

make available, for the purpose specified in subsection (b), such DNA samples on such terms and conditions as such court (or military judge) directs.

(2) A DNA sample with respect to an individual shall be provided under paragraph (1) in a manner that does not compromise the ability of the Department of Defense to maintain a sample with respect to that individual for the purpose of identification of human remains.

(b) COVERED PURPOSE.—The purpose referred to in subsection (a) is the purpose of an investigation or prosecution of a felony, or any sexual offense, for which no other source of DNA information is reasonably available.

(c) DEFINITION.—In this section, the term “DNA sample” has the meaning given such term in section 1565(c) of this title.

(Added Pub. L. 107-314, div. A, title X, §1063(a), Dec. 2, 2002, 116 Stat. 2653.)

§ 1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—(1) A member of the armed forces, or a dependent of a member, who is the victim of a sexual assault may be provided the following:

(A) Legal assistance provided by military or civilian legal assistance counsel pursuant to sections 1044 and 1044e of this title.

(B) Assistance provided by a Sexual Assault Response Coordinator.

(C) Assistance provided by a Sexual Assault Victim Advocate.

(2) A member of the armed forces or dependent who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel. The member or dependent shall also be informed that the legal assistance and the services of a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate under paragraph (1) are optional and may be declined, in whole or in part, at any time.

(3) Subject to such exceptions for exigent circumstances as the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating may prescribe, notice of the availability of a Special Victims’ Counsel under section 1044e of this title shall be provided to a member of the armed forces or dependent who is the victim of sexual assault before any military criminal investigator or trial counsel interviews, or requests any statement from, the member or dependent regarding the alleged sexual assault.

(4) Legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates under paragraph (1) shall be available to a member or dependent regardless of whether the member or dependent elects unrestricted or restricted (confidential) reporting of the sexual assault.

(b) RESTRICTED REPORTING.—(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces, or an adult dependent of a member, who is the victim of a sexual assault may elect to confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance under section 1044 of this title, or counseling, without initiating an official investigation of the allegations.

(2) The individuals specified in this paragraph are the following:

(A) A Sexual Assault Response Coordinator.

(B) A Sexual Assault Victim Advocate.

(C) Healthcare personnel specifically identified in the regulations required by paragraph (1).

(3) In the case of information disclosed pursuant to paragraph (1), any State law or regulation that would require an individual specified in paragraph (2) to disclose the personally identifiable information of the adult victim or alleged perpetrator of the sexual assault to a State or local law enforcement agency shall not apply, except when reporting is necessary to prevent or mitigate a serious and imminent threat to the health or safety of an individual.

(c) DEFINITIONS.—In this section:

(1) SEXUAL ASSAULT.—The term “sexual assault” includes the offenses of rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit such offenses, as punishable under applicable Federal or State law.

(2) STATE.—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(Added Pub. L. 112-81, div. A, title V, §581(b)(1), Dec. 31, 2011, 125 Stat. 1431; amended Pub. L. 113-66, div. A, title XVII, §1716(a)(3)(C), Dec. 26, 2013, 127 Stat. 969; Pub. L. 114-92, div. A, title V, §§534(b), 536, Nov. 25, 2015, 129 Stat. 816, 817.)

Editorial Notes

AMENDMENTS

2015—Subsec. (a)(3), (4). Pub. L. 114-92, §534(b), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 114-92, §536(b), substituted “an adult dependent” for “a dependent”.

Subsec. (b)(3). Pub. L. 114-92, §536(a), added par. (3).

Subsec. (c). Pub. L. 114-92, §536(c), added subsec. (c).
2013—Subsec. (a)(1)(A). Pub. L. 113-66 substituted “sections 1044 and 1044e” for “section 1044”.

Statutory Notes and Related Subsidiaries

COORDINATION OF SUPPORT FOR SURVIVORS OF SEXUAL TRAUMA

Pub. L. 116-283, div. A, title V, §538, Jan. 1, 2021, 134 Stat. 3605, provided that:

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Jan. 1, 2021], the Secretaries of Defense and Veterans Affairs shall jointly develop, implement, and maintain a standard of coordinated care for members of the Armed Forces who are survivors of sexual trauma. Such standard shall include the following:

“(b) MINIMUM ELEMENTS.—The standard developed and implemented under subsection (a) by the Secre-

taries of Defense and Veterans Affairs shall include the following:

“(1) INFORMATION FOR MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall ensure that—

“(A) Sexual Assault Response Coordinators and Uniformed Victim Advocates receive annual training on resources of the Department of Veterans Affairs regarding sexual trauma;

“(B) information regarding services furnished by the Secretary of Veterans Affairs to survivors of sexual trauma is provided to each such survivor; and

“(C) information described in subparagraph (B) is posted in the following areas in each facility of the Department of Defense:

“(i) An office of the Family Advocacy Program.

