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Military Sexual Assault: Chronology of Activity in the 113th-114th Congresses and Related Resources

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Summary

This report focuses on previous activity in Congress regarding high profile incidents of sexual assault in the military during the summer 2013 through 2016. Included are separate sections on the official responses related to these incidents by the Department of Defense (DOD), the Obama Administration, and Congress including legislation during the 113th (2013-2014) Congress and 114th Congress (2015-2016). The last section is a resource guide for sources in this report and related materials on sexual assault and prevention during this period. This report will not be updated and supersedes CRS Report R43168, *Military Sexual Assault: Chronology of Activity in Congress and Related Resources*.

For current information regarding Congress and issues on sexual assault in the military, see CRS Report R44944, *Military Sexual Assault: A Framework for Congressional Oversight*, by Kristy N. Kamarck and Barbara Salazar Torreon. For legislative initiatives in the 115th Congress, see CRS Report R44923, *FY2018 National Defense Authorization Act: Selected Military Personnel Issues*, by Kristy N. Kamarck, Lawrence Kapp, and Barbara Salazar Torreon and CRS Report R45343, *FY2019 National Defense Authorization Act: Selected Military Personnel Issues*, by Bryce H. P. Mendez et al.

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Introduction

Beginning the summer 2013 through 2016, there were numerous reports in the media on sexual assault incidents in the U.S. armed services. In many cases, such reports were followed by questions on what actions were taken by the Department of Defense (DOD), the Obama Administration, and Congress to address the issue. This report lists a comprehensive chronology of official activities in response to incidents of military sexual assault, as well as legislative action on the issue. The report is divided into three sections: the DOD and the Obama Administration's actions, congressional action, and legislation in the 113th (2013-2014) and 114th (2015-2016) Congresses. Also included is a resources section with related articles, hearings, and reports. Information in this report was compiled from the official government websites of DOD, the Obama White House and Congress.gov for historical background and will not be updated.

Actions by Department of Defense and the Obama Administration

June 13, 2012 – DOD announced Army Major General Gary S. Patton as the new director of the Sexual Assault Prevention and Response Office (SAPRO).¹

September 25, 2012 – As part of the DOD's efforts to confront the crime of sexual assault in the military, then Secretary of Defense Leon Panetta announced improvements to prospective commander and senior enlisted training and a review of the initial military training environment in every service.²

December 21, 2012 – DOD released key findings from the *Academic Program Year (APY) 2011-2012 Report on Sexual Harassment and Violence at the United States Military Service Academies*.³ According to this report, the overall prevalence rate of unwanted sexual contact increased in all three military academies. From 2011 to 2012, the Air Force Academy in Colorado showed the largest increase in reported sexual assaults from 33 to 52 incidents. Sexual assaults at the Naval Academy in Annapolis, MD, increased from 11 to 15, and were up at the U.S. Military Academy in West Point, NY, from 10 to 13.⁴

2013

January 18, 2013 – DOD announced the release of the *2012 Workplace and Gender Relations Survey of Reserve Component Members*. This report included rates of unwanted sexual contact, unwanted gender-related behaviors (i.e., sexual harassment and sexist behavior), and gender

¹ "New Sexual Assault Prevention and Response Director Named," DOD News, June 13, 2012, at <http://archive.defense.gov/releases/release.aspx?releaseid=15366>

² "Department of Defense Expands Sexual Assault Prevention Efforts," DOD News, September 25, 2012, at <http://archive.defense.gov/Releases/Release.aspx?ReleaseID=15585>. See also the full text of the *Evaluation of Pre-Command Sexual Assault Prevention and Response Training Report* and Secretary Panetta's directives at http://www.sapr.mil/public/docs/news/PreCommand_Training_Evaluation_Final_Report.pdf

³ "DOD Evaluates Sexual Harassment and Prevention Response Efforts at Military Academies," DOD News, December 21, 2012, at <http://archive.defense.gov/Releases/Release.aspx?ReleaseID=15756>

⁴ "Defense Department Press Briefing via Teleconference with Maj. Gen Patton and Lt. Col. Galbreath on the Annual Military Academy Sexual Assault Report," DOD News Transcript, December 21, 2012, at http://www.ncdsv.org/images/DOD_Press-briefing-via-teleconf-on-the-annual-military-academy-SA-report_12-21-2013.pdf

discriminatory behaviors and sex discrimination reported by survey respondents during the past 12 months.

March 7, 2013 – Defense Secretary Chuck Hagel, in a letter responding to Members of Congress, wrote that an internal review was being conducted of a decision by a senior Air Force commander, Lt. Gen. Craig Franklin, to overturn the sexual assault conviction of an Air Force fighter pilot, Lt. Col. James Wilkerson. Colonel Wilkerson was found guilty in November 2012 of aggravated sexual assault and was sentenced to one year in military prison. Lt. General Franklin’s decision to overturn the findings of the court-martial freed Colonel Wilkerson, and allowed him to be reinstated in the Air Force. In his letter, Hagel said that while General Franklin’s decision could not be overturned, he had asked Pentagon lawyers and the Secretary of the Air Force to review the way in which General Franklin decided the case. He also said he wanted a review of whether the military should change the way it handles sexual assault cases.

April 2, 2013 – Secretary Chuck Hagel stated in a message to all DOD personnel on Sexual Assault Awareness and Prevention Month that, “Together, we must work every day to instill a climate that does not tolerate or ignore sexist behavior, sexual harassment, or sexual assault. These have no place in the United States military and violate everything we stand for and the values we defend.”⁵

April 8, 2013 – Secretary Hagel announced that DOD’s Office of General Counsel will review Article 60 of the Uniform Code of Military Justice (UCMJ) after an Air Force officer’s court-martial conviction for sexual assault was dismissed using the authority provided by Article 60.⁶

May 6, 2013 – The Office of the Secretary of Defense released a 24-page memorandum⁷ from Secretary Hagel to all heads of the military services regarding DOD’s 2013 Sexual Assault Prevention and Response Strategy, and the release of the *Annual Report on Sexual Assault in the Military 2012* (2 volumes).⁸ According to this report, in FY2012 (October 1, 2011, through September 30, 2012), the number of sexual assaults reported by members of the military rose 6% to 3,374. An anonymous survey of military personnel showed the number of service members who had experienced unwanted sexual contact could be as many as 26,000 but most never reported the incidents. That number is an increase over the 19,000 estimated assaults in 2011. These reports involved offenses ranging from abusive sexual contact to rape.⁹

May 7, 2013 – In a DOD press briefing, Defense Secretary Chuck Hagel and Major General Gary Patton, director of SAPRO, announced new series of actions to further DOD’s sexual assault and prevention efforts. Hagel directed service chiefs to develop methods to hold all military

⁵ “Message to the Department of Defense from Secretary Chuck Hagel on Sexual Assault Awareness and Prevention Month,” DOD News Release, April 2, 2013 at <http://archive.defense.gov/Releases/Release.aspx?ReleaseID=15903>

⁶ “Statement from Secretary Hagel on Sexual Assault Prevention and Response,” DOD News Release, April 8, 2013, at <http://archive.defense.gov/Releases/Release.aspx?ReleaseID=15917>

⁷ Secretary Hagel’s Memorandum, “Sexual Assault Prevention and Response,” May 6, 2013, at http://www.sapr.mil/public/docs/reports/SecDef_SAPR_Memo_Strategy_Atch_06052013.pdf

⁸ Department of Defense, *Annual Report on Sexual Assault in the Military Fiscal Year 2012*, at Volume I http://sapr.mil/public/docs/reports/FY12_DoD_SAPRO_Annual_Report_on_Sexual_Assault-VOLUME_ONE.pdf Volume II http://sapr.mil/public/docs/reports/FY12_DoD_SAPRO_Annual_Report_on_Sexual_Assault-VOLUME_TWO.pdf

⁹ Lolita C. Baldor and Donna Cassata, “Most Military Sexual Assault Cases Go Unreported,” *Military.com*, May 8, 2013, at <http://www.military.com/daily-news/2013/05/08/most-military-sexual-assault-cases-go-unreported.html>

commanders accountable for establishing command climates of dignity and respect in incorporating sexual assault prevention and victim care principles in their commands.¹⁰

May 7, 2013 – DOD announced the establishment of the Response Systems to Adult Sexual Assault Crimes Panel consisting of nine selected appointees. Secretary of Defense Hagel appointed five members to serve on the response systems panel, who joined four members appointed by the chairman and ranking member of the Senate Armed Services Committee, and the chairman and ranking member of the House Armed Services Committee.¹¹

May 14, 2013 – The Army announced that an Army Sergeant First Class assigned to III Corps, Fort Hood, TX, was under investigation for pandering, abusive sexual contact, assault, and maltreatment of subordinates.¹²

May 15, 2013 – Returning from NATO meetings in Brussels, the Chairman of the Joint Chiefs of Staff, Army Gen. Martin E. Dempsey, told reporters that sexual assault in the Armed Forces constitutes a crisis in the military. He further stated that “We’re losing the confidence of the women who serve that we can solve this problem, and that’s a crisis.”¹³

