

1 **SEC. 1716. DESIGNATION AND AVAILABILITY OF SPECIAL**
2 **VICTIMS' COUNSEL FOR VICTIMS OF SEX-RE-**
3 **LATED OFFENSES.**

4 (a) DESIGNATION AND DUTIES.—

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

8 **“§ 1044e. Special Victims' Counsel for victims of sex-**
9 **related offenses**

10 “(a) DESIGNATION; PURPOSES.—The Secretary con-
11 cerned shall designate legal counsel (to be known as ‘Spe-
12 cial Victims' Counsel’) for the purpose of providing legal
13 assistance to an individual eligible for military legal assist-
14 ance under section 1044 of this title who is the victim of
15 an alleged sex-related offense, regardless of whether the
16 report of that offense is restricted or unrestricted.

17 “(b) TYPES OF LEGAL ASSISTANCE AUTHORIZED.—
18 The types of legal assistance authorized by subsection (a)
19 include the following:

20 “(1) Legal consultation regarding potential
21 criminal liability of the victim stemming from or in
22 relation to the circumstances surrounding the al-
23 leged sex-related offense and the victim's right to
24 seek military defense services.

25 “(2) Legal consultation regarding the Victim
26 Witness Assistance Program, including—

1 “(A) the rights and benefits afforded the
2 victim;

3 “(B) the role of the Victim Witness Assist-
4 ance Program liaison and what privileges do or
5 do not exist between the victim and the liaison;
6 and

7 “(C) the nature of communication made to
8 the liaison in comparison to communication
9 made to a Special Victims’ Counsel or a legal
10 assistance attorney under section 1044 of this
11 title.

12 “(3) Legal consultation regarding the respon-
13 sibilities and support provided to the victim by the
14 Sexual Assault Response Coordinator, a unit or in-
15 stallation Sexual Assault Victim Advocate, or domes-
16 tic abuse advocate, to include any privileges that
17 may exist regarding communications between those
18 persons and the victim.

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

22 “(5) Legal consultation regarding the military
23 justice system, including (but not limited to)—

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;

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

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

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

14 “(7) Legal consultation regarding eligibility and
15 requirements for services available from appropriate
16 agencies or offices for emotional and mental health
17 counseling and other medical services;

18 “(8) Legal consultation and assistance—

19 “(A) in personal civil legal matters in ac-
20 cordance with section 1044 of this title;

21 “(B) in any proceedings of the military
22 justice process in which a victim can participate
23 as a witness or other party;

24 “(C) in understanding the availability of,
25 and obtaining any protections offered by, civil-

1 ian and military protecting or restraining or-
2 ders; and

3 “(D) in understanding the eligibility and
4 requirements for, and obtaining, any available
5 military and veteran benefits, such as transi-
6 tional compensation benefits found in section
7 1059 of this title and other State and Federal
8 victims’ compensation programs.

9 “(9) Such other legal assistance as the Sec-
10 retary of Defense (or, in the case of the Coast
11 Guard, the Secretary of the Department in which
12 the Coast Guard is operating) may authorize in the
13 regulations prescribed under subsection (h).

14 “(c) NATURE OF RELATIONSHIP.—The relationship
15 between a Special Victims’ Counsel and a victim in the
16 provision of legal advice and assistance shall be the rela-
17 tionship between an attorney and client.

18 “(d) QUALIFICATIONS.—An individual may not be
19 designated as a Special Victims’ Counsel under this sec-
20 tion unless the individual—

21 “(1) meets the qualifications specified in section
22 1044(d)(2) of this title; and

23 “(2) is certified as competent to be designated
24 as a Special Victims’ Counsel by the Judge Advocate
25 General of the armed force in which the judge advo-

1 cate is a member or by which the civilian attorney
2 is employed.

3 “(e) ADMINISTRATIVE RESPONSIBILITY.—(1) Con-
4 sistent with the regulations prescribed under subsection
5 (h), the Judge Advocate General (as defined in section
6 801(1) of this title) under the jurisdiction of the Sec-
7 retary, and within the Marine Corps the Staff Judge Ad-
8 vocate to the Commandant of the Marine Corps, is respon-
9 sible for the establishment and supervision of individuals
10 designated as Special Victims’ Counsel.

11 “(2) The Secretary of Defense (and, in the case of
12 the Coast Guard, the Secretary of the Department in
13 which the Coast Guard is operating) shall conduct a peri-
14 odic evaluation of the Special Victims’ Counsel programs
15 operated under this section.

16 “(f) AVAILABILITY OF SPECIAL VICTIMS’ COUN-
17 SEL.—(1) An individual eligible for military legal assist-
18 ance under section 1044 of this title who is the victim of
19 an alleged sex-related offense shall be offered the option
20 of receiving assistance from a Special Victims’ Counsel
21 upon report of an alleged sex-related offense or at the time
22 the victim seeks assistance from a Sexual Assault Re-
23 sponse Coordinator, a Sexual Assault Victim Advocate, a
24 military criminal investigator, a victim/witness liaison, a
25 trial counsel, a healthcare provider, or any other personnel

1 designated by the Secretary concerned for purposes of this
2 subsection.

