

the case is warranted. Such a waiver may be for an additional period of not more than six months. The Secretary concerned may not delegate authority to make a determination under this subparagraph.

(g) EXISTING JURISDICTION.—Nothing in this section limits—

(1) the jurisdiction of any court of the United States under any provision of law to determine the validity of any law, regulation, or policy relating to selection boards; or

(2) the authority of the Secretary of a military department to correct a military record under section 1552 of this title.

(Added Pub. L. 107–107, div. A, title V, §503(a)(1), Dec. 28, 2001, 115 Stat. 1080.)

EFFECTIVE DATE

Section applicable with respect to any proceeding pending on or after Dec. 28, 2001, without regard to whether a challenge to an action of a selection board of any of the Armed Forces being considered in the proceeding was initiated before, on, or after that date, but not applicable with respect to any action commenced in a court of the United States before Dec. 28, 2001, see section 503(c) of Pub. L. 107–107, set out as an Effective Date of 2001 Amendment note under section 628 of this title.

§ 1559. Personnel limitation

(a) LIMITATION.—Before December 31, 2025, the Secretary of a military department may not carry out any reduction in the number of military and civilian personnel assigned to duty with the service review agency for that military department below the baseline number for that agency.

(b) BASELINE NUMBER.—The baseline number for a service review agency under this section is—

(1) for purposes of the first report with respect to a service review agency under this section, the number of military and civilian personnel assigned to duty with that agency as of January 1, 2002; and

(2) for purposes of any subsequent report with respect to a service review agency under this section, the number of such personnel specified in the most recent report with respect to that agency under this section.

(c) SERVICE REVIEW AGENCY DEFINED.—In this section, the term “service review agency” means—

(1) with respect to the Department of the Army, the Army Review Boards Agency;

(2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and

(3) with respect to the Department of the Air Force, the Air Force Review Boards Agency.

(Added Pub. L. 107–314, div. A, title V, §552(a), Dec. 2, 2002, 116 Stat. 2552; amended Pub. L. 108–375, div. A, title V, §581, Oct. 28, 2004, 118 Stat. 1928; Pub. L. 110–417, [div. A], title V, §593, Oct. 14, 2008, 122 Stat. 4475; Pub. L. 111–383, div. A, title V, §533(b), Jan. 7, 2011, 124 Stat. 4216; Pub. L. 112–239, div. A, title V, §520, title X, §1076(b)(2), Jan. 2, 2013, 126 Stat. 1722, 1949; Pub. L. 114–328, div. A, title V, §592, Dec. 23, 2016, 130 Stat. 2152; Pub. L. 116–92, div. A, title V, §524(a), Dec. 20, 2019, 133 Stat. 1355.)

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–92 substituted “December 31, 2025” for “December 31, 2019” and “that agency.” for “that agency until—” and struck out pars. (1) and (2) which read as follows:

“(1) the Secretary submits to Congress a report that—

“(A) describes the reduction proposed to be made;

“(B) provides the Secretary’s rationale for that reduction; and

“(C) specifies the number of such personnel that would be assigned to duty with that agency after the reduction; and

“(2) a period of 90 days has elapsed after the date on which the report is submitted.”

2016—Subsec. (a). Pub. L. 114–328 substituted “December 31, 2019” for “December 31, 2016” in introductory provisions.

2013—Subsec. (a). Pub. L. 112–239, §1076(b)(2), made technical amendment to directory language of Pub. L. 111–383. See 2011 Amendment note below.

Pub. L. 112–239, §520, substituted “December 31, 2016” for “December 31, 2013” in introductory provisions.

2011—Subsec. (a). Pub. L. 111–383, as amended by Pub. L. 112–239, §1076(b)(2), substituted “December 31, 2013” for “December 31, 2010” in introductory provisions.

2008—Subsec. (a). Pub. L. 110–417 substituted “December 31, 2010” for “October 1, 2008” in introductory provisions.

2004—Subsec. (a). Pub. L. 108–375 substituted “Before October 1, 2008,” for “During fiscal years 2003, 2004, and 2005,” in introductory provisions.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112–239, div. A, title X, §1076(b), Jan. 2, 2013, 126 Stat. 1949, provided that the amendment made by section 1076(b)(2) is effective Jan. 7, 2011, and as if included in Pub. L. 111–383 as enacted.