May 16, 2013 – At the White House, President Obama met with senior military leaders on the issue of sexual assault in the U.S. Armed Forces. The President stated that not only is it “shameful and disgraceful” but also “dangerous to our national security.”¹⁴

May 17, 2013 – During a press briefing, Defense Secretary Hagel and Chairman of the Joint Chiefs of Staff Army Gen. Martin Dempsey discussed their meeting with President Obama, Vice President Biden, and senior enlisted and officer leadership in the U.S. military. Dempsey told the Armed Forces Press Service that he believes that the long wars in Iraq and Afghanistan may be factors in the growing incidents of sexual assault. He also stated that: “If a perpetrator shows up at a court-martial with a rack of ribbons and has four deployments and a Purple Heart, there is certainly a risk that we might be a little too forgiving of that particular crime.”¹⁵

May 17, 2013 – In an interview, Air Force Chief of Staff, Gen. Mark Walsh, said that sexual assaults in his branch of the military typically involve alcohol use and can be traced to a lack of respect for women. “We have a problem with respect for women that leads to many of the situations that result in sexual assault in our Air Force,” he told reporters in his Pentagon office.¹⁶ Walsh further stated that combatting the crisis is his top priority and that he reviews every reported case of sexual assault.

¹⁰ “Department of Defense Press Briefing with Secretary Hagel and Maj. Gen. Patton on the Department of Defense Sexual Assault Prevention and Response Strategy from the Pentagon,” DOD Transcript, May 7, 2013, at <http://archive.defense.gov/transcripts/transcript.aspx?transcriptid=5233>

¹¹ “DOD Announces Establishment of the Response Systems to Adult Sexual Assault Crimes Panel,” DOD News Release, May 7, 2013, at <http://archive.defense.gov/releases/release.aspx?releaseid=15983>

¹² “Army Announces Investigation at Fort Hood, Texas,” DOD News Release, May 14, 2013, at <http://archive.defense.gov/releases/release.aspx?releaseid=16005>

¹³ Jim Garamone, “Dempsey: Sexual Assault Constitutes Crisis in Military,” American Forces Press Service, May 15, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120054>

¹⁴ “Remarks by the President After Meeting on Sexual Assault in the Military,” White House Press Office, May 15, 2013, at <https://obamawhitehouse.archives.gov/the-press-office/2013/05/16/remarks-president-after-meeting-sexual-assault-military>

¹⁵ “Department of Defense News Briefing with Secretary Hagel and Gen. Dempsey from the Pentagon,” DOD Transcripts, May 17, 2013 at <http://archive.defense.gov/transcripts/transcript.aspx?transcriptid=5241>

¹⁶ Robert Burns and Lolita C. Baldor, “General: Sex Abuse Trend Linked to Respect Issue,” Associated Press, May 17, 2013, at <http://www.military.com/daily-news/2013/05/17/general-sex-abuse-trend-linked-to-respect-issue.html>

May 22, 2013 – The Pentagon announced that DOD’s sexual assault prevention staff would be exempt from furloughs. According to Pentagon spokeswoman, Cynthia O. Smith, “The full-time civilians working these programs and implementing policies will not be furloughed. This will ensure responsive victim care and ensure all the programs recently directed by Secretary Hagel are implemented swiftly and efficiently.”¹⁷

May 24, 2013 – President Obama addressed graduates of the U.S. Naval Academy in Annapolis, MD, and noted in his commencement speech that the misconduct of some in the military can endanger U.S. forces and undermine U.S. efforts to achieve security and peace worldwide. He further stated that those who commit sexual assault are not only committing a crime, they also “threaten the trust and discipline that make our military strong.”¹⁸

May 25, 2013 – In a commencement speech at the U.S. Military Academy at West Point, NY, Defense Secretary Chuck Hagel told graduates that they must be the generation of leaders that will commit to building a culture of respect for every member of the military. He stated that sexual harassment and sexual assault in the military “are a profound betrayal of sacred oaths and sacred trusts.” He also quoted President Obama’s remarks at the Naval Academy when he said, “these crimes have no place in the greatest military on earth.”¹⁹

May 30, 2013 – Pentagon officials reaffirmed DOD’s commitment to fighting sexual assault by launching the Safe HelpRoom at <http://SafeHelpline.org>, a Sexual Assault Support Service for the DOD community. This new service allows victims to participate in moderated group chat sessions to connect with and support one another in a secure online environment. The Safe HelpRoom is in response to a need for peer support services identified by users of DOD’s Safe Helpline for sexual assault victims.²⁰

June 6, 2013 – In a speech at the 2013 Joint Women’s Leadership Symposium, Navy Adm. James A. Winnefeld Jr., vice chairman of the Joint Chiefs of Staff, said plans to combat and eliminate sexual assault include a greater investment in specially trained sexual assault investigators and a push for more psychological, medical, and legal assistance for victims.²¹ The vice chairman also said officials will examine the scientific roots of behavioral factors associated with potential predators, which will assist sexual assault prevention efforts.²²

June 7, 2013 – The Pentagon released a statement that Maj. Gen. Michael T. Harrison was suspended of his duties as the Commanding General of United States Army Japan and I Corps for failing in his duties as a commander to report or investigate an allegation of sexual assault.²³

¹⁷ Chris Carroll, “Hagel: No Furloughs for Sexual Assault Prevention Staff,” *Stars and Stripes*, May 22, 2013, at <http://www.stripes.com/hagel-no-furloughs-for-sexual-assault-prevention-staff-1.222114>

¹⁸ “Remarks by the President at the United States Naval Academy Commencement,” White House Press Office, May 24, 2013, at <http://www.whitehouse.gov/the-press-office/2013/05/24/remarks-president-united-states-naval-academy-commencement>

¹⁹ “United States Military Academy Commencement,” As Delivered by Secretary of Defense Chuck Hagel, West Point, NY, Saturday, May 25, 2013, Office of the Assistant Secretary of Defense (Public Affairs), May 25, 2013, at <http://archive.defense.gov/speeches/speech.aspx?speechid=1782>

²⁰ Terri Moon Cronk, “Officials Reaffirm DOD’s Commitment to Fighting Sexual Assault,” American Forces Press Service, May 30, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120176>

²¹ Amaani Lyle, “Vice Chairman Lauds Women as Teammates, Decries Sexual Assault,” American Forces Press Service, June 12, 2013 at http://www.militarynews.com/norfolk-navy-flagship/news/quarterdeck/vice-chairman-lauds-women-as-teammates-decries-sexual-assault/article_e3e9a895-ce9c-5c22-ba9d-9013d71e4eeb.html

²² Ibid.

²³ “Army Suspends Major General,” DOD News Release, June 7, 2013, at

June 7, 2013 – Air Force officials announced Maj. Gen. Margaret H. Woodward has been assigned to direct the Air Force Sexual Assault Prevention and Response Office to replace Lt. Col. Jeffrey Krusinski, the former chief of the Air Force Sexual Assault Prevention and Response Program. He was arrested and charged by Arlington County, VA, police for allegedly being drunk and groping a woman in a parking lot one mile from the Pentagon. In the previous year, Maj. Gen. Woodward led the investigation of Air Force training in the wake of a sexual assault scandal centered at Lackland Air Force Base, Texas.²⁴

June 27, 2013 – Defense Secretary Hagel met in person with the Sexual Assault Response Systems Review Panel for the first time. According to the Pentagon, “the panel will conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving sexual assault and related offenses under the Uniform Code of Military Justice, and will develop recommendations to improve the effectiveness of those systems.”²⁵ DOD established the panel in accordance with the National Defense Authorization Act (NDAA) for Fiscal Year 2013 (P.L. 112-239, Section 576 (a)). Previously, Hagel held a teleconference with panel members.

July 3, 2013 – The Chief of the National Guard Bureau, Army Gen. Frank J. Grass, launched a comprehensive campaign designed to assist National Guard units in combating sexual assault as part of a military-wide effort to protect victims and eradicate the crime from the ranks.²⁶

July 9, 2013 – DOD Inspector General (IG) released its report, *Joint Warfighting and Readiness Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations*. The report evaluated the Military Criminal Investigative Organizations’ (MCIOs’) sexual assault investigations in 2010 to determine whether they were adequately investigated. The report found most MCIO investigations (89%) met or exceeded the investigative standards and returned only cases with significant deficiencies (11%) to the MCIOs for corrective action.²⁷

July 18, 2013 – The Air Force adopted two new measures to eliminate sexual assault from within the ranks, including requiring mandatory discharge for airmen, officer or enlisted, who commit sexual assault, and requiring the Air Force’s most senior commanders to review actions taken on these cases.²⁸ In addition, the Air Force Academy is reviewing the results of a survey on sexual assault taken on June 24, 2013. Suggestions from survey respondents ranged from involving faculty with character coaching to a complete revamping of how the Air Force Academy trains its freshmen.²⁹

<http://archive.defense.gov/releases/release.aspx?releaseid=16083>.

