

## 116TH CONGRESS 2D SESSION

## S. 3272

To provide for a safe to report policy relating to alleged instances of sexual assault involving members of the Armed Forces.

## IN THE SENATE OF THE UNITED STATES

February 11, 2020

Mrs. GILLIBRAND (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Armed Services

## A BILL

To provide for a safe to report policy relating to alleged instances of sexual assault involving members of the Armed Forces.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SAFE TO REPORT POLICY APPLICABLE ACROSS
- 4 THE ARMED FORCES.
- 5 (a) In General.—The Secretary of Defense shall,
- 6 in consultation with the Secretaries of the military depart-
- 7 ments and the Secretary of Homeland Security, prescribe
- 8 in regulations a safe to report policy described in sub-
- 9 section (b) that applies with respect to all members of the
- 10 Armed Forces (including members of the reserve compo-

- 1 nents of the Armed Forces) and cadets and midshipmen
- 2 at the military service academies.
- 3 (b) Safe To Report Policy.—The safe to report
- 4 policy described in this subsection is a policy under which
- 5 a member of the Armed Forces who is the alleged victim
- 6 of sexual assault, but who may have committed minor col-
- 7 lateral misconduct at or about the time of such sexual as-
- 8 sault, or whose minor collateral misconduct is discovered
- 9 only as a result of the investigation into such sexual as-
- 10 sault, may report such sexual assault to proper authorities
- 11 without fear or receipt of discipline in connection with
- 12 such minor collateral misconduct absent aggravating cir-
- 13 cumstances that increase the gravity of the minor collat-
- 14 eral misconduct or its impact on good order and discipline.
- 15 (c) Minor Collateral Misconduct.—For pur-
- 16 poses of the safe to report policy, minor collateral mis-
- 17 conduct shall include any of the following:
- 18 (1) Improper use or possession of alcohol.
- (2) Consensual intimate behavior (including
  adultery) or fraternization.
- 21 (3) Presence in an off-limits area.
- 22 (4) Such other misconduct as the Secretary of
- Defense shall specify in the regulations under sub-
- section (a).

- 1 (d) Aggravating Circumstances.—The regula-
- 2 tions under subsection (a) shall specify aggravating cir-
- 3 cumstances that increase the gravity of minor collateral
- 4 misconduct or its impact on good order and discipline for

5 purposes of the safe to report policy.

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