

105TH CONGRESS
1ST SESSION

S. 762

To amend title 10, United States Code, to provide for the investigation of complaints of sexual harassment and other sexual offenses in the Armed Forces.

IN THE SENATE OF THE UNITED STATES

MAY 16, 1997

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for the investigation of complaints of sexual harassment and other sexual offenses in 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. SHORT TITLE.**

4 This Act may be cited as the “Sexual Harassment
5 Accountability Act of 1997”.

1 **SEC. 2. INVESTIGATIONS OF SEXUAL HARASSMENT AND**
 2 **OTHER SEXUAL OFFENSES UNDER THE UNI-**
 3 **FORM CODE OF MILITARY JUSTICE.**

4 (a) INVESTIGATIONS.—Subchapter XI of chapter 47
 5 of title 10, United States Code (the Uniform Code of Mili-
 6 tary Justice), is amended by inserting after section 938
 7 (article 138) the following new section (article):

8 **“§ 938a. Art. 138a. Complaints of wrongs: certain sex-**
 9 **ual offenses**

10 “(a) SEXUAL HARASSMENT.—(1) The commanding
 11 officer of a unit, vessel, facility, or area who receives a
 12 complaint alleging sexual harassment by a person subject
 13 to this chapter from a member subordinate to the com-
 14 manding officer and serving in or on the unit, vessel, facil-
 15 ity, or area shall—

16 “(A) forward the complaint within 24 hours of
 17 receipt of the complaint to the superior officer in the
 18 chain of command of the commanding officer who
 19 has the authority to convene a general court martial;
 20 and

21 “(B) to the extent practicable—

22 “(i) complete an investigation of the com-
 23 plaint not later than 10 days after receipt of
 24 the complaint; and

1 “(ii) submit a report on the results of the
2 investigation to the superior officer referred to
3 in subparagraph (A) within that time.

4 “(2) A commanding officer who is unable to complete
5 an investigation under paragraph (1) within 10 days of
6 the commencement of the investigation shall submit to the
7 superior officer referred to in subparagraph (A) of that
8 paragraph a report on the progress made in completing
9 the investigation every 10 days after commencement of the
10 investigation till the completion of the investigation.

11 “(3) The final report on an investigation under this
12 subsection shall describe the action, if any, taken by the
13 officer undertaking the investigation as a result of the in-
14 vestigation.

15 “(4) Not later than January 31 each year, each offi-
16 cer receiving a notice of complaint under paragraph (1)(A)
17 and a report on the results of the investigation of a com-
18 plaint under paragraph (1)(B) or (2) shall submit to the
19 Secretary concerned a report on the complaints and the
20 results of investigation received by such officer during the
21 previous year.

22 “(5) Not later than March 1 each year, each Sec-
23 retary receiving a report under paragraph (4) shall submit
24 to the Secretary of Defense a report on the reports re-
25 ceived by such Secretary under that paragraph during the

1 previous year. The Secretary of Defense shall transmit to
2 Congress the reports received by the Secretary of Defense
3 under this paragraph not later than April 1 each year.

4 “(b) CERTAIN SEXUAL OFFENSES.—(1) Upon re-
5 ceipt of a complaint of conduct that may constitute rape,
6 forcible sodomy, assault with intent to commit rape, or
7 assault with intent to commit sodomy upon a person sub-
8 ject to this chapter, the officer exercising general court-
9 martial jurisdiction over the accused shall provide for a
10 thorough and impartial investigation of the complaint.

11 “(2) The accused shall be advised of the allegations
12 in the complaint and of the right to be represented at the
13 investigation under paragraph (1) by a judge advocate or
14 civilian counsel having the qualifications prescribed under
15 section 827(b) of this title (article 27(b)). An accused
16 electing to be represented by civilian counsel shall bear
17 the costs of such representation.

18 “(3) The accused shall have full opportunity at the
19 investigation under paragraph (1) to cross-examine wit-
20 nesses if they are available and to present anything on
21 his or her behalf. The investigating officer shall examine
22 available witnesses requested by the accused.

23 “(4) An investigation of a complaint under this sub-
24 section shall not satisfy the requirement for an investiga-

1 tion of the matters of the complaint set forth in section
2 832(a) of this title (article 32(a)).

3 “(5) Upon completion of an investigation under this
4 subsection, the investigating officer shall submit the re-
5 sults of the investigation in writing to the officer providing
6 for the investigation.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such subchapter is amended by insert-
9 ing after the item relating to section 938 (article 138) the
10 following new item:

“938a. 138a. Complaints of wrongs: certain sexual offenses.”.

○