²⁴ Chris Carroll, “Woodward to Lead AF Sex Assault Prevention Program,” *Stars and Stripes*, June 7, 2013, at <http://www.stripes.com/news/us/woodward-to-lead-af-sex-assault-prevention-program-1.224957>

²⁵ DOD News, “Hagel Meets With Sexual Assault Response Systems Review Panel,” American Forces Press Service, June 27, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120375>

²⁶ Air Force Maj. Gary Arasin, National Guard Bureau, “National Guard Bureau Campaign Targets Sexual Assault,” DOD News, July 3, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120409>

²⁷ DOD Inspector General, *Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations*, July 9, 2013, at <http://www.dodig.mil/reports.html/Article/1118941/evaluation-of-the-military-criminal-investigative-organizations-sexual-assault/>

²⁸ Staff Sgt. David Salanitri, “Secretary of the Air Force Public Affairs Air Force Holding Airmen Accountable: Mandatory Discharge for Sexual Assault,” Air Force, July 18, 2013, at <http://www.af.mil/News/Article-Display/Article/466618/holding-airmen-accountable-mandatory-discharge-for-sexual-assault/>

²⁹ Don Branum, “Academy Reviewing Results of Sexual Assault Survey,” Air Force Academy Public Affairs, July 18, 2013, at <http://www.usafa.af.mil/News/Article-Display/Article/619604/academy-reviewing-results-of-sexual-assault-survey/>

July 18, 2013 – Secretary of the Navy Ray Mabus announced additional resources for investigators and a new initiative designed to enhance accountability and transparency across the Navy. Mabus approved nearly \$10 million to hire more than 50 additional Naval Criminal Investigative Service (NCIS) Family and Sexual Violence Program personnel to shorten investigation times, and directed the Navy and Marine Corps to regularly publish online the results of each service’s courts-martial.³⁰

July 18, 2013 – The Air Force announced that airmen who commit sexual assaults will be discharged, and senior commanders must review actions taken on sexual assault cases under new Air Force initiatives as of July 2, 2013.³¹

August 15, 2013 – Defense Secretary Hagel announced seven new anti-sexual assault initiatives in a memo detailing “... absolute and sustained commitment to providing a safe environment in which every service member and DOD civilian is free from the threat of sexual harassment and assault,” he wrote in a statement. “Our success depends on a dynamic and responsive approach. We, therefore, must continually assess and strive to improve our prevention and response programs.”³²

October 3, 2013 – Air Force Col. Alan R. Metzler, the deputy director for SAPRO, emphasized that the first step to stopping sexual assault in the military is through prevention but when prevention fails, new measures to improve victims’ confidence and combat underreporting were needed. Metzler outlined the DOD Sexual Assault Advocate Certification Program (D-SAACP) and the Defense Sexual Assault Incident Database (DSAID), two initiatives set to improve the advocacy services provided to victims of sexual assault.³³

November 9, 2013 – Army Maj. Gen. Gary S. Patton, director of DOD’s SAPRO, reported on DOD’s recent prevention and awareness successes before the Response Systems to Adult Sexual Assault Crimes Panel.³⁴ He testified that new DOD initiatives to combat sexual assault helped create a 46% jump in victims reporting compared to the previous year.³⁵

December 20, 2013 – President Obama instructed Defense Secretary Hagel and Chairman Dempsey to continue their efforts to make substantial improvements with respect to sexual

³⁰ Defense Media Activity - Navy, “SECNAV Announces New Initiatives to Help Combat Sexual Assault,” Story Number: NNS130718-16, July 18, 2013, at http://www.navy.mil/submit/display.asp?story_id=75447

³¹ Air Force Staff Sgt. David Salantri, “Air Force Will Discharge Sexual Assault Offenders,” DOD News, July 18, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120474>

³² Jim Garamone, “Hagel Announces New Anti-Sexual Assault Initiatives,” DOD News, August 15, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120634>; and “Secretary Hagel’s Statement on New Sexual Assault Prevention and Response Measures,” Release No: 583-13, August 15, 2013, at <http://archive.defense.gov/releases/release.aspx?releaseid=16205>; and “White House Issues Statement on Anti-Sexual Assault Initiatives,” DOD News, August 15, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120636>

³³ Army Sgt. 1st Class Tyrone C. Marshall Jr., “Defense Department Bolsters Victim Advocacy With New Initiatives,” DOD News, October 3, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120903>

³⁴ The FY2013 National Defense Authorization Act (P.L. 112-239) mandated in Section 522 an independent panel to make recommendations to Congress to stop military sexual assault in a report. See [archived] CRS Report R42651, *FY2013 National Defense Authorization Act: Selected Military Personnel Policy Issues*, January 16, 2013, section on “Independent Review and Assessment of Uniform Code of Military Justice and Judicial Proceeding of Sexual Assault Cases,” on p. 12.

³⁵ Terri Moon Cronk, “DOD Initiatives Battle Sexual Assault in Military,” DOD News, November 9, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=121092>

assault prevention and response, including to the military justice system. He also directed that they report back with a full-scale review of their progress, by December 1, 2014.³⁶

2014

January 10, 2014 – Army Maj. Gen. Jeffrey J. Snow, the new SAPRO chief announced the release of the *Annual Report to Congress on Sexual Harassment and Violence at the Military Service Academies*. The report covered the 2012-13 academic year, and found in 2013, reports of sexual assault decreased at the U.S. Military Academy at West Point, New York and the U.S. Air Force Academy in Colorado Springs, Colorado. The number of reported incidents went up at the U.S. Naval Academy in Annapolis, Maryland.³⁷

January 30, 2014 – The independent Response Systems to Adult Sexual Assault Crimes Panel accepted a subcommittee recommendation that senior military commanders retain authority for referring these crimes to courts-martial.³⁸

May 1, 2014 – DOD released the *2013 Annual Report on Sexual Assault in the Military*. The report covered the period from Oct. 1, 2012, through Sept. 30, 2013, and revealed 5,061 reports of sexual assault in the Defense Department, a 50 percent jump from the previous year. More than 70 percent of all cases that the military had jurisdiction resulted in criminal charges.³⁹

July 17, 2014 – DOD collaborated with the Justice Department’s Office for Victims of Crime to develop a curriculum that expands on the skills learned in initial sexual assault response coordinator and sexual assault prevention and response victim advocate training.⁴⁰

December 4, 2014 – Secretary Hagel released DOD’s *Report to the President of the United States on Sexual Assault Prevention and Response* on its progress in addressing sexual assault in the military, and announced four directives to further strengthen the department’s prevention and response program.⁴¹ According to this report, based on survey data, servicemembers experienced fewer sexual assaults in FY2014 than in FY2012, an estimated 19,000, down from 26,000.⁴²

2015

January 16, 2015 – Secretary Hagel at the Air Force Sexual Assault Prevention and Response Summit remarked that the fight to end sexual assault in the military must be “personal.” He cited

³⁶ The White House Office of the Press Secretary, “Statement by the President on Eliminating Sexual Assault in the Armed Forces,” December 30, 2013, at <https://obamawhitehouse.archives.gov/the-press-office/2013/12/20/statement-president-eliminating-sexual-assault-armed-forces>

³⁷ Jim Garamone, “New Sexual Assault Prevention Chief Briefs on Academy Report,” January 10, 2014, at <http://archive.defense.gov/news/newsarticle.aspx?id=121462>

³⁸ Jim Garamone, “Panel: Commanders Should Keep Sex Assault Courts-martial Authority,” DOD News, January 30, 2014, at <http://archive.defense.gov/news/newsarticle.aspx?id=121583>

³⁹ Nick Simeone, “Hagel: Numbers Reflect Victim Confidence in Reporting Assaults,” DOD News, May 1, 2014, at <http://archive.defense.gov/news/newsarticle.aspx?id=122166>

⁴⁰ DOD, “DoD, DoJ Improve Sexual Assault Response Advocate Training,” DOD News, July 17, 2014, at <http://archive.defense.gov/news/newsarticle.aspx?id=122694>

⁴¹ DOD News, “Secretary Hagel Progress Report to the President on Sexual Assault in the Military, Announces Four New Directives to Strengthen Department Response,” Release No: NR-603-14, December 4, 2014, at <http://archive.defense.gov/Releases/Release.aspx?ReleaseID=17063>

⁴² See DOD, *Report to the President of the United States on Sexual Assault Prevention and Response*, November 25, 2014, at https://sapr.mil/public/docs/reports/FY14_POTUS/FY14_DoD_Report_to_POTUS_Full_Report.pdf

“encouraging progress” over the last year, but acknowledged more can be done, notably in areas such as social retaliation, which he said stems from the overall environment.⁴³

