSEL.—A mem-
14 ber of the armed forces, or a dependent of a member, or
15 any other individual eligible for military legal assistance
16 under section 1044 of this title, who is the victim of an
17 alleged sex-related offense shall be provided assistance by
18 a Victims' Counsel upon report of an allegation of a sex-
19 related offense or at the time the victim seeks assistance
20 from a Sexual Assault Response Coordinator, a Sexual As-
21 sault Victim Advocate, a military criminal investigator, a
22 victim/witness liaison, a trial counsel, a healthcare pro-
23 vider, or any other personnel designated by the Secretary
24 concerned for purposes of this subsection. The assistance
25 of a Victims' Counsel under this subsection shall be avail-

1 able to a member or a dependent regardless of whether
 2 the member or dependent elects unrestricted or restricted
 3 reporting of the sex-related offense. The member or de-
 4 pendent shall also be informed that the assistance of the
 5 Victims' Counsel is an option and may be declined, in
 6 whole or in part, at any time.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
 8 tions at the beginning of such chapter is amended
 9 by inserting after the item relating to section 1044d
 10 the following new item:

“1044e. Victims' Counsel for victims of sexual assault-related offenses com-
 mitted by members of the armed forces.”.

11 (3) CONFORMING AMENDMENT.—Section
 12 1044(d)(2)(B) of this title is amended by striking
 13 “and 1044d” and inserting “1044d, and 1044e”.

14 (b) ENHANCED TRAINING REQUIREMENT.—The Sec-
 15 retary of each military department, and the Secretary of
 16 Homeland Security with respect to the Coast Guard when
 17 it is not operating as a service in the Department of the
 18 Navy, shall implement, within the guidelines provided by
 19 the Secretary of Defense, in-depth and advanced training
 20 for all military and civilian attorneys assigned under sec-
 21 tion 1044 or 1044e of title 10, United States Code, to
 22 provide legal assistance to victims of sex-related offenses.

23 (c) SECRETARY OF DEFENSE REPORTING REQUIRE-
 24 MENT.—

1 (1) REPORT REQUIRED.—Not later than 90
2 days after the date of the enactment of this Act, the
3 Secretary of Defense, in coordination with the Sec-
4 retary of Homeland Security with respect to the
5 Coast Guard, shall submit to the Committees on
6 Armed Services of the Senate and the House of Rep-
7 resentatives a report outlining how the Armed
8 Forces have implemented the requirements of sec-
9 tion 1044e of title 10, United States Code, as added
10 by subsection (a).

11 (2) ADDITIONAL SUBMISSION REQUIREMENT.—
12 The report required by paragraph (1) shall also be
13 submitted to the Independent Review Panels estab-
14 lished by section 576 of the National Defense Au-
15 thorization Act for Fiscal Year 2013 (Public Law
16 112–239; 126 Stat. 1758), and the Joint Services
17 Committee on Military Justice.

18 (d) ADDITIONAL DUTIES FOR INDEPENDENT RE-
19 VIEW PANEL.—The Independent Review Panel established
20 by section 576(a)(1) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2013 (Public Law 112–239; 126
22 Stat. 1758) shall include as part of its duties the fol-
23 lowing:

24 (1) An assessment of the roles, responsibilities,
25 and authorities of the Victims’ Counsel to provide

1 legal assistance to victims of sex-related offenses
2 under section 1044e of title 10, United States Code,
3 as added by subsection (a).

4 (2) An assessment of whether the roles, respon-
5 sibilities, and authorities of the Victims' Counsel to
6 provide legal assistance to victims of sex-related of-
7 fenses under such section should be expanded to in-
8 clude legal standing to represent the alleged victim
9 during investigative and military justice proceedings
10 in connection with the prosecution of a sex-related
11 offense.

12 **SEC. 10. SECRETARY OF DEFENSE REPORT ON SEN-**
13 **TENCING REFORM.**

14 (a) **REPORTS REQUIRED.**—Not later than 180 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the Committees on Armed Serv-
17 ices of the Senate and the House of Representatives a re-
18 port on sentencing guidelines and mandatory minimum
19 sentencing provisions under the Uniform Code of Military
20 Justice.

21 (b) **CONTENTS OF REPORT.**—The report required by
22 subsection (a) shall include the following:

23 (1) An assessment of the effects of mandatory
24 minimum sentencing provisions under the Uniform
25 Code of Military Justice on the goal of eliminating

1 unwarranted sentencing disparity and other goals of
2 sentencing.

3 (2) An assessment of the penalties imposed by
4 the current mandatory minimum sentences in rela-
5 tion to the offenses for which imposed under the
6 Uniform Code of Military Justice.

7 (3) A description of the interaction between
8 mandatory minimum sentencing provisions under the
9 Uniform Code of Military Justice and plea agree-
10 ments.

11 (4) An assessment of the appropriateness of
12 statutorily mandated minimum sentencing provisions
13 for additional serious offenses under the Uniform
14 Code of Military Justice.

15 (5) An assessment of the advisory sentencing
16 guidelines used in civilian courts and whether it
17 would be advisable to promulgate sentencing guide-
18 lines for use in courts-martial.

19 (6) Any other information that the Secretary of
20 Defense determines would contribute to a thorough
21 assessment of sentencing guidelines and mandatory
22 minimum sentencing provisions under the Uniform
23 Code of Military Law.

1 **SEC. 11. SECRETARY OF DEFENSE REPORT ON ROLE OF**
2 **COMMANDERS IN MILITARY JUSTICE PROC-**
3 **ESS.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to the Committees on Armed Services of the Senate and
7 the House of Representatives a report containing an as-
8 sessment of the current role of commanders in the admin-
9 istration of military justice and the investigation, prosecu-
10 tion, and adjudication of offenses under the Uniform Code
11 of Military Justice. Specifically, the Secretary of Defense
12 shall assess the post-trial authority of a commander under
13 section 860 of title 10, United States Code (article 60 of
14 the Uniform Code of Military Justice), as amended by sec-
15 tion 2, and include in the report a recommendation re-
16 garding whether this authority should be further modified
17 or repealed.

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