CHAPTER 80—MISCELLANEOUS INVESTIGATION REQUIREMENTS AND OTHER DUTIES

Sec.	
1561.	Complaints of sexual harassment: investigation by commanding officers.
1561a.	Civilian orders of protection: force and effect on military installations.
1562.	Database on domestic violence incidents.
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1564a.	Counterintelligence polygraph program.
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1565.	DNA identification information: collection from certain offenders; use.
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1565b.	Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
1566.	Voting assistance: compliance assessments; assistance.
1566a.	Voting assistance: voter assistance offices.
1567.	Duration of military protective orders.
1567a.	Mandatory notification of issuance of military protective order to civilian law enforcement.

PRIOR PROVISIONS

A prior chapter 80, comprised of sections 1571 to 1577, relating to Exemplary Rehabilitation Certificates, was repealed by Pub. L. 90–83, §3(2), Sept. 11, 1967, 81 Stat. 220.

AMENDMENTS

2018—Pub. L. 115–232, div. A, title XVI, §1622(b), Aug. 13, 2018, 132 Stat. 2118, added item 1564b.

2011—Pub. L. 112-81, div. A, title V, § 581(b)(2), Dec. 31, 2011, 125 Stat. 1431, added item 1565b.

2009—Pub. L. 111-84, div. A, title V, § 583(b)(2), Oct. 28, 2009, 123 Stat. 2330, added item 1566a.

2008—Pub. L. 110-417, [div. A], title V, §§ 561(b), 562(b), Oct. 14, 2008, 122 Stat. 4470, added items 1567 and 1567a.

2003—Pub. L. 108-136, div. A, title X, §§ 1031(a)(11)(B), 1041(a)(2), Nov. 24, 2003, 117 Stat. 1597, 1608, struck out “and recommendation” after “review” in item 1563 and added item 1564a.

2002—Pub. L. 107-314, div. A, title X, § 1063(b), Dec. 2, 2002, 116 Stat. 2653, added item 1565a.

Pub. L. 107-311, § 2(b), Dec. 2, 2002, 116 Stat. 2455, added item 1561a.

2001—Pub. L. 107-107, div. A, title XVI, § 1602(a)(2), Dec. 28, 2001, 115 Stat. 1276, added item 1566.

2000—Pub. L. 106-546, § 5(a)(2), Dec. 19, 2000, 114 Stat. 2732, added item 1565.

Pub. L. 106-398, § 1 [[div. A], title V, § 542(b), title X, § 1072(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-115, 1654A-277, added items 1563 and 1564.

1999—Pub. L. 106-65, div. A, title V, § 594(b), Oct. 5, 1999, 113 Stat. 644, added item 1562.

INCREASE IN NUMBER OF DIGITAL FORENSIC EXAMINERS FOR CERTAIN MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS

Pub. L. 116-92, div. A, title V, § 539, Dec. 20, 2019, 133 Stat. 1364, provided that:

“(a) IN GENERAL.—Each Secretary of a military department shall take appropriate actions to increase the number of digital forensic examiners in each military criminal investigative organization specified in subsection (b) under the jurisdiction of such Secretary by not fewer than 10 from the authorized number of such examiners for such organization as of September 30, 2019.

“(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.—The military criminal investigative organizations specified in this subsection are the following:

“(1) The Army Criminal Investigation Command.

“(2) The Naval Criminal Investigative Service.

“(3) The Air Force Office of Special Investigations.

“(c) FUNDING.—Funds for additional digital forensic examiners as required by subsection (a) for fiscal year 2020, including for compensation, initial training, and equipment, shall be derived from amounts authorized to be appropriated for that fiscal year for the Armed Force concerned for operation and maintenance.”