February 11, 2015 – The annual report on sexual harassment and violence at the military service academies estimated that overall rates of unwanted sexual contact at the military service academies declined in Academic Program Year (APY) 2013-2014, decreased for both men and women, indicating that fewer sexual assaults occurred at the academies in APY 13-14 than in APY 11-12.⁴⁴

February 19, 2015 – Health and criminal investigation experts spoke at the Army's Sexual Harassment/Assault Response Program Summit on the underreporting of male victims of sexual assault in the military due to factors such as shame and fear of being ostracized.⁴⁵

March 26, 2015 – SAPRO head Army Maj. Gen. Jeffrey Snow monitored 50 initiatives put in place by past Defense secretaries Leon Panetta and Chuck Hagel. According to Snow, the most recent data, gathered last year, shows the past-year prevalence of sexual assault is down significantly, Snow said. Estimates indicate there were 6,000 to 7,000 fewer sexual assaults in 2014 than in 2012.⁴⁶

May 1, 2015 – According to the *2014 RAND Military Workplace Study*, “the percentage of active duty women who experienced unwanted sexual contact over the past year declined from 6.1% in 2012 to an estimated 4.3% in 2014. For active duty men, the estimated prevalence rate dropped from 1.2% in 2012 to 0.9% in 2014. Based on these rates, an estimated 18,900 service members experienced unwanted sexual contact in 2014, down from around 26,000 in 2012.”⁴⁷

May 22, 2015 – Defense Secretary Ash Carter announced Army Maj. Gen. Camille M. Nichols will assume duties as director of SAPRO effective June 8, 2015.⁴⁸

2016

January 8, 2016 – DOD announced the release of the *Annual Report on Sexual Harassment and Violence at the Military Service Academies for Academic Program Year 2014-2015*. Data in the report indicated the academies received 91 sexual assault reports during the academic year, an increase of 32 reports over the previous year.⁴⁹

⁴³ Amaani Lyle, “Hagel: Fight to End Sexual Assault Must Be ‘Personal,’” DOD News, January 16, 2015 at <http://archive.defense.gov/news/newsarticle.aspx?id=123988>

⁴⁴ DOD News, “DoD Releases Annual Report on Sexual Harassment and Violence at the Military Service Academies,” Release No: NR-050-15, February 11, 2015, at <https://dod.defense.gov/News/News-Releases/News-Release-View/Article/605383/dod-releases-annual-report-on-sexual-harassment-and-violence-at-the-military-se/>

⁴⁵ Jim Garamone, “Experts: Males Also Are Victims of Sexual Assault,” DOD News, February 20, 2015, at <http://archive.defense.gov/news/newsarticle.aspx?id=128213>

⁴⁶ Jim Garamone, “Sexual Assault Prevention Chief Notes Progress, Need for More,” DOD News, March 26, 2015, at <http://archive.defense.gov/news/newsarticle.aspx?id=128471>

⁴⁷ Jim Garamone, “Independent Survey Shows Decline in Military Sexual Assaults,” DOD News, May 1, 2015, at <http://archive.defense.gov/news/newsarticle.aspx?id=128718>; See also *The RAND Military Workplace Study 2014* at <https://www.rand.org/nsrd/projects/rmws.html>

⁴⁸ DOD News, “Secretary of Defense Ash Carter Names New Director of DoD Sexual Assault Prevention and Response Office,” Release No: NR-186-15 May 22, 2015, at <http://archive.defense.gov/Releases/Release.aspx?ReleaseID=17290>

⁴⁹ Cheryl Pellerin, “More Sexual Assault Reports Show Growing Trust in System,” DOD News, January 8, 2016, at <https://dod.defense.gov/News/Article/Article/641951/more-sexual-assault-reports-show-growing-trust-in-system/>

April 28, 2016 – Defense Secretary Ash Carter announced a sexual assault retaliation prevention and response strategy aimed at how the department supports servicemembers who experience retaliation, while aligning prevention and response efforts across the services.⁵⁰

May 5, 2016 – The annual report of the Defense Department’s Sexual Assault Prevention and Response Program indicated that DOD’s efforts are having an impact. In FY2015, service members made 6,083 reports of sexual assault – the same rate as the previous fiscal year, with four in 1,000 servicemembers reporting sexual assault despite a smaller active force size.⁵¹ In addition, 21 percent of those making restricted reports in fiscal 2015 chose to convert to unrestricted reports, enabling them to participate in the military justice process.

September 19, 2016 – The Naval Academy in Annapolis, MD, hosted an all-day training event to strengthen how military and civilian communities work together to support servicemembers who report sexual assault in a joint program between DOD and the Justice Department.⁵²

October 19, 2016 – DOD released the 2016 Military Investigation and Justice Experience Survey that allowed servicemembers who have experienced sexual assault and elected to participate in the military justice process the opportunity to provide DOD with direct feedback on their experiences; and to improve the services and support servicemembers reporting sexual assault.⁵³

December 15, 2016 – Defense Department officials announced the release of the “DOD Plan to Prevent and Respond to Sexual Assault of Military Men,” designed to enhance outreach to military men and increase efforts to help them recover.⁵⁴

Congressional Action and Legislation

The following information was compiled using Congress.gov, Congressional Quarterly (CQ.com), House.gov, Senate.gov, and Roll Call. See the section “Resources” for a list of congressional hearings, reports and other documents.

113th Congress (2013-2014)

January 23, 2013 – The House Armed Services Committee held a hearing on sexual misconduct at Lackland Air Force Base in San Antonio, TX.

January 25, 2013 – **H.R. 430**, Protect Our Military Trainees Act, was introduced. This legislation would have amended the Uniform Code of Military Justice to protect new members of the Armed Forces who are undergoing basic training from the sexual advances of the members of the Armed

⁵⁰ Lisa Ferdinando, “Carter Announces Sexual Assault Retaliation Prevention Strategy,” DOD News, April 28, 2016, at <https://dod.defense.gov/News/Article/Article/745585/carter-announces-sexual-assault-retaliation-prevention-strategy/>

⁵¹ Cheryl Pellerin, “Program Director: Military Sexual Assault Efforts Having Impact, But Hurdles Remain,” DOD News, May 5, 2016, at <https://dod.defense.gov/News/Article/Article/752797/program-director-military-sexual-assault-efforts-having-impact-but-hurdles-rema/>

⁵² Karen Parrish, “Naval Academy Hosts All-Day Sexual Assault Awareness, Prevention Training,” DOD News, September 26, 2016, at <https://dod.defense.gov/News/Article/Article/955911/naval-academy-hosts-all-day-sexual-assault-awareness-prevention-training/>

⁵³ DOD News, “DoD Releases 2016 Military Investigation and Justice Experience Survey,” SAPRO News Release, October 19, 2016, at <https://dod.defense.gov/News/Article/Article/979438/dod-releases-2016-military-investigation-and-justice-experience-survey/>

⁵⁴ Amaani Lyle, “DoD Unveils Plan to Broaden Sexual Assault Support to Men,” DOD News, December 15, 2016, at <https://dod.defense.gov/News/Article/Article/1030795/dod-unveils-plan-to-broaden-sexual-assault-support-to-men/>

Forces responsible for their instruction. It also requires that violators be punished as a court-martial may direct.

March 5, 2013 – H.R. 975, the Servicemember Mental Health Review Act, was introduced. This bill would have amended Title 10, United States Code, to extend the duration of the Physical Disability Board of Review and to the expand the authority of such Board to review the separation of members of the Armed Forces on the basis of a mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder. This would have included a review of those victims who have suffered military sexual trauma.

March 13, 2013 – S. 548, Military Sexual Assault Prevention Act of 2013, was introduced, read twice, and referred to the Senate Armed Services Committee. This legislation aimed to amend Title 10, United States Code, and to improve capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces.

March 13, 2013 – Victims of sexual assault in the military testified before a Senate panel examining the military’s handling of sexual assault cases and stated that the “military justice system is broken.” They urged Congress to make changes in the law that would stem the rape, sexual assault, and sexual harassment that they said are pervasive in the service branches.⁵⁵ Several male Navy veterans testified before the Senate Armed Service Committee’s military personnel panel investigating sexual assaults in the military. One recounted that he was raped in 2000 by a higher-ranking petty officer aboard a submarine. He told the committee that he carries permanent shame not for the sexual assault but over how the Navy forced him to leave. He stated in his testimony, “I carry my discharge as an official and permanent symbol of shame, on top of the trauma of the physical attack, the retaliation and its aftermath.”⁵⁶

March 20, 2013 – S. 628, Servicemember Mental Health Review Act, was introduced, read twice and referred to the Committee on Armed Services. Related to **H.R. 975**, this bill would have amended Title 10, United States Code, to extend the duration of the Physical Disability Board of Review and to the expand the authority of such board to review the separation of members of the Armed Forces on the basis of a mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder. This would have included a review of those victims who may have suffered military sexual trauma.

