

114TH CONGRESS
1ST SESSION

H. R. 2026

To enhance the sexual assault prevention and response program of the
Department of Defense.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2015

Mr. TURNER (for himself and Ms. TSONGAS) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To enhance the sexual assault prevention and response
program of the Department of Defense.

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 “Support Uniformed Patriots; Prevent Offenses and Re-
6 store Trust Act” or the “SUPPORT Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Sexual assault prevention and response training for administrators and
instructors of the Reserve Officers' Training Corps.

- Sec. 3. Strategy to prevent retaliation against members of the Armed Forces who report or intervene on behalf of the victim in instances of sexual assault.
- Sec. 4. Department of Defense civilian employee access to Special Victims' Counsel.
- Sec. 5. Improvements to Special Victims' Counsel program.
- Sec. 6. Improved Department of Defense prevention and response to sexual assaults in which the victim is a male member of the Armed Forces.
- Sec. 7. Additional guidance regarding the use of mental health records.
- Sec. 8. Improvements to the implementation of changes to the Uniform Code of Military Justice.

1 **SEC. 2. SEXUAL ASSAULT PREVENTION AND RESPONSE**
 2 **TRAINING FOR ADMINISTRATORS AND IN-**
 3 **STRUCTORS OF THE RESERVE OFFICERS'**
 4 **TRAINING CORPS.**

5 (a) TRAINING AND EDUCATION REQUIRED.—The
 6 Secretary of a military department shall ensure that the
 7 commander of each unit of the Junior Reserve Officers'
 8 Training Corps or Senior Reserve Officers' Training
 9 Corps and all Professors of Military Science, senior mili-
 10 tary instructors, and civilian employees detailed, assigned,
 11 or employed as administrators and instructors of the Re-
 12 serve Officers' Training Corps receive regular sexual as-
 13 sault prevention and response training and education.

14 (b) AVAILABILITY OF LEGAL ASSISTANCE AND SEX-
 15 UAL ASSAULT PREVENTION AND RESPONSE PROGRAM
 16 SERVICES.—The Secretary of a military department shall
 17 ensure that information regarding the availability of legal
 18 assistance and the services of the sexual assault prevention
 19 and response program of the Department of Defense is

1 made available to the Reserve Officers' Training Corps
2 personnel referred to in subsection (a).

3 **SEC. 3. STRATEGY TO PREVENT RETALIATION AGAINST**
4 **MEMBERS OF THE ARMED FORCES WHO RE-**
5 **PORT OR INTERVENE ON BEHALF OF THE**
6 **VICTIM IN INSTANCES OF SEXUAL ASSAULT.**

7 (a) STRATEGY REQUIRED.—The Secretary of De-
8 fense shall establish a comprehensive strategy to prevent
9 retaliation carried out by members of the Armed Forces
10 against other members who report or otherwise intervene
11 on behalf of the victim in instances of sexual assault.

12 (b) ELEMENTS.—The comprehensive strategy re-
13 quired by subsection (a) shall include, at a minimum, the
14 following:

15 (1) Bystander intervention programs empha-
16 sizing the importance of guarding against such retal-
17 iation.

18 (2) Department of Defense and military depart-
19 ment policies and requirements to ensure protection
20 from retaliation against victims of sexual assault
21 and members who intervene on behalf of a victim.

22 (3) Additional training for commanders on
23 methods and procedures to combat attitudes and be-
24 liefs that lead to acts of retaliation by members.

1 (c) RETALIATION DESCRIBED.—For purposes of this
2 section, the term “retaliation” has the meaning given that
3 term in the regulations issued by the Secretary of Defense
4 pursuant to section 1709(b)(1) of the National Defense
5 Authorization Act for Fiscal Year 2014 (Public Law 113–
6 66; 10 U.S.C. 113 note) and shall include ostracism and
7 other acts of maltreatment designated by the Secretary
8 pursuant to subparagraph (B) of such section.

9 (d) BRIEFING.—Not later than 90 days after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall brief the Committees on Armed Services of the Sen-
12 ate and the House of Representatives on the comprehen-
13 sive strategy required by subsection (a).

14 **SEC. 4. DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEE**
15 **ACCESS TO SPECIAL VICTIMS’ COUNSEL.**

16 Section 1044(a) of title 10, United States Code, is
17 amended by adding the following new paragraph:

18 “(8) In any instance in which the victim of a
19 sex-related offense is a Department of Defense civil-
20 ian employee, the Secretary of Defense or the Sec-
21 retary of a military department may waive the limi-
22 tation outlined in paragraph (7) in order to permit
23 the civilian employee to obtain the services of a Spe-
24 cial Victims’ Counsel under section 1044e of this
25 title.”.

1 **SEC. 5. IMPROVEMENTS TO SPECIAL VICTIMS' COUNSEL**
2 **PROGRAM.**

3 (a) **QUALIFICATIONS AND DESIGNATION.**—Section
4 1044e(d) of title 10, United States Code, is amended—

5 (1) by inserting “(1)” before “An individual”;

6 (2) by designating existing paragraphs (1) and

7 (2) as subparagraphs (A) and (B), respectively; and

8 (3) by adding at the end the following new
9 paragraphs:

10 “(2) The Secretary of Defense shall direct the Sec-
11 retary of each military department to implement addi-
12 tional selection criteria requiring that judge advocates
13 have adequate criminal justice experience before they are
14 assigned as Special Victims' Counsel.

