

“(3) The Secretary of the Army shall review the regulations of the Department of the Army relating to equal opportunity policy and complaint procedures and revise the regulations as the Secretary of Defense considers appropriate to strengthen the regulations in accordance with the recommendations and experience described in subparagraphs (A) and (B) of paragraph (2).

“(e) REPORT OF ADVISORY BOARD.—(1) The Secretary of Defense shall direct the Advisory Board on the Investigative Capability of the Department of Defense, established by the Secretary of Defense in November 1993, to include in its report to the Secretary (scheduled to be transmitted to the Secretary during December 1994)—

“(A) the recommendations of the Advisory Board as to whether the current Department of Defense organizational structure is adequate to oversee all investigative matters related to unlawful discrimination, sexual harassment, and other misconduct related to the gender of the victim; and

“(B) recommendations as to whether additional data collection and reporting procedures are needed to enhance the ability of the Department of Defense to respond to unlawful discrimination, sexual harassment, and other misconduct related to the gender of the victim.

“(2) The Secretary shall transmit to Congress the report of the Advisory Board not later than 15 days after receiving the report.

“(f) PERFORMANCE EVALUATION STANDARDS FOR MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall ensure that Department of Defense regulations governing consideration of equal opportunity matters in evaluations of the performance of members of the Armed Forces include provisions requiring as a factor in such evaluations consideration of a member’s commitment to elimination of unlawful discrimination or of sexual harassment in the Armed Forces.”

§ 1561a. Civilian orders of protection: force and effect on military installations

(a) FORCE AND EFFECT.—A civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

(b) CIVILIAN ORDER OF PROTECTION DEFINED.—In this section, the term “civilian order of protection” has the meaning given the term “protection order” in section 2266(5) of title 18.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall be designed to further good order and discipline by members of the armed forces and civilians present on military installations.

(Added Pub. L. 107-311, §2(a), Dec. 2, 2002, 116 Stat. 2455.)

Statutory Notes and Related Subsidiaries

POLICIES AND PROCEDURES ON REGISTRATION AT MILITARY INSTALLATIONS OF CIVILIAN PROTECTIVE ORDERS APPLICABLE TO MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH INSTALLATIONS AND CERTAIN OTHER INDIVIDUALS

Pub. L. 116-92, div. A, title V, §550A, Dec. 20, 2019, 133 Stat. 1380, provided that:

“(a) POLICIES AND PROCEDURES REQUIRED.—Not later than one year after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish policies and procedures for the registration at military installations of any civilian protective orders described in subsection (b), including the duties and responsibilities of commanders of installations in the registration process.

“(b) CIVILIAN PROTECTIVE ORDERS.—A civilian protective order described in this subsection is any civilian protective order as follows:

“(1) A civilian protective order against a member of the Armed Forces assigned to the installation concerned.

“(2) A civilian protective order against a civilian employee employed at the installation concerned.

“(3) A civilian protective order against the civilian spouse or intimate partner of a member of the Armed Forces on active duty and assigned to the installation concerned, or of a civilian employee described in paragraph (2), which order provides for the protection of such member or employee.

“(c) PARTICULAR ELEMENTS.—The policies and procedures required by subsection (a) shall include the following:

“(1) A requirement for notice between and among the commander, military law enforcement elements, and military criminal investigative elements of an installation when a member of the Armed Forces assigned to such installation, a civilian employee employed at such installation, a civilian spouse or intimate partner of a member assigned to such installation, or a civilian spouse or intimate partner of a civilian employee employed at such installation becomes subject to a civilian protective order.

“(2) A statement of policy that failure to register a civilian protective order may not be a justification for the lack of enforcement of such order by military law enforcement and other applicable personnel who have knowledge of such order.

“(d) LETTER.—As soon as practicable after establishing the policies and procedures required by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a letter that includes the following:

“(1) A detailed description of the policies and procedures.

“(2) A certification by the Secretary that the policies and procedures have been implemented on each military installation.”

§ 1561b. Confidential reporting of sexual harassment

(a) REPORTING PROCESS.—Notwithstanding section 1561 of this title, the Secretary of Defense shall prescribe in regulations a process by which a member of an armed force under the jurisdiction of the Secretary of a military department may confidentially allege a complaint of sexual harassment to an individual outside the immediate chain of command of the member.

(b) RECEIPT OF COMPLAINTS.—An individual designated and trained to receive complaints under the process under subsection (a) shall—

(1) maintain the confidentiality of the member alleging the complaint;

(2) explain to the member alleging the complaint the different avenues of redress available to resolve the complaint and the different consequences of each avenue on the manner in which the complaint will be investigated (if at all), including an explanation of the following:

(A) The manner in which to file a complaint concerning alleged sexual harassment with the official or office designated for receipt of such complaint through such avenue of redress.

(B) That confidentiality in connection with the complaint cannot be maintained when there is a clear and present risk to health or safety.

(C) If the alleged sexual harassment also involves an allegation of sexual assault, including sexual contact—

(i) the manner in which to file a confidential report with a Sexual Assault Response Coordinator or a Sexual Assault Prevention and Response Victim Advocate; and

(ii) options available pursuant to such reporting, including a Restricted Report or Unrestricted Report, and participation in the Catch a Serial Offender Program.