April 17, 2013 – H.R. 1593, Sexual Assault Training Oversight and Prevention (STOP) Act, was introduced. This bill seeks to amend Title 10, United States Code, by establishing a Sexual Assault Oversight and Response Council and an enhanced Sexual Assault Oversight and Response Office “to improve the prevention of and response to sexual assault in the Armed Forces, and by requiring the appointment of a Director of Military Prosecutions for sexual-related offenses committed by a member of the Armed Forces.”

April 26, 2013 – A U.S. senator reportedly put a hold on the nomination of Air Force Lt. Gen. Susan Helms, nominated to serve as vice commander of the U.S. Space Command. Earlier in February 2012, Gen. Helms rejected the recommendation of legal counsel and overturned the

⁵⁵ Richard Lardner and Donna Cassata, “Military Sexual Assault Victims Detail Humiliation,” Associated Press, March 13, 2013, at <http://www.military.com/daily-news/2013/03/13/military-sexual-assault-victims-detail-humiliation.html>

⁵⁶ Rick Maze, “Sailor: Navy Compounded Shame After Sex Assault,” *Navy Times*, March 13, 2013, at http://responsesystemspanel.whs.mil/public/docs/meetings/20131107/20131108/06_Sex_Aslt_Survivor_Persp/NavyTimes_Navy_Compounded_Shame_After_Sex_Assault.pdf

conviction of an Air Force captain who had been found guilty of aggravated sexual assault of a female lieutenant.⁵⁷

May 7, 2013 – S. 871, Combating Military Sexual Assault Act of 2013, was introduced, read twice and referred to the Committee on Armed Services. This legislation would have aimed to provide any victim with a special military lawyer who would assist them throughout the process, prohibit sexual contact between instructors and trainees during and within 30 days of completion of basic training or its equivalent, and ensure that sexual assault response coordinators are available to help members of the National Guard and Reserve.

May 7, 2013 – H.R. 1864, to amend Title 10, United States Code, would have required an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault, was introduced and referred to the House Armed Services Committee. This bill would have required the Inspector General of the Department of Defense (DOD), the Department of Homeland Security (DHS) with respect to the Coast Guard, or any of the military departments to investigate allegations of retaliatory personnel actions taken in response to making protected communications regarding alleged instances of rape, sexual assault, or other forms of sexual misconduct in violation of the Uniform Code of Military Justice.

May 7, 2013 – At the Senate Armed Services Committee, Subcommittee on Personnel hearing Gen. Mark Welsh, the Air Force’s Chief of Staff, told the committee that he and Air Force Secretary Michael Donley were “appalled” by the charges against Lt. Col. Jeffrey Krusinski, branch chief of the Air Force’s Sexual Assault and Prevention Office. He was arrested and charged by Arlington County, VA, police for allegedly being drunk and groping a woman in a parking lot one mile from the Pentagon. “Sexual assault prevention and response efforts are critically important to us,” Welsh said. “It is unacceptable that this occurs anywhere, at any time, in our Air Force.”⁵⁸

May 8, 2013 – H.R. 1867, the Better Enforcement for Sexual Assault Free Environments (BE SAFE) Act of 2013, was introduced, read twice, and referred to the House Armed Services Committee. This bill would have amended Title 10, United States Code, “to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.” This bill would ensure those found guilty of rape, sexual assault, sodomy, or an attempt to commit any of those crimes, are—at a minimum—dismissed or dishonorably discharged from the military. The five-year statute of limitations within the military’s justice system for sexual assault cases would be eliminated, and legal assistance services available to victims would be expanded.⁵⁹

May 8, 2013 – In a hearing of the Defense Subcommittee of the Senate Appropriations Committee, senators questioned the Air Force’s top leaders over rising sexual assaults in the military.⁶⁰ Some senators cited DOD statistics from the *Annual Report on Sexual Assault in the Military 2012* on the number of incidents of sexual assaults the same week Lt. Col. Jeffrey

⁵⁷ Donna Cassata, “Senator Puts Hold on AF General’s Promotion,” Associated Press, April 26, 2013, at <http://www.military.com/daily-news/2013/04/26/senator-puts-hold-on-af-lt-generals-promotion.html>

⁵⁸ Lolita C. Baldor and Donna Cassata, “Military Sex Assault Reports are up, Changes Ordered,” *Army Times*, May 7, 2013, at <http://www.nbcwashington.com/news/national-international/Officials-Military-Sex-Assault-Reports-Are-Up-206422041.html>

⁵⁹ Megan Scully, “Pressure Building to Address Military Sexual Assault in Defense Bill,” *Roll Call*, May 9, 2013, http://www.rollcall.com/news/pressure_building_to_address_military_sexual_assault_in_defense_bill-224671-1.html

⁶⁰ Brendan McGarry, “Lawmakers Grill Officials Over Sex Assaults, Nukes,” DODBuzz.com, May 8, 2013, at <http://www.dodbuzz.com/2013/05/08/lawmakers-grill-officials-over-sex-assaults-nukes/>

Krusinski, Chief of the Air Force's Sexual Assault Prevention and Response Branch, was arrested and charged with sexual battery.

May 9, 2013 – A hearing of the Defense Subcommittee of the House Appropriations Committee on the Air Force budget was held. Witnesses included Michael Donley, Secretary of the Air Force, and General Mark Welsh, Air Force Chief of Staff. Members of the committee questioned them on Defense Secretary Hagel's review of the decision by Lt. Gen. Craig Franklin to dismiss Lt. Col. James Wilkerson's sexual assault conviction.

May 14, 2013 – **H.Res. 213**, a resolution to establish the "Special Committee on Sexual Assault and Abuse in the Armed Forces" was introduced. A "Dear Colleague" memorandum urged support of this legislation referencing Gen. Martin Dempsey's denouncement of military sexual assault as a "crisis" and the need for Congress to address this problem in a "deeper, more comprehensive manner." This Special Committee would have included 19 members appointed by the Speaker and Minority Leader, as well as chairman and ranking members of the committees on Armed Services, Appropriations, Judiciary, and Oversight and Government Reform.

May 14, 2013 – **H.R. 1960**, a bill to authorize appropriations for FY2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, was introduced. The FY2014 NDAA addressed the issue of sexual assault in the military by establishing minimum sentencing guidelines for any service members found guilty of sexual assault as well as other provisions.

May 15, 2013 – **H.R. 1986**, Sexual Assault Nurse Examiner (SANE) Deployment Act, was introduced. This bill would have provided for the assignment of Sexual Assault Nurse Examiners-Adult/Adolescent to brigades and equivalent units of the Armed Forces.

May 15, 2013 – **H.R. 2002**, Combating Military Sexual Assault Act of 2013, was introduced and referred to the House Committee on Armed Services. This bill was related to **S. 871**, and would have provided any sexual assault victim with a special military lawyer who would assist them throughout the process, prohibit sexual contact between instructors and trainees during and within 30 days of completion of basic training or its equivalent, and ensure that sexual assault response coordinators (SARCs) are available to help members of the National Guard and Reserve.

May 16, 2013 – **H.R. 2016**, Military Justice Improvement Act of 2013, was introduced and referred to the Committee on Armed Services. This bill would have required "a commanding officer who receives a report of a sexual-related offense involving a member in such officer's chain of command to act immediately upon such report by way of referral to the appropriate criminal investigative office or service." This bill was related to **S. 538**, Military Sexual Assault Prevention Act of 2013, and **S. 967**, Military Justice Improvement Act of 2013.

May 16, 2013 – **S. 967**, Military Justice Improvement Act of 2013, was introduced, read twice, and referred to the Committee on Armed Services. This bill would have required a commanding officer who receives a report of a sex-related offense involving a member in such officer's chain of command to act immediately upon such report by way of referral to the appropriate criminal investigative office or service.

May 21, 2013 – **S. 992**, a bill to provide for offices on sexual assault prevention and response under the Chiefs of Staff of the Armed Forces, to require reports on additional offices and selection of sexual assault prevention and response personnel, and for other purposes. This bill was read twice and referred to the Committee on Armed Services.

May 22, 2013 – A House panel passed a number of changes in sexual assault prevention programs that limited commander discretion in reducing or dismissing rape and assault charges

and expanded support services for victims. The House Armed Services Subcommittee on Military Personnel approved the personnel issues as part of **H.R. 1960**, the FY2014 NDAA bill.⁶¹

May 22, 2013 – The Senate Appropriations Subcommittee on Defense held a hearing on the Army’s FY 2014 Budget Request. Witnesses included Secretary of the Army, John McHugh and Chief of Staff of the Army, General Raymond T. Odierno. Army Secretary McHugh announced at this hearing that the service will soon require soldiers being considered for sexual assault prevention jobs to undergo behavioral-health evaluations as a way of screening out potential sex offenders from these high-profile positions.⁶² This was in response to a senator’s question about the criteria for sexual assault prevention jobs. McHugh said that service record and availability are the only criteria commanders are using to fill these jobs since sexual-assault prevention positions do not fall under any military occupational specialty and lack career incentives.⁶³

May 23, 2013 – **S. 1032**, Better Enforcement for Sexual Assault Free Environments Act of 2013, was introduced, read twice and referred to the Committee on Armed Services. This bill would 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.

June 4, 2013 – The uniformed chiefs of the Army, Navy, Air Force, Marine Corps, and Coast Guard appeared before a hearing of the Senate Armed Services Committee, Subcommittee on Military Personnel. These military leaders acknowledged that despite a “zero tolerance” for sexual abuse, they had neglected the “epidemic” in the ranks by not always monitoring subordinate commanders. Chairman of the Joint Chiefs of Staff, Army Gen. Martin Dempsey pointed to competing demands and pressures of fighting two wars in Iraq and Afghanistan, as a justification for lack of adequate monitoring. The Service Chiefs voiced support for legislative changes that would take tougher action against offenders and provide more support for victims of military sexual assault. They opposed a legislative proposal that would remove unit commanders’ legal power to oversee major criminal cases and transfer that authority to uniformed prosecutors.⁶⁴ The Army Chief of Staff, Gen. Ray Odierno, noted that taking away commanders’ authority in matters of military justice would adversely impact discipline and that “we cannot, however, simply ‘prosecute’ our way out of this problem. At its heart, sexual assault is a discipline issue that requires a culture change.”⁶⁵

June 4, 2013 – **S. 1092** was introduced, read twice, and referred to the Senate Armed Services Committee. This bill would have amended Title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.

June 6, 2013 – would allow victims of sexual assault to apply for a permanent change The House Armed Services Committee passed **H.R. 1960**, the NDAA for FY2014, by a vote of 59-2. According to the Committee’s Fact Sheet, “the FY14 NDAA of station or unit transfer, while

⁶¹ House Armed Services Committee, “HASC tackles ‘sweeping changes’ to military sexual assault laws,” Defense Drumbeat Blog, May 22, 2013, at <https://armedservices.house.gov/news/drumbeat-blog-posts/hasc-tackles-sweeping-changes-military-sexual-assault-laws>

⁶² Matthew Cox, “Army to Screen Sexual Assault Prevention Leaders,” Military.com, May 22, 2013, at <http://www.military.com/daily-news/2013/05/22/army-to-screen-sexual-assault-prevention-leaders.html>

⁶³ Ibid.

⁶⁴ Craig Whitlock, “U.S. Military Chiefs Balk at Taking Sex-Assault Cases out of Commanders’ Hands,” *Washington Post*, June 3, 2013, at http://www.washingtonpost.com/world/national-security/us-military-chiefs-balk-at-taking-sex-assault-cases-out-of-commanders-hands/2013/06/03/0af4f976-cc85-11e2-ac03-178510c9cc0a_story.html?hpid=z1

⁶⁵ Ibid.

authorizing the Secretary of Defense to inform commanders of their authority to remove or temporarily reassign service members who are the alleged perpetrators of sexual assault. It also requires the provision of victims' counsels, qualified and specially trained lawyers in each of the services, to be made available to provide legal assistance to the victims of sex-related offenses. The FY14 NDAA adds rape, sexual assault, or other sexual misconduct to the protected communications of service members with a Member of Congress or an Inspector General.”⁶⁶

June 14, 2013 – The House passed **H.R. 1960**, the NDAA for FY2014 by a vote of 315 to 108 (Roll no. 244). This bill includes a provision protecting victims of sexual assault in the Armed Forces as protected communications under military whistle-blower laws, to shield victims against retaliatory actions. The measure seeks to encourage more victims to report assaults, rape and other forms of sexual misconduct.

June 17, 2013 – **H.R. 2397**, “Department of Defense Appropriations Act, 2014,” was introduced and referred to the House Committee on Appropriations. It was reported as an original measure, H.Rept. 113-113. Lawmakers wrote in this committee report that they were “outraged by the pervasive problem of sexual assault in the Armed Forces. Sexual assault is not just an issue in the military; it is an epidemic. To address it, the Committee believes that there must be a culture change at every level of the military, from the most senior leadership to the most junior ranks.” Included was a measure that would provide \$182 million for the Pentagon’s Sexual Assault Prevention and Response Office (SAPRO) and for an expansion of a victim’s counseling program. For FY2013, the programs received \$95 million. The bill included \$25 million that was not requested by the administration in a transfer account to expand assistance across the Defense Department.⁶⁷

June 20, 2013 – **S. 1197**, NDAA for Fiscal Year 2014, was introduced in the Senate. This bill would have authorized “appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes,” and referred to the Committee on Armed Services. The original measure was reported to the Senate in Report No. 113-44 and placed on the Legislative Calendar under General Orders (Calendar No. 91). Included in this bill was Title V—Military Personnel Policy, Subtitle E—Sexual Assault Prevention and Response and Military Justice.⁶⁸

June 27, 2013 – **H.R. 1864**, a bill “To amend Title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault,” was agreed to/passed in the House, 423-0 (Roll no. 294).

July 18, 2013 – Army Gen. Martin E. Dempsey, the chairman of the Joint Chiefs of Staff, and Navy Adm. James A. Winnefeld Jr., the vice chairman, in a hearing before the Senate Armed Services Committee said that commanders should retain responsibility for prosecuting service

⁶⁶ House Armed Services Committee, *Fact Sheet: H.R. 1960 National Defense Authorization Act for Fiscal Year 2014*, June 6, 2013, at http://www.airforcemag.com/DRArchive/Documents/2013/June%202013/HASC_HR1960_summary.pdf

⁶⁷ For details see p.17 (PDF p.27) in H.Rept. 113-113.

⁶⁸ Senate Committee on Armed Services, Markup of the National Defense Authorization Act for Fiscal Year 2014, Press Release, June 14, 2013, at <https://www.armed-services.senate.gov/press-releases/senate-committee-on-armed-services-completes-markup-of-the-national-defense-authorization-act-for-fiscal-year-2014>

members accused of sexual assault, and taking that authority away could harm good order and discipline.⁶⁹

July 22, 2013 – H.R. 2777, Stop Pay for Violent Offenders Act, was introduced “to amend Title 10, United States Code, to authorize the Secretaries of the military departments to suspend the pay and allowances of a member of the Armed Forces who is held in confinement pending trial by court-martial or by civil authority for any sex-related offense or capital offense.”

July 24, 2013 – H.Amdt. 408 to H.R. 2397, an amendment to provide funds to identify individuals who were separated from the military on the grounds of a disorder subsequent to reporting a sexual assault and, if appropriate, correcting their record. This amendment (A065) was agreed to by voice vote.

July 24, 2013 – H.R. 2397, “Department of Defense Appropriations Act, 2014,” was passed/agreed to in House, 315 - 109 (Roll no. 414).

October 22, 2013 – H.R. 3304, the NDAA for FY2014, was introduced in the House. As introduced, the bill would have provided for a defense counsel interview of victim of an alleged sex-related offense in presence of trial counsel, counsel for the victim, or a Sexual Assault Victim Advocate, prohibition on service in the Armed Forces by individuals who have been convicted of certain sexual offenses, Coast Guard regulations regarding request for permanent change of station or unit transfer by victim of sexual assault, temporary administrative reassignment or removal of an active duty member accused of committing a sexual assault, Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault, compliance tracking of commanding officers in conducting organizational climate assessments for purposes of preventing and responding to sexual assaults, advancement of submittal deadline for report of independent panel on assessment of military response systems to sexual assault, retention of certain forms on sexual assault, timely access to Sexual Assault Response Coordinators by the National Guard and Reserves, and qualifications and selection of Department of Defense sexual assault prevention and response personnel and required availability of Sexual Assault Nurse Examiners. It also would establish commanding officer actions regarding sexual assault reports, an eight-day incident reporting requirement in response to unrestricted report of sexual assault in which the victim is a member of the Armed Forces, and curricula that addresses the prevention of sexual assault at the military service academies.⁷⁰

December 26, 2013 – H.R. 3304, the NDAA for FY2014 became **P.L. 113-66**. As enacted, the bill included more than two dozen provisions to address an epidemic of sexual assault in the military in Title XVII—Sexual Assault Prevention and Response and Related Reforms, Subtitle A—Reform of Uniform Code of Military Justice.⁷¹

February 26, 2014 – Dr. Karen S. Guice, principal deputy assistant secretary of defense for health affairs, and other Defense Department officials testified before the Senate Armed Services

⁶⁹ Jim Garamone, “Commanders Should Retain Prosecution Authority, Leaders Say,” DOD News, July 18, 2013, at <http://archive.defense.gov/news/newsarticle.aspx?id=120476>.

⁷⁰ See [archived] CRS Report, *Sexual Assaults under the Uniform Code of Military Justice (UCMJ): Selected Legislative Proposals*, by R. Chuck Mason, in the section “Selected Legislative Proposals,” on pp. 7-8.