3 “(2) The assistance of a Special Victims’ Counsel
4 under this subsection shall be available to an individual
5 eligible for military legal assistance under section 1044 of
6 this title regardless of whether the individual elects unre-
7 stricted or restricted reporting of the alleged sex-related
8 offense. The individual shall also be informed that the as-
9 sistance of a Special Victims’ Counsel may be declined,
10 in whole or in part, but that declining such assistance does
11 not preclude the individual from subsequently requesting
12 the assistance of a Special Victims’ Counsel.

13 “(g) ALLEGED SEX-RELATED OFFENSE DEFINED.—
14 In this section, the term ‘alleged sex-related offense’
15 means any allegation of—

16 “(1) a violation of section 920, 920a, 920b,
17 920c, or 925 of this title (article 120, 120a, 120b,
18 120c, or 125 of the Uniform Code of Military Jus-
19 tice); or

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

24 “(h) REGULATIONS.—The Secretary of Defense and
25 the Secretary of the Department in which the Coast Guard

1 is operating shall prescribe regulations to carry out this
2 section.”.

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

“1044e. Special Victims’ Counsel for victims of sex-related offenses.”.

7 (3) CONFORMING AMENDMENTS.—

8 (A) QUALIFICATIONS OF PERSONS PRO-
9 VIDING LEGAL ASSISTANCE.—Section
10 1044(d)(2) of such title is amended by inserting
11 before the period at the end the following:
12 “and, for purposes of service as a Special Vie-
13 tims’ Counsel under section 1044e of this title,
14 meets the additional qualifications specified in
15 subsection (d)(2) of such section.”.

16 (B) INCLUSION IN DEFINITION OF MILI-
17 TARY LEGAL ASSISTANCE.—Section
18 1044(d)(3)(B) of such title is amended by strik-
19 ing “and 1044d” and inserting “1044d, 1044e,
20 and 1565b(a)(1)(A)”.

21 (C) ACCESS TO LEGAL ASSISTANCE AND
22 SERVICES.—Section 1565b(a)(1)(A) of such
23 title is amended by striking “section 1044” and
24 inserting “sections 1044 and 1044e”.

1 (4) IMPLEMENTATION.—Section 1044e of title
2 10, United States Code, as added by paragraph (1),
3 shall be implemented within 180 days after the date
4 of the enactment of this Act.

5 (b) ENHANCED TRAINING REQUIREMENT.—The Sec-
6 retary of each military department, and the Secretary of
7 Homeland Security with respect to the Coast Guard when
8 it is not operating as a service in the Department of the
9 Navy, shall implement, consistent with the guidelines pro-
10 vided under section 1044e of title 10, United States Code,
11 as added by subsection (a), in-depth and advanced train-
12 ing for all military and civilian attorneys providing legal
13 assistance under section 1044 or 1044e of such title to
14 support victims of alleged sex-related offenses.

15 (c) SECRETARY OF DEFENSE IMPLEMENTATION RE-
16 PORT.—

17 (1) REPORT REQUIRED.—Not later than 90
18 days after the date of the enactment of this Act, the
19 Secretary of Defense, in coordination with the Sec-
20 retary of Homeland Security with respect to the
21 Coast Guard, shall submit to the Committees on
22 Armed Services and Commerce, Science, and Trans-
23 portation of the Senate and the Committees on
24 Armed Services and Transportation and Infrastruc-
25 ture of the House of Representatives a report de-

1 scribing how the Armed Forces will implement the
2 requirements of section 1044e of title 10, United
3 States Code, as added by subsection (a).

4 (2) ADDITIONAL SUBMISSION REQUIREMENT.—
5 The report required by paragraph (1) shall also be
6 submitted to the independent review panel estab-
7 lished by the Secretary of Defense under section
8 576(a)(1) of the National Defense Authorization Act
9 for Fiscal Year 2013 (Public Law 112–239; 126
10 Stat. 1758) and to the Joint Services Committee on
11 Military Justice.

12 **Subtitle C—Amendments to Other** 13 **Laws**

14 **SEC. 1721. TRACKING OF COMPLIANCE OF COMMANDING** 15 **OFFICERS IN CONDUCTING ORGANIZATIONAL** 16 **CLIMATE ASSESSMENTS FOR PURPOSES OF** 17 **PREVENTING AND RESPONDING TO SEXUAL** 18 **ASSAULTS.**

19 Section 572 of the National Defense Authorization
20 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
21 1753; 10 U.S.C. 1561 note) is amended by adding at the
22 end the following new subsection:

23 “(d) TRACKING OF ORGANIZATIONAL CLIMATE AS-
24 SESSMENT COMPLIANCE.—The Secretary of Defense shall
25 direct the Secretaries of the military departments to verify