

partments; directed the Secretary to submit the report and the Secretary's evaluation of the report to committees of Congress; and provided for the termination of the task force on Apr. 24, 2003.

INCENTIVE PROGRAM FOR IMPROVING RESPONSES TO DOMESTIC VIOLENCE INVOLVING MEMBERS OF THE ARMED FORCES AND MILITARY FAMILY MEMBERS

Pub. L. 106-65, div. A, title V, §592, Oct. 5, 1999, 113 Stat. 642, provided that:

“(a) PURPOSE.—The purpose of this section is to provide a program for the establishment on military installations of collaborative projects involving appropriate elements of the Armed Forces and the civilian community to improve, strengthen, or coordinate prevention and response efforts to domestic violence involving members of the Armed Forces, military family members, and others.

“(b) PROGRAM.—The Secretary of Defense shall establish a program to provide funds and other incentives to commanders of military installations for the following purposes:

“(1) To improve coordination between military and civilian law enforcement authorities in policies, training, and responses to, and tracking of, cases involving military domestic violence.

“(2) To develop, implement, and coordinate with appropriate civilian authorities tracking systems (A) for protective orders issued to or on behalf of members of the Armed Forces by civilian courts, and (B) for orders issued by military commanders to members of the Armed Forces ordering them not to have contact with a dependent.

“(3) To strengthen the capacity of attorneys and other legal advocates to respond appropriately to victims of military domestic violence.

“(4) To assist in educating judges, prosecutors, and legal offices in improved handling of military domestic violence cases.

“(5) To develop and implement more effective policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to domestic violence.

“(6) To develop, enlarge, or strengthen victims' services programs, including sexual assault and domestic violence programs, developing or improving delivery of victims' services, and providing confidential access to specialized victims' advocates.

“(7) To develop and implement primary prevention programs.

“(8) To improve the response of health care providers to incidents of domestic violence, including the development and implementation of screening protocols.

“(c) PRIORITY.—The Secretary shall give priority in providing funds and other incentives under the program to installations at which the local program will emphasize building or strengthening partnerships and collaboration among military organizations such as family advocacy program, military police or provost marshal organizations, judge advocate organizations, legal offices, health affairs offices, and other installation-level military commands between those organizations and appropriate civilian organizations, including civilian law enforcement, domestic violence advocacy organizations, and domestic violence shelters.

“(d) APPLICATIONS.—The Secretary shall establish guidelines for applications for an award of funds under the program to carry out the program at an installation.

“(e) AWARDS.—The Secretary shall determine the award of funds and incentives under this section. In making a determination of the installations to which funds or other incentives are to be provided under the program, the Secretary shall consult with an award review committee consisting of representatives from the Armed Forces, the Department of Justice, the Department of Health and Human Services, and organizations with a demonstrated expertise in the areas of domestic violence and victims' safety.”

UNIFORM DEPARTMENT OF DEFENSE POLICIES FOR RESPONSES TO DOMESTIC VIOLENCE

Pub. L. 106-65, div. A, title V, §593, Oct. 5, 1999, 113 Stat. 643, provided that:

“(a) REQUIREMENT.—The Secretary of Defense shall prescribe the following:

“(1) Standard guidelines to be used by the Secretaries of the military departments for negotiating agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

“(2) A requirement (A) that when a commanding officer issues to a member of the Armed Forces under that officer's command an order that the member not have contact with a specified person that a written copy of that order be provided within 24 hours after the issuance of the order to the person with whom the member is ordered not to have contact, and (B) that there be a system of recording and tracking such orders.

“(3) Standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are so substantiated.

“(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

“(b) DEADLINE.—The Secretary of Defense shall carry out subsection (a) not later than six months after the date on which the Secretary receives the first report of the Defense Task Force on Domestic Violence under section 591(e) [set out as a note above].”

**§ 1562a. Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense**

(a) DESIGNATION OF RESPONSIBLE COMPONENT.—The Secretary of Defense shall designate a component of the Office of the Secretary of Defense to be responsible for documenting and tracking all covered allegations of retaliation and shall ensure that the Secretaries concerned and the Inspector General of the Department of Defense provide to such component the information required to be documented and tracked as described in subsection (b).