⁷¹ See [archived] CRS Report, *FY2014 National Defense Authorization Act: Selected Military Personnel Issues*, by Don Jansen, et al. in the section on “Sexual Assault and the Military,” February 24, 2014, on p.13.

Committee's personnel subcommittee on the relationship between military sexual assault survivors and the subsequent development of suicide and post-traumatic stress disorder.⁷²

April 9, 2014 – H.R. 4435, the Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, was introduced in the House. The bill would have applied Title XVII of the National Defense Authorization Act for Fiscal Year 2014 (P.L. 113-66; 127 Stat. 950) to the military service academies, consulted with victims of sexual assault regarding victims' preference for prosecution of offense by court-martial or civilian court, created a confidential review of characterization of terms of discharge for victims of sexual offenses, revised requirements relating to DOD policy on retention of evidence in a sexual assault case to allow return of personal property upon completion of related proceedings, required the DOD Inspector General to review separation of members who made unrestricted reports of sexual assault, and would have created a deadline for submission of report containing results of review of Office of Diversity Management and Equal Opportunity role in sexual harassment cases. Prior to passing in the House, the House Armed Services Committee rejected an amendment from Congresswoman Speier that would have removed the military chain of command from decisions to prosecute sexual assault cases and other major crimes, except offenses that are unique to the military. She offered an alternative proposal, which would have only removed commanding officers' prosecutorial discretion for instances of sexual assault, that was also rejected by a 28-34 vote. It was received in the Senate, read twice, and placed on Senate Legislative Calendar under General Orders. Calendar No. 425.

June 2, 2014 — S. 2410, the Carl Levin National Defense Authorization Act for Fiscal Year 2015, was introduced in the Senate. It was placed on Senate Legislative Calendar under General Orders. Calendar No. 402. The bill included measures on military justice such as enhancing sexual assault prevention and response, the application of P.L. 113-66, Title XVII to military academies, and the collaboration between the Departments of Justice and Defense.

December 19, 2014 — H.R. 3979, the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, was signed as P.L. 113-291. Subtitle D—Military Justice, Including Sexual Assault and Domestic Violence Prevention and Response addressed the following: modification of DOD policy on retention of evidence in a sexual assault cases to permit return of personal property upon completion of related proceedings; requirements relating to Sexual Assault Forensic Examiner; analysis and assessment of disposition of most serious offenses; a plan for limited use of certain information on sexual assaults in restricted reports by military criminal investigative organizations; the establishment of a Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces; confidential review of the terms of discharge of sexual assault survivors; deadline for submission of report containing results of review of Office of Diversity Management and Equal Opportunity role in sexual harassment cases; and applied Title XVII of the NDAA for Fiscal Year 2014 (P.L. 113-66; 127 Stat. 950) to the military service academies.⁷³

⁷² Karen Guice, Nathan Galbreath, and Jacqueline Garrick. "Statement by Dr. Karen Guice Principal Deputy Assistant Secretary of Defense (Health Affairs); Dr. Nathan Galbreath Senior Executive Advisor DOD Sexual Assault Prevention and Response Office; and Jacqueline Garrick Director, Defense Suicide Prevention Office regarding support to survivors of sexual assault before the Senate Armed Services Committee, Personnel Subcommittee," February 26, 2014, at <https://www.health.mil/Reference-Center/Congressional-Testimonies/2014/02/26/Dr-Karen-Guice>

⁷³ See CRS Report R43647, *FY2015 National Defense Authorization Act: Selected Military Personnel Issues*, coordinated by Barbara Salazar Torreon, December 11, 2014, in sections "Briefing on Sexual Assault Prevention and Response," on p.9 and "Sexual Assault" on p.18.

114th Congress (2015-2016)

January 13, 2015 — **S. 178**, the Justice for Victims of Trafficking Act of 2015 was introduced in the Senate. Title V of this bill “Military Sex Offender Reporting” stipulates that the Secretary of Defense shall provide the Attorney General information about sex offenders in the military to be included in the National Sex Offender Registry and the Dru Sjodin National Sex Offender Public Website.⁷⁴ It became P.L. 114-22 on May 29, 2015.

February 3, 2015 — **H.R. 677**, American Heroes COLA Act of 2015, was introduced in the House, passed on February 9, and the next day was received in the Senate, read twice, and referred to the Committee on Veterans' Affairs. Section 6 proposed that veterans whose claims were being reviewed again in relation to a previously denied claim relating to military sexual trauma be given priority, among other claims.

February 12, 2015 — **H.R. 956**, the Military Track, Register and Alert Communities Act of 2015 (Military TRAC Act) was introduced in the House and referred to the House Armed Services Committee’s Subcommittee on Military Personnel on November 23. This bill intended to require DOD to maintain a sex offender registry of individuals convicted of certain sex offenses under the Uniform Code of Military Justice or of other military offenses appropriate for sex offender registration purposes.

April 13, 2015 — **H.R. 1735**, the National Defense Authorization Act for Fiscal Year 2016, was introduced in the House. Subtitle D addressed military justice, including sexual assault and domestic violence prevention and response.

April 24, 2015 — **H.R. 2029**, the Consolidated Appropriations Act, 2016 was introduced in the House and later became P.L. 114-113. Section 8057 specified that “\$25,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program.”

May 14, 2015 — **S. 1356**, the National Defense Authorization Act for Fiscal Year 2016 was introduced in the Senate and later became P.L. 114-92 on November 25, 2015. Subtitle D “Military Justice, Including Sexual Assault and Domestic Violence Prevention and Response” amended the Uniform Code of Military Justice, authorized Special Victims’ Counsel for civilian DOD employees, required the DOD to develop a policy to standardize the training for Special Victims' Counsel, required the establishment of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces within 90 days, required the development of a plan to improve prevention and response to sexual assaults of male members of the Armed Forces, required the establishment of a strategy to prevent retaliation against Armed Forces members who report or intervene on behalf of sexual assault victims, and authorized the President to modify Rule 304(c) of the Military Rules of Evidence to conform to the rules governing the admissibility of the corroboration of admissions and confessions in the trial of criminal cases in the U.S. district courts.⁷⁵

⁷⁴ The Dru Sjodin National Sex Offender Public Website (NSOPW) is a public resource that provides access to sex offender data nationwide. It is a partnership between the U.S. Department of Justice and state, territorial, and tribal governments. It was named in honor of young college student Dru Sjodin of Grand Forks, North Dakota, a young woman who was murdered by a sex offender who was registered in Minnesota. <https://www.nsopw.gov/en/home/about/>

⁷⁵ See CRS Report R44120, *FY2016 National Defense Authorization Act: Selected Military Personnel Issues*, by Kristy N. Kamarck, Lawrence Kapp, and Barbara Salazar Torreon, December 17, 2015, in the section on ‘Sexual Assault’ on p. 10.

June 11, 2015 — **S. 1558**, Department of Defense Appropriations Act, 2016, was introduced in the Senate. The bill would have required specified O&M funds to be used for continued implementation and expansion of the Sexual Assault Prevention and Response Program.

June 11, 2015 — **S. 1567**, a bill to amend Title 10, United States Code, to provide for a review of the characterization or terms of discharge from the Armed Forces of individuals with mental health disorders alleged to affect terms of discharge, was introduced in the Senate. The bill proposed to address medical evidence reviews for former members applying for relief from the terms of their discharge due to military sexual trauma among other conditions.

June 11, 2015 — **S.Amdt. 1578 to S.Amdt. 1463 in H.R. 1735**, National Defense Authorization Act for Fiscal Year 2016, was proposed in the Senate and later considered and defeated on June 16. This bill was intended to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice. It did not achieve 60 votes in the Senate by Yea-Nay Vote. The final vote was 50 - 49.

April 12, 2016 — **H.R. 4909**, the NDAA for FY2017, was introduced in the House where it passed on May 18. On May 26, it was received in the Senate, read twice, and placed on Senate Legislative Calendar under General Orders. Calendar No. 502.

April 18, 2016 — **H.R. 4991**, the Prevent Retaliation and Open up Transparency to Expand Care for Troops (PROTECT) Act of 2016, was introduced in the House and later referred to the House Armed Services' Subcommittee on Military Personnel. The bill intended to amend the Uniform Code of Military Justice to establish the offense of retaliation with provisions that would permit any person intent on retaliating against anyone for reporting or planning to report a criminal offense to be punished as a court-martial may direct.

