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1 **Subtitle A—Reform of Uniform**
2 **Code of Military Justice**

3 **SEC. 1701. EXTENSION OF CRIME VICTIMS' RIGHTS TO VIC-**
4 **TIMS OF OFFENSES UNDER THE UNIFORM**
5 **CODE OF MILITARY JUSTICE.**

6 (a) VICTIMS' RIGHTS.—

7 (1) IN GENERAL.—Subchapter I of chapter 47
8 of title 10, United States Code (the Uniform Code
9 of Military Justice), is amended by adding at the
10 end the following new section (article):

1 **“§ 806b. Art. 6b. Rights of the victim of an offense**
2 **under this chapter**

3 “(a) RIGHTS OF A VICTIM OF AN OFFENSE UNDER
4 THIS CHAPTER.—A victim of an offense under this chap-
5 ter has the following rights:

6 “(1) The right to be reasonably protected from
7 the accused.

8 “(2) The right to reasonable, accurate, and
9 timely notice of any of the following:

10 “(A) A public hearing concerning the con-
11 tinuation of confinement prior to trial of the ac-
12 cused.

13 “(B) A preliminary hearing under section
14 832 of this title (article 32) relating to the of-
15 fense.

16 “(C) A court-martial relating to the of-
17 fense.

18 “(D) A public proceeding of the service
19 clemency and parole board relating to the of-
20 fense.

21 “(E) The release or escape of the accused,
22 unless such notice may endanger the safety of
23 any person.

24 “(3) The right not to be excluded from any
25 public hearing or proceeding described in paragraph
26 (2) unless the military judge or investigating officer,

1 as applicable, after receiving clear and convincing
2 evidence, determines that testimony by the victim of
3 an offense under this chapter would be materially al-
4 tered if the victim heard other testimony at that
5 hearing or proceeding.

6 “(4) The right to be reasonably heard at any of
7 the following:

8 “(A) A public hearing concerning the con-
9 tinuation of confinement prior to trial of the ac-
10 cused.

11 “(B) A sentencing hearing relating to the
12 offense.

13 “(C) A public proceeding of the service
14 clemency and parole board relating to the of-
15 fense.

16 “(5) The reasonable right to confer with the
17 counsel representing the Government at any pro-
18 ceeding described in paragraph (2).

19 “(6) The right to receive restitution as provided
20 in law.

21 “(7) The right to proceedings free from unrea-
22 sonable delay.

23 “(8) The right to be treated with fairness and
24 with respect for the dignity and privacy of the victim
25 of an offense under this chapter.

1 “(b) VICTIM OF AN OFFENSE UNDER THIS CHAPTER
2 DEFINED.—In this section, the term ‘victim of an offense
3 under this chapter’ means a person who has suffered di-
4 rect physical, emotional, or pecuniary harm as a result of
5 the commission of an offense under this chapter (the Uni-
6 form Code of Military Justice).

7 “(c) LEGAL GUARDIAN FOR CERTAIN VICTIMS.—In
8 the case of a victim of an offense under this chapter who
9 is under 18 years of age, incompetent, incapacitated, or
10 deceased, the military judge shall designate a legal guard-
11 ian from among the representatives of the estate of the
12 victim, a family member, or other suitable person to as-
13 sume the victim’s rights under this section. However, in
14 no event may the person so designated be the accused.

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion (article) shall be construed—

17 “(1) to authorize a cause of action for damages;
18 or

19 “(2) to create, to enlarge, or to imply any duty
20 or obligation to any victim of an offense under this
21 chapter or other person for the breach of which the
22 United States or any of its officers or employees
23 could be held liable in damages.”.

24 “(2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of subchapter I of chapter 47

1 of such title (the Uniform Code of Military Justice)
2 is amended by adding at the end the following new
3 item:

“806b. Art. 6b. Rights of the victim of an offense under this chapter.”.

4 (b) IMPLEMENTATION.—

5 (1) ISSUANCE.—Not later than one year after
6 the date of the enactment of this Act—

7 (A) the Secretary of Defense shall rec-
8 ommend to the President changes to the Man-
9 ual for Courts-Martial to implement section
10 806b of title 10, United States Code (article 6b
11 of the Uniform Code of Military Justice), as
12 added by subsection (a); and

13 (B) the Secretary of Defense and Sec-
14 retary of Homeland Security (with respect to
15 the Coast Guard when it is not operating as a
16 service in the Navy) shall prescribe such regula-
17 tions as each such Secretary considers appro-
18 priate to implement such section.

19 (2) MECHANISMS FOR AFFORDING RIGHTS.—
20 The recommendations and regulations required by
21 paragraph (1) shall include the following:

22 (A) Mechanisms for ensuring that victims
23 are notified of, and accorded, the rights speci-
24 fied in section 806b of title 10, United States

1 Code (article 6b of the Uniform Code of Mili-
2 tary Justice), as added by subsection (a).

3 (B) Mechanisms for ensuring that mem-
4 bers of the Armed Forces and civilian personnel
5 of the Department of Defense and the Coast
6 Guard make their best efforts to ensure that
7 victims are notified of, and accorded, the rights
8 specified in such section.

9 (C) Mechanisms for the enforcement of
10 such rights, including mechanisms for applica-
11 tion for such rights and for consideration and
12 disposition of applications for such rights.

13 (D) The designation of an authority within
14 each Armed Force to receive and investigate
15 complaints relating to the provision or violation
16 of such rights.

17 (E) Disciplinary sanctions for members of
18 the Armed Forces and other personnel of the
19 Department of Defense and Coast Guard who
20 willfully or wantonly fail to comply with require-
21 ments relating to such rights.

22 **SEC. 1702. REVISION OF ARTICLE 32 AND ARTICLE 60, UNI-**
23 **FORM CODE OF MILITARY JUSTICE.**

24 (a) USE OF PRELIMINARY HEARINGS.—