15 “(3) The Secretary of Defense shall develop a policy
16 to standardize both the timeframe within which Special
17 Victims' Counsel receive training and the training that
18 each Special Victims' Counsel receives.”.

19 (b) **ADMINISTRATIVE RESPONSIBILITY.**—Section
20 1044e(e) of title 10, United States Code, is amended by
21 adding at the end the following new paragraphs:

22 “(3) The Secretary of Defense shall establish appro-
23 priate program performance measures and standards, in-
24 cluding evaluating, monitoring, and reporting on the Spe-
25 cial Victims' Counsel programs, establishing guiding prin-
26 ciples for the military departments, and ensuring central-

1 ized, standardized assessment of program effectiveness
2 and client satisfaction.

3 “(4) The Secretary of Defense shall direct the Sec-
4 retary of each military department to perform regular
5 evaluations to ensure that Special Victims’ Counsel are as-
6 signed to locations that maximize the opportunity for face-
7 to-face interactions between counsel and clients and to de-
8 velop effective means by which a Special Victims’ Counsel
9 may communicate with a client when face-to-face commu-
10 nication is not feasible.”.

11 **SEC. 6. IMPROVED DEPARTMENT OF DEFENSE PREVEN-**
12 **TION AND RESPONSE TO SEXUAL ASSAULTS**
13 **IN WHICH THE VICTIM IS A MALE MEMBER**
14 **OF THE ARMED FORCES.**

15 (a) REVISED TRAINING.—The Secretary of Defense
16 shall direct the Under Secretary of Defense for Personnel
17 and Readiness, in collaboration with the Secretaries of the
18 military services, to revise sexual assault prevention and
19 response training to more comprehensively and directly
20 address the incidence of male servicemembers being sexu-
21 ally assaulted and how certain behavior and activities—
22 like hazing—can constitute a sexual assault.

23 (b) EVALUATION OF DIFFERENCES IN MEDICAL AND
24 MENTAL HEALTH-CARE NEEDS.—The Secretary of De-
25 fense shall direct the Assistant Secretary of Defense for

1 Health Affairs, in collaboration with the services' Sur-
2 geons General, to systematically evaluate the extent to
3 which differences exist in the medical and mental health-
4 care needs of male and female sexual assault victims, and
5 the care regimen, if any, that will best meet those needs.

6 (c) IMPROVED DATA COLLECTION AND USE.—The
7 Secretary of Defense shall direct the Under Secretary of
8 Defense for Personnel and Readiness, in collaboration
9 with the Secretaries of the military services, to develop—

10 (1) a plan for data-driven decisionmaking for
11 male victim sexual assault prevention and response
12 program efforts; and

13 (2) clear goals with associated metrics to drive
14 the changes needed to address sexual assaults of
15 males.

16 (d) IMPROVED INFORMATION TO MEMBERS.—The
17 Secretary of Defense shall direct the Under Secretary of
18 Defense for Personnel and Readiness, in collaboration
19 with the Secretaries of the military services, to include in-
20 formation about the sexual victimization of males in com-
21 munications to servicemembers that are used to raise
22 awareness of sexual assault and the department's efforts
23 to prevent and respond to it.

24 (e) IMPROVED GUIDELINES FOR PROVIDERS.—The
25 Secretary of Defense shall direct the Assistant Secretary

1 of Defense for Health Affairs should, in collaboration with
2 the services' Surgeons General, to develop and issue guid-
3 ance for the department's medical and mental health pro-
4 viders—and other personnel, as appropriate—based on
5 the results of this evaluation that delineates these gender-
6 specific distinctions and the care regimen that is rec-
7 ommended to most effectively meet those needs.

8 **SEC. 7. ADDITIONAL GUIDANCE REGARDING THE USE OF**
9 **MENTAL HEALTH RECORDS.**

10 The Secretary of Defense shall establish and issue
11 uniform guidance to ensure that mental health records are
12 neither sought from a medical treatment facility by inves-
13 tigators or military justice practitioners nor acknowledged
14 or released by medical treatment facility personnel until
15 the production of such mental health records have been
16 ordered by a military judge or Article 32 hearing officer.

17 **SEC. 8. IMPROVEMENTS TO THE IMPLEMENTATION OF**
18 **CHANGES TO THE UNIFORM CODE OF MILI-**
19 **TARY JUSTICE.**

20 The Secretary of Defense shall examine the Depart-
21 ment of Defense and interagency review process for imple-
22 menting statutory changes to the Uniform Code of Mili-
23 tary Justice and should explore options for streamlining
24 these procedures. The Secretary shall adopt procedures
25 that ensure that legal guidance is published as statutory

1 changes to the Uniform Code of Military Justice are im-
2 plemented.

○