(b) TRACKING OF ALLEGATIONS.—The head of the component designated by the Secretary under subsection (a) shall document and track each covered allegation of retaliation, including—

(1) that such an allegation has been reported and by whom;

(2) the date of the report;

(3) the nature of the allegation and the name of the person or persons alleged to have engaged in such retaliation;

(4) the Department of Defense component or other entity responsible for the investigation of or inquiry into the allegation;

(5) the entry of findings;

(6) referral of such findings to a decision-maker for review and action, as appropriate;

(7) the outcome of final action; and

(8) any other element of information pertaining to the allegation determined appropriate by the Secretary or the head of the component designated by the Secretary.

(c) COVERED ALLEGATION OF RETALIATION DEFINED.—In this section, the term “covered alle-

gation of retaliation” means an allegation of retaliation—

(1) made by—

(A) an alleged victim of sexual assault or sexual harassment;

(B) an individual charged with providing services or support to an alleged victim of sexual assault or sexual harassment;

(C) a witness or bystander to an alleged sexual assault or sexual harassment; or

(D) any other person associated with an alleged victim of a sexual assault or sexual harassment; and

(2) without regard to whether the allegation is reported to or investigated or inquired into by—

(A) the Department of Defense Inspector General or any other inspector general;

(B) a military criminal investigative organization;

(C) a commander or other person at the direction of the commander;

(D) another military or civilian law enforcement organization; or

(E) any other organization, officer, or employee of the Department of Defense.

(Added Pub. L. 117–81, div. A, title V, §544(a), Dec. 27, 2021, 135 Stat. 1710.)

**§ 1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion**

(a) REVIEW BY SECRETARY CONCERNED.—Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces that is not otherwise authorized by law. Based upon such review, the Secretary shall make a determination as to the merits of approving the promotion.

(b) NOTICE OF RESULTS OF REVIEW.—Upon making a determination under subsection (a) as to the merits of approving the honorary promotion, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress a detailed discussion of the rationale supporting the determination.

(c) AUTHORITY TO MAKE.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of Defense may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force following the submittal of the determination of the Secretary concerned under subsection (b) in connection with the proposal for the promotion if the determination is to approve the making of the promotion.

(2) The Secretary of Defense may not make an honorary promotion under this subsection until 60 days after the date on which the Secretary concerned submits the determination in connection with the proposal for the promotion under subsection (b), and the detailed rationale supporting the determination as described in that

subsection, to the Committees on Armed Services of the Senate and the House of Representatives and the requesting Member in accordance with that subsection.

(3) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

(4) Any promotion pursuant to this subsection is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is or would have been entitled based upon the military service of such former member or retired member, nor affect any benefits to which any other person may become entitled based on the military service of such former member or retired member.

(d) DEFINITION.—In this section, the term “Member of Congress” means—

(1) a Senator; or

(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.

(Added Pub. L. 106–398, §1 [[div. A], title V, §542(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–114; amended Pub. L. 108–136, div. A, title X, §1031(a)(11), Nov. 24, 2003, 117 Stat. 1597; Pub. L. 116–283, div. A, title V, §523(b), Jan. 1, 2021, 134 Stat. 3598.)

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 116–283, §523(b)(3), substituted “Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion” for “Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review” in section catchline.

Subsec. (a). Pub. L. 116–283, §523(b)(1)(A), substituted, in first sentence, “the honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces” for “the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified,” and, in second sentence, “the promotion” for “the posthumous or honorary promotion or appointment”.

Subsec. (b). Pub. L. 116–283, §523(b)(1)(B), substituted “the honorary promotion” for “the posthumous or honorary promotion or appointment”.

Subsecs. (c), (d). Pub. L. 116–283, §523(b)(2), added subsec. (c) and redesignated former subsec. (c) as (d).

2003—Pub. L. 108–136, §1031(a)(11)(B), struck out “and recommendation” after “review” in section catchline.

Subsec. (a). Pub. L. 108–136, §1031(a)(11)(A)(i), struck out “and the other determinations necessary to comply with subsection (b)” before period at end.

Subsec. (b). Pub. L. 108–136, §1031(a)(11)(A)(ii), substituted “a detailed discussion of the rationale supporting the determination.” for “notice in writing of one of the following:

“(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.

“(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.

“(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.

“(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended.