

“(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.

Statutory Notes and Related Subsidiaries

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.
1561b.	Confidential reporting of sexual harassment.
1562.	Database on domestic violence incidents.
1562a.	Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense.
1563.	Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion.
1563a.	Honorary promotions on the initiative of the Department of Defense.
1564.	Security clearance investigations.
1564a.	Counterintelligence polygraph program.
1564b.	Security vetting for foreign nationals.
1565.	DNA identification information: collection from certain offenders; use.
1565a.	DNA samples maintained for identification of human remains: use for law enforcement purposes.
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.

AMENDMENT OF ANALYSIS

Pub. L. 117-81, div. A, title V, §543(b), (c), Dec. 27, 2021, 135 Stat. 1710, provided that, effective on the date that is two years after Dec. 27, 2021, this analysis is amended by striking the item relating to section 1561 and inserting the following new item:

“1561. Complaints of sexual harassment: independent investigation.”

See 2021 Amendment note below.

Editorial Notes

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

2021—Pub. L. 117-81, div. A, title V, §§543(b), 544(b), Dec. 27, 2021, 135 Stat. 1710, 1711, added items 1561 and 1562a and struck out former item 1561 “Complaints of sexual harassment: investigation by commanding officers”.

Pub. L. 116-283, div. A, title V, §§523(c), 532(a)(2), Jan. 1, 2021, 134 Stat. 3599, 3602, added items 1561b, 1563, and 1563a and struck out former item 1563 “Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review”. Item 1561b was added after item 1561a to reflect the probable intent of Congress, notwithstanding directory language adding it after item 1561b.

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 1566a.

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.

Statutory Notes and Related Subsidiaries

ANNUAL PRIMARY PREVENTION RESEARCH AGENDA

Pub. L. 117-81, div. A, title V, §549A, Dec. 27, 2021, 135 Stat. 1721, provided that:

“(a) IN GENERAL.—Beginning on October 1, 2022, and annually on the first day of each fiscal year thereafter, the Secretary of Defense shall publish a Department of Defense research agenda for that fiscal year, focused on the primary prevention of interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

“(b) ELEMENTS.—Each annual primary prevention research agenda published under subsection (a) shall—

“(1) identify research priorities for that fiscal year;

“(2) assign research projects and tasks to the military departments and other components of the Department of Defense, as the Secretary of Defense determines appropriate;

“(3) allocate or direct the allocation of appropriate resourcing for each such project and task; and

“(4) be directive in nature and enforceable across all components of the Department of Defense, including with regard to—

“(A) providing for timely access to records, data and information maintained by any component of the Department of Defense that may be required in furtherance of an assigned research project or task;

“(B) ensuring the sharing across all components of the Department of Defense of the findings and the outcomes of any research project or task; and

“(C) any other matter determined by the Secretary of Defense.

“(C) GUIDING PRINCIPLES.—The primary prevention research agenda should, as determined by the Secretary of Defense—

“(1) reflect a preference for research projects and tasks with the potential to yield or contribute to the development and implementation of actionable primary prevention strategies in the Department of Defense;

“(2) be integrated, so as to discover or test cross-cutting interventions across the spectrum of interpersonal and self-directed violence;

“(3) incorporate collaboration with other Federal departments and agencies, State governments, academia, industry, federally funded research and development centers, non-profit organizations, and other organizations outside of the Department of Defense; and

“(4) minimize unnecessary duplication of effort.

“(d) BUDGETING.—The Secretary of Defense shall create a unique Program Element for and shall prioritize recurring funding to ensure the continuity of research pursuant to the annual primary prevention research agenda.”

MULTIDISCIPLINARY BOARD TO EVALUATE SUICIDE EVENTS

Pub. L. 116-283, div. A, title V, §549A, Jan. 1, 2021, 134 Stat. 3620, provided that:

“(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance that requires each suicide event involving of a member of a covered Armed Force to be reviewed by a multidisciplinary board established at the command or installation level, or by the Chief of the covered Armed Force. Such guidance shall require that, for each suicide event reviewed by such a board, the board shall—

“(1) clearly define the objective, purpose, and outcome of the review;

“(2) take a multidisciplinary approach to the review and include, as part of the review process, leaders of military units, medical and mental health professionals, and representatives of military criminal investigative organizations; and

“(3) take appropriate steps to protect and share information obtained from ongoing investigations into the event (such as medical and law enforcement reports).

“(b) IMPLEMENTATION BY COVERED ARMED FORCES.—Not later than 90 days after the date on which the guidance is issued under subsection (a), the Chiefs of the covered Armed Forces shall implement the guidance.

“(c) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the progress of the Secretary in implementing the guidance required under subsection (a).

“(d) COVERED ARMED FORCES DEFINED.—In this section, the term ‘covered Armed Forces’ means the Army, Navy, Air Force, Marine Corps, and Space Force.”

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, Marine Corps, or Space Force 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 offi-