INCREASE IN INVESTIGATIVE PERSONNEL AND VICTIM WITNESS ASSISTANCE PROGRAM LIAISONS

Pub. L. 116-92, div. A, title V, § 540, Dec. 20, 2019, 133 Stat. 1364, provided that:

“(a) MILITARY CRIMINAL INVESTIGATIVE SERVICES.—Not later than one year after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of each military department shall increase the number of personnel assigned to the military criminal investigative services of the department with the goal of ensuring, to the extent practicable, that the investigation of any sex-related offense is completed not later than six months after the date on which the investigation is initiated. An investigation shall be considered completed for purposes of the preceding sentence when the active phase of the investigation is sufficiently complete to enable the appropriate authority to reach a decision with respect to the disposition of charges for the sex-related offense.

“(b) VICTIM WITNESS ASSISTANCE PROGRAM LIAISONS.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall increase the number of personnel serving as Victim Witness Assistance Program liaisons to address personnel shortages in the Victim Witness Assistance Program.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any right or benefit, substantive or procedural, enforceable at law or in equity

by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.”

ENHANCING THE CAPABILITY OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS TO PREVENT AND COMBAT CHILD SEXUAL EXPLOITATION

Pub. L. 116-92, div. A, title V, § 550D, Dec. 20, 2019, 133 Stat. 1383, provided that:

“(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall establish and carry out an initiative to enhance the capability of military criminal investigative organizations to prevent and combat child sexual exploitation.

“(b) ACTIVITIES.—In establishing and carrying out the initiative under subsection (a), the Secretary of Defense may—

“(1) work with internal and external functional experts to train the personnel of military criminal investigative organizations across the Department regarding—

“(A) technologies, tools, and techniques, including digital forensics, to enhance the investigation of child sexual exploitation; and

“(B) evidence-based forensic interviewing of child victims, and the referral of child victims for trauma-informed mental and medical health care, and other treatment and support services;

“(2) to the extent authorized by law, collaborate with Federal, State, local, and other civilian law enforcement agencies on issues relating to child sexual exploitation, including by—

“(A) participating in task forces established by such agencies for the purpose of preventing and combating child sexual exploitation;

“(B) establishing cooperative agreements to facilitate co-training and collaboration with such agencies; and

“(C) ensuring that streamlined processes for the referral of child sexual exploitation cases to other agencies and jurisdictions, as appropriate, are fully operational;

“(3) as appropriate, assist in educating the military community on the prevention and response to child sexual exploitation; and

“(4) carry out such other activities as the Secretary determines to be relevant.”

MULTIDISCIPLINARY TEAMS FOR MILITARY INSTALLATIONS ON CHILD ABUSE AND OTHER DOMESTIC VIOLENCE

Pub. L. 115-232, div. A, title V, § 577, Aug. 13, 2018, 132 Stat. 1781, provided that:

“(a) MULTIDISCIPLINARY TEAMS REQUIRED.—

“(1) IN GENERAL.—Under regulations prescribed by each Secretary concerned, there shall be established and maintained for each military installation, except as provided in paragraph (2), one or more multidisciplinary teams on child abuse and other domestic violence for the purposes specified in subsection (b).

“(2) SINGLE TEAM FOR PROXIMATE INSTALLATIONS.—A single multidisciplinary team described in paragraph (1) may be established and maintained under this subsection for two or more military installations in proximity with one another if the Secretary concerned determines, in consultation with the Secretary of Defense, that a single team for such installations suffices to carry out the purposes of such teams under subsection (b) for such installations.

“(b) PURPOSES.—The purposes of each multidisciplinary team maintained pursuant to subsection (a) shall be as follows:

“(1) To provide for the sharing of information among such team and other appropriate personnel on the installation or installations concerned regarding the progress of investigations into and resolutions of incidents of child abuse and other domestic violence involving members of the Armed Forces stationed at

or otherwise assigned to the installation or installations.

“(2) To provide for and enhance collaborative efforts among such team and other appropriate personnel of the installation or installations regarding investigations into and resolutions of such incidents.

“(3) To enhance the social services available to military families at the installation or installations in connection with such incidents, including through the enhancement of cooperation among specialists and other personnel providing such services to such military families in connection with such incidents.

“(4) To carry out such other duties regarding the response to child abuse and other domestic violence at the installation or installations as the Secretary concerned considers appropriate for such purposes.