May 18, 2016 — **S. 2943**, the National Defense Authorization Act for Fiscal Year 2017, was introduced in the Senate and became P.L. 114-328 on December 23. Subtitle D specified requirements for the review by a discharge review board of claims by former members asserting post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) in connection with combat or sexual trauma. Subtitle E "Military Justice and Legal Assistance Matters" required an annual report on sexual assault and response efforts, required Sexual Assault Prevention and Response Office to establish evaluation metrics and best practices in the prevention of and response to retaliation, and modified the definition of sexual harassment for the purposes of investigations of complaints of harassment by commanding officers. Title XXXV "Maritime Matters" established requirements for policies and training regarding sexual harassment and sexual assault prevention and response at the U.S. Merchant Marine Academy and required the Inspector General of the Department of Transportation to submit a report to Congress about the sexual harassment and sexual assault prevention and response program at the U.S. Merchant Marine Academy. Title LIV "Court-Martial Jurisdiction" specified the sexual offenses over which general courts-martial have exclusive jurisdiction. Title LX "Punitive Articles" created a new section of the Uniform Code of Military Justice addressing accountability for sexual misconduct committed by recruiters and trainers during the various phases within the recruiting and basic military training environments, revised the definition of "sexual act" with respect to the offenses of rape and sexual assault.⁷⁶

May 19, 2016 — **H.R. 5293**, Department of Defense Appropriations Act, 2017, was introduced in the House, passed on June 16, received in the Senate the next day, where it received a motion to proceed to consideration. The bill would have required O&M funds to be used for continued implementation and expansion of the Sexual Assault Prevention and Response (SAPR) Program.

⁷⁶ See CRS Report R44577, *FY2017 National Defense Authorization Act: Selected Military Personnel Issues*, by Kristy N. Kamarck et al., January 23, 2017, in the section "Military Sexual Assault and Sexual Harassment" on p.29.

May 26, 2016 — **S. 3000**, Department of Defense Appropriations Act, 2017, was introduced in the Senate and placed on Senate Legislative Calendar under General Orders. Calendar No. 500. The Senate Committee on Appropriations, Subcommittee on Department of Defense held several hearings prior from February-April. The bill would have required specified O&M funds to be used for continued implementation and expansion of the SAPR Program.

Table 1. Key Bills in the 113th Congress (2013-2014)

Bill Number and Title	Date Introduced	Status
H.R. 430 , Protect Our Military Trainees Act.	1/25/2013	2/21/2013: Referred to the House Committee on Armed Services, Subcommittee on Military Personnel.
H.R. 671/S. 294 , Ruth Moore Act of 2013.	2/13/2013	6/4/2013: H.R. 671 Passed/agreed to in House by voice vote. 6/6/2013: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. 6/12/2013: Committee on Veterans' Affairs. Hearings held on. S. 294
S. 548 , Military Sexual Assault Prevention Act of 2013.	3/13/2013	3/13/2013: Read twice and referred to the Senate Committee on Armed Services.
H.R. 1593 , Sexual Assault Training Oversight and Prevention (STOP) Act.	4/17/2013	4/17/2013: Referred to the House Committee on Armed Services. 5/6/2013: Referred to the Subcommittee on Military Personnel.
S. 871 , Combating Military Sexual Assault Act of 2013.	5/7/2013	5/7/2013: Read twice and referred to the Senate Committee on Armed Services.
H.R. 1864 , To amend Title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.	5/7/2013	6/27/2013: Passed/agreed to in House, 423 - 0 (Roll no. 294). 7/8/2013 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Armed Services.
H.R. 1867 , Better Enforcement for Sexual Assault Free Environments Act of 2013 (BE SAFE Act).	5/8/2013	6/8/2013: Referred to the House Committee on Armed Services. 6/20/2013: Referred to the Subcommittee on Military Personnel.
H.R. 1960 , National Defense Authorization Act (NDAA) for Fiscal Year 2014.	5/14/2013	6/14/2013: Passed/agreed to in House by recorded vote: 315 - 108 (Roll no. 244). 7/8/2013 Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 126.
H.R. 2002 , Combating Military Sexual Assault Act of 2013 (related to S. 871).	5/15/2013	5/15/2013: Referred to the House Committee on Armed Services. 6/20/2013: Referred to the Subcommittee on Military Personnel.
H.R. 2016/S. 967 , Military Justice Improvement Act of 2013.	5/16/2013	5/16/2013: H.R. 2016 Referred to the House Committee on Armed Services. 6/20/2013: Referred to the Subcommittee on Military Personnel. 5/16/2013: S.967 Read twice and referred to the Senate Committee on Armed Services.
S. 1032/H.R. 2207 , Better Enforcement for Sexual Assault	5/23/2013	5/23/2013: S.1032 Read twice and referred to the Senate Committee on Armed Services.

Bill Number and Title	Date Introduced	Status
Free Environments Act of 2013 (BE SAFE Act), related to H.R.1867.		5/23/2013: H.R.2207 Referred to the House Committee on Armed Services.
S. 1092 , A bill to amend Title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.	6/4/2013	6/4/2013: Read twice and referred to the Senate Committee on Armed Services.
H.R. 2397 , Department of Defense Appropriations Act, 2014	6/17/2013	6/17/2013 The House Committee on Appropriations reported an original measure, H. Rept. 113-113. 7/24/2013 Passed/agreed to in House 315 - 109 (Roll no. 414).
S. 1197 , National Defense Authorization Act for Fiscal Year 2014	6/20/2013	6/20/2013 Committee on Armed Services. Original measure reported to Senate with written report No. 113-44. Placed on Senate Legislative Calendar under general Orders (Calendar No. 91).
H.R. 2777 , Stop Pay for Violent Offenders Act.	7/22/2013	7/22/2013: Referred to the House Committee on Armed Services.

Sources: Congress.gov at <http://www.congress.gov> and CQ.com at <http://CQ.com>.

Table 2. Key Bills in the 114th Congress (2015-2016)

Bill Number and Title	Date Introduced	Current Status
S. 178, the Justice for Victims of Trafficking Act of 2015	1/13/2015	5/29/2015 Became P.L. 114-22. 5/29/2015 Signed by President.
H.R. 677, American Heroes COLA Act of 2015	2/3/2015	2/9/2016 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.
H.R. 956, the Military Track, Register and Alert Communities Act of 2015 (Military TRAC Act)	2/12/2015	11/23/2015 Referred to the Subcommittee on Military Personnel.
H.R. 1603, the Military Sexual Assault Victims Empowerment Act, or Military SAVE Act	3/25/2015	11/17/2015 Subcommittee Hearings Held by House Veterans' Affairs Subcommittee on Health.
H.R. 1607/S. 865, the Ruth Moore Act of 2015	3/25/2015	3/25/2015 S. 865 Read twice and referred to the Committee on Veterans' Affairs. 7/28/2015 Received H.R.1607 in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016	4/13/2015	10/22/2015 Vetoed by President.
S. 1376, National Defense Authorization Act for Fiscal Year 2016	5/19/2015	5/19/2015 Placed on Senate Legislative Calendar under General Orders. Calendar No. 88.

Bill Number and Title	Date Introduced	Current Status
H.R. 2029, the Consolidated Appropriations Act, 2016	4/24/2015	12/18/2015 Became P.L. 114-113. 12/18/2015 Signed by President.
S. 1356, the National Defense Authorization Act for Fiscal Year 2016	5/14/2015	11/25/2015 Became P.L. 114-92. 11/25/2015 Signed by President.
S. 1558, Department of Defense Appropriations Act, 2016	6/11/2015	6/11/2015 Placed on Senate Legislative Calendar under General Orders. Calendar No. 115.
S. 1567, a bill to amend Title 10, United States Code, to provide for a review of the characterization or terms of discharge from the Armed Forces of individuals with mental health disorders alleged to affect terms of discharge	6/11/2015	6/11/2015 Read twice and referred to the Committee on Armed Services.
S.Amdt. 1578 to S.Amdt. 1463	6/11/2015	6/16/2015 Amendment SA 1578, under the order of 6/11/15, not having achieved 60 votes in the affirmative, was not agreed to in Senate by Yea-Nay Vote. 50 - 49.
S. 2521, the Military SAVE Act	2/9/2016	2/9/2016 Read twice and referred to the Committee on Veterans' Affairs.
H.R. 4909, National Defense Authorization Act for Fiscal Year 2017	4/12/2016	5/26/2016 Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 502.
H.R. 4991, the Prevent Retaliation and Open up Transparency to Expand Care for Troops (PROTECT) Act of 2016	4/18/2016	5/5/2016 Referred to the Subcommittee on Military Personnel.
S. 2814, the National Defense Authorization Act for Fiscal Year 2017	4/19/2016	4/19/2016 Read twice and referred to the Committee on Armed Services.
S. 2943, the National Defense Authorization Act for Fiscal Year 2017	5/18/2016	12/23/2016 Became P.L. 114-328. 12/23/2016 Signed by President.
H.R. 5293, Department of Defense Appropriations Act, 2017	5/19/2016	9/6/2016 Second cloture on the motion to proceed to the measure not invoked in Senate by Yea-Nay Vote. 55 - 43.
S. 3000, Department of Defense Appropriations Act, 2017	5/26/2016	5/26/2016 Placed on Senate Legislative Calendar under General Orders. Calendar No. 500.
H.R. 5600, No Hero Left Untreated Act	6/28/2016	11/30/2016 Received in the Senate.

Sources: Congress.gov at <http://www.congress.gov> and CQ.com at <http://CQ.com>

Selected Resources

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