(D) The services and assistance available to the member in connection with the complaint and the alleged sexual harassment.

(c) EDUCATION AND TRACKING.—The Secretary of Defense shall—

(1) educate members under the jurisdiction of the Secretaries of the military departments regarding the process established under this section; and

(2) track complaints alleged pursuant to the process.

(d) REPORTS.—Not later than April 30, 2023, and April 30 every two years thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing data on the complaints of sexual harassment alleged pursuant to the process under subsection (a) during the previous two calendar years. Any data on such complaints shall not contain any personally identifiable information.

(Added Pub. L. 116-283, div. A, title V, § 532(a)(1), Jan. 1, 2021, 134 Stat. 3601.)

§ 1562. Database on domestic violence incidents

(a) DATABASE ON DOMESTIC VIOLENCE INCIDENT.—The Secretary of Defense shall establish a central database of information on the incidents of domestic violence involving members of the armed forces.

(b) REPORTING OF INFORMATION FOR THE DATABASE.—The Secretary shall require that the Secretaries of the military departments maintain and report annually to the administrator of the database established under subsection (a) any information received on the following matters:

(1) Each domestic violence incident reported to a commander, a law enforcement authority of the armed forces, or a family advocacy program of the Department of Defense.

(2) The number of those incidents that involve evidence determined sufficient for supporting disciplinary action and, for each such incident, a description of the substantiated allegation and the action taken by command authorities in the incident.

(3) The number of those incidents that involve evidence determined insufficient for supporting disciplinary action and for each such case, a description of the allegation.

(Added Pub. L. 106-65, div. A, title V, § 594(a), Oct. 5, 1999, 113 Stat. 643.)

Statutory Notes and Related Subsidiaries

IMPROVEMENTS TO DEPARTMENT OF DEFENSE DOMESTIC VIOLENCE PROGRAMS

Pub. L. 111-383, div. A, title V, § 543, Jan. 7, 2011, 124 Stat. 4218, as amended by Pub. L. 113-291, div. A, title V, § 544(b), Dec. 19, 2014, 128 Stat. 3374, provided that:

“(a) IMPLEMENTATION OF OUTSTANDING COMPTROLLER GENERAL RECOMMENDATIONS.—Consistent with the recommendations contained in the report of the Comptroller General of the United States titled ‘Status of Implementation of GAO’s 2006 Recommendations on the Department of Defense’s Domestic Violence Program’ (GAO-10-577R), the Secretary of Defense shall complete, not later than one year after the date of enactment of this Act [Jan. 7, 2011], implementation of actions to address the following recommendations:

“(1) ADEQUATE PERSONNEL.—The Secretary of Defense shall develop a plan to ensure that adequate personnel are available to implement recommendations made by the Defense Task Force on Domestic Violence.

“(2) DOMESTIC VIOLENCE TRAINING DATA FOR CHAPLAINS.—The Secretary of Defense shall develop a plan to collect domestic violence training data for chaplains.

“(3) OVERSIGHT FRAMEWORK.—The Secretary of Defense shall develop an oversight framework for Department of Defense domestic violence programs, to include oversight of implementation of recommendations made by the Defense Task Force on Domestic Violence, including budgeting, communication initiatives, and policy compliance.

“(b) IMPLEMENTATION REPORT.—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] an implementation report within 90 days of the completion of actions outlined in subsection (a).”

COMPTROLLER GENERAL REVIEW AND REPORT

Pub. L. 108-136, div. A, title V, § 575, Nov. 24, 2003, 117 Stat. 1486, provided that:

“(a) REVIEW.—During the two-year period beginning on the date of the enactment of this Act [Nov. 24, 2003], the Comptroller General shall review and assess the progress of the Department of Defense in implementing the recommendations of the Defense Task Force on Domestic Violence. In reviewing the status of the Department’s efforts, the Comptroller General should specifically focus on—

“(1) the efforts of the Department to ensure confidentiality for victims and accountability and education of commanding officers and chaplains; and

“(2) the resources that the Department of Defense has provided toward such implementation, including personnel, facilities, and other administrative support, in order to ensure that necessary resources are provided to the organization within the Office of the Secretary of Defense with direct responsibility for oversight of implementation by the military departments of recommendations of the Task Force in order for that organization to carry out its duties and responsibilities.

“(b) REPORT.—The Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review and assessment under subsection (a) not later than 30 months after the date of the enactment of this Act [Nov. 24, 2003].”

DEFENSE TASK FORCE ON DOMESTIC VIOLENCE

Pub. L. 106-65, div. A, title V, § 591, Oct. 5, 1999, 113 Stat. 639, as amended by Pub. L. 107-107, div. A, title V, § 575, Dec. 28, 2001, 115 Stat. 1123, directed the Secretary of Defense to establish a Department of Defense Task Force on Domestic Violence; required the task force to submit to the Secretary of Defense a long-term, strategic plan to address matters relating to domestic violence within the military more effectively, to review the victims’ safety program under Pub. L. 106-65, § 592, set out below, and other matters relating to acts of domestic violence involving members of the Armed Forces, and to submit to the Secretary an annual report on its activities and activities of the military de-