“(c) PERSONNEL.—

“(1) IN GENERAL.—Each multidisciplinary team maintained pursuant to subsection (a) shall be composed of the following:

“(A) One or more judge advocates.

“(B) Appropriate personnel of one or more military criminal investigation services.

“(C) Appropriate mental health professionals.

“(D) Appropriate medical personnel.

“(E) Family advocacy case workers.

“(F) Such other personnel as the Secretary or Secretaries concerned consider appropriate.

“(2) EXPERTISE AND TRAINING.—Any individual assigned to a multidisciplinary team shall possess such expertise, and shall undertake such training as is required to maintain such expertise, as the Secretary concerned shall specify for purposes of this section in order to ensure that members of the team remain appropriately qualified to carry out the purposes of the team under this section. The training and expertise so specified shall include training and expertise on special victims' crimes, including child abuse and other domestic violence.

“(d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

“(1) USE OF COMMUNITY RESOURCES SERVING INSTALLATIONS.—In providing under this section for a multidisciplinary team for a military installation or installations that benefit from services or resources on child abuse or other domestic violence that are provided by civilian entities in the vicinity of the installation or installations, the Secretary concerned may take the availability of such services or resources to the installation or installations into account in providing for the composition and duties of the team.

“(2) BEST PRACTICES.—The Secretaries concerned shall take appropriate actions to ensure that multidisciplinary teams maintained pursuant to subsection (a) remain fully and currently apprised of best practices in the civilian sector on investigations into and resolutions of incidents of child abuse and other domestic violence and on the social services provided in connection with such incidents.

“(3) COLLABORATION.—In providing for the enhancement of social services available to military families in accordance with subsection (b)(3), the Secretaries concerned shall permit, facilitate, and encourage multidisciplinary teams to collaborate with appropriate civilian agencies in the vicinity of the military installations concerned with regard to availability, provision, and use of such services to and by such families.

“(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2020 through 2022, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities of multidisciplinary teams maintained pursuant to subsection (a) under the jurisdiction of such Secretary during the preceding year. Each report shall set forth, for the period covered by such report, the following:

“(1) A summary description of the activities of the multidisciplinary teams concerned, including the number and composition of such teams, the recurring

activities of such teams, and any notable achievements of such teams.

“(2) A description of any impediments to the effectiveness of such teams.

“(3) Such recommendations for legislative or administrative action as such Secretary considers appropriate in order to improve the effectiveness of such teams.

“(4) Such other matters with respect to such teams as such Secretary considers appropriate.

“(f) SECRETARY CONCERNED.—

“(1) DEFINITION.—In this section, the term ‘Secretary concerned’ has the meaning given that term in section 101(a)(9) of title 10, United States Code.

“(2) USAGE WITH RESPECT TO MULTIPLE INSTALLATIONS.—For purposes of this section, any reference to ‘Secretary concerned’ with respect to a single multidisciplinary team established and maintained pursuant to subsection (a) for two or more military installations that are under the jurisdiction of different Secretaries concerned, shall be deemed to refer to each Secretary concerned who has jurisdiction of such an installation, acting jointly.”

§ 1561. Complaints of sexual harassment: investigation by commanding officers

(a) ACTION ON COMPLAINTS ALLEGING SEXUAL HARASSMENT.—A commanding officer or officer in charge of a unit, vessel, facility, or area of the Army, Navy, Air Force, or Marine Corps who receives from a member of the command or a civilian employee under the supervision of the officer a complaint alleging sexual harassment by a member of the armed forces or a civilian employee of the Department of Defense shall carry out an investigation of the matter in accordance with this section.

(b) COMMENCEMENT OF INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge receiving such a complaint shall, within 72 hours after receipt of the complaint—

(1) forward the complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

(2) commence, or cause the commencement of, an investigation of the complaint; and

(3) advise the complainant of the commencement of the investigation.

(c) DURATION OF INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge receiving such a complaint shall ensure that the investigation of the complaint is completed not later than 14 days after the date on which the investigation is commenced.

(d) REPORT ON INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge receiving such a complaint shall—

(1) submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the investigation is commenced; or

(2) submit a report on the progress made in completing the investigation to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a