“(ii) An office of a mental health care provider.

“(iii) Each area in which sexual assault prevention staff normally post notices or information.

“(iv) High-traffic areas (including dining facilities).

“(2) COORDINATION BETWEEN STAFF OF THE DEPARTMENTS.—The Secretaries shall ensure that a Sexual Assault Response Coordinator or Uniformed Victim Advocate of the Department of Defense who receives a report of an instance of sexual trauma connects the survivor to the Military Sexual Trauma Coordinator of the Department of Veterans Affairs at the facility of that Department nearest to the residence of that survivor if that survivor is a member separating or retiring from the Armed Forces.

“(c) REPORTS.—

“(1) REPORT ON RESIDENTIAL TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of Defense and Veterans Affairs shall provide a report to the appropriate committees of Congress regarding the availability of residential treatment programs for survivors of sexual trauma, including—

“(A) barriers to access for such programs; and

“(B) resources required to reduce such barriers.

“(2) INITIAL REPORT.—Upon implementation of the standard under subsection (a), the Secretaries of Defense and Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the standard.

“(3) PROGRESS REPORTS.—Not later than 180 days after submitting the initial report under paragraph (2), and on December 1 of each subsequent year, the Secretaries of Defense and Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the progress of the Secretaries in implementing and improving the standard.

“(4) UPDATES.—Whenever the Secretaries of Defense and Veterans Affairs update the standard developed under subsection (a), the Secretaries shall jointly submit to the appropriate committees of Congress a report on such update, including a comprehensive and detailed description of such update and the reasons for such update.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘sexual trauma’ means a condition described in section 1720D(a)(1) of title 38, United States Code.

“(2) The term ‘appropriate committees of Congress’ means—

“(A) the Committees on Veterans’ Affairs of the House of Representatives and the Senate; and

“(B) the Committees on Armed Services of the House of Representatives and the Senate.”

INFORMATION FOR MEMBERS OF THE ARMED FORCES ON AVAILABILITY OF SERVICES OF THE DEPARTMENT OF VETERANS AFFAIRS RELATING TO SEXUAL TRAUMA

Pub. L. 116-92, div. A, title V, §599, Dec. 20, 2019, 133 Stat. 1421, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall inform members of the Armed Forces, using mechanisms available to the Secretary, of the eligibility of such

members for services of the Department of Veterans Affairs relating to sexual trauma.

“(b) INFORMATION FROM SEXUAL ASSAULT RESPONSE COORDINATORS.—The Secretary of Defense shall ensure—

“(1) that Sexual Assault Response Coordinators and uniformed victims advocates of the Department of Defense advise members of the Armed Forces who report instances of sexual trauma regarding the eligibility of such members for services at the Department of Veterans Affairs; and

“(2) that such information is included in mandatory training materials.

“(c) SEXUAL TRAUMA DEFINED.—In this section, the term ‘sexual trauma’ means psychological trauma described in section 1720D(a)(1) of title 38, United States Code.”

LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT

Pub. L. 112-81, div. A, title V, §581(a), Dec. 31, 2011, 125 Stat. 1430, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 31, 2011], the Secretaries of the military departments shall prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel pursuant to section 1044 of title 10, United States Code.”

§ 1566. Voting assistance: compliance assessments; assistance

(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to require that the Army, Navy, Air Force, Marine Corps, and Space Force ensure their compliance with any directives issued by the Secretary of Defense in implementing any voting assistance program.

(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In this section, the term “voting assistance programs” means—

(1) the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);¹ and

(2) any similar program.

(c) ANNUAL EFFECTIVENESS AND COMPLIANCE REVIEWS.—(1) The Inspector General of each of the Army, Navy, Air Force, Marine Corps, and Space Force shall conduct—

(A) an annual review of the effectiveness of voting assistance programs; and

(B) an annual review of the compliance with voting assistance programs of that armed force.

(2) Upon the completion of each annual review under paragraph (1), each Inspector General specified in that paragraph shall submit to the Inspector General of the Department of Defense a report on the results of each such review. Such report shall be submitted in time each year to be reflected in the report of the Inspector General of the Department of Defense under paragraph (3).

(3) Not later than March 31 each year, the Inspector General of the Department of Defense shall submit to Congress a report on—

(A) the effectiveness during the preceding calendar year of voting assistance programs; and

(B) the level of compliance during the preceding calendar year with voting assistance

¹ See References in Text note below.