

113TH CONGRESS  
1ST SESSION

# H. R. 2230

To address the prevalence of sexual harassment and sexual assault in the  
Armed Forces.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2013

Ms. LORETTA SANCHEZ of California introduced the following bill; which was  
referred to the Committee on Armed Services

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## A BILL

To address the prevalence of sexual harassment and sexual  
assault 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Track It to Prevent It Act”.

6       (b) **TABLE OF CONTENTS.**—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Improved climate assessments and dissemination and tracking of re-  
sults.

Sec. 5. Inclusion of letter of reprimands, nonpunitive letter of reprimands and  
counseling statements.

Sec. 6. Service-wide 360 assessments.

Sec. 7. Health welfare inspections.

Sec. 8. Review of security of military installations, including barracks and multi-family residences.

Sec. 9. Review of the Office of Diversity Management and Equal Opportunity role in sexual harassment cases.

Sec. 10. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) According to the Department of Defense,  
4 3,374 sexual assault cases involving a member of the  
5 Armed Forces were reported in fiscal year 2012, a  
6 6 percent increase in the number of reported cases  
7 in fiscal year 2011.

8 (2) However, approximately 26,000 members of  
9 the Armed Forces made an anonymous report of a  
10 sexual assault in fiscal year 2012, a substantial in-  
11 crease from fiscal year 2011.

12 (3) According to the Department of Defense, of  
13 the 6.1 percent of female members of the Armed  
14 Forces who experienced “unwanted sexual contact”  
15 in fiscal year 2012, 77 percent also experienced sex-  
16 ual harassment and, of the 1.2 percent of male  
17 members of the Armed Forces who experienced “un-  
18 wanted sexual contact” in fiscal year 2012, 52 per-  
19 cent also experienced sexual harassment.

20 (4) Sixty-two percent of those members who ex-  
21perienced unwanted sexual contact also perceived

1 some form of social, administrative, or professional  
2 retaliation.

3 (5) Climate assessments are required by law  
4 and commanders at all levels must comply as it is  
5 their core responsibility to create a safe and healthy  
6 environment for the unit.

7 (6) Trends in bad behavior and reoccurring ac-  
8 tions that harm the members of the unit, such as  
9 sexual harassment and sexual assault, must be iden-  
10 tified earlier through improved performance assess-  
11 ments and better reporting by commanders at all  
12 levels.

13 (7) According to a recent Government Account-  
14 ability Office report, two of the primary reasons why  
15 members decide not to report sexual harassment and  
16 sexual assault incidents are because they do not  
17 think anything will be done about the incident if  
18 they report it and they think that reporting the inci-  
19 dent will adversely impact their military career.

20 (8) As long as commanders at any level con-  
21 tinue to condone or ignore certain types of sexual  
22 misconduct, this behavior will continue to be preva-  
23 lent in the military obstructing the change in cul-  
24 ture.

1 **SEC. 3. DEFINITIONS.**

2 In this Act

3 (1) The term “sexual harassment” has the  
4 meaning given such term in Department of Defense  
5 Directive 1350.2, Department of Defense Military  
6 Equal Opportunity Program.

7 (2) The term “sexual assault” means any of the  
8 offenses described in section 920 of title 10, United  
9 States Code (article 120 of the Uniform Code of  
10 Military Justice).

11 **SEC. 4. IMPROVED CLIMATE ASSESSMENTS AND DISSEMI-**  
12 **NATION AND TRACKING OF RESULTS.**

13 (a) IMPROVED DISSEMINATION OF RESULTS IN  
14 CHAIN OF COMMAND.—The Secretary of Defense shall en-  
15 sure that the results of command climate assessments are  
16 provided to the relevant individual commander and to the  
17 next higher level of command.

18 (b) PERFORMANCE TRACKING.—

19 (1) EVIDENCE OF COMPLIANCE.—The Sec-  
20 retary of each military department shall include in  
21 the performance evaluations and assessments used  
22 by each Armed Force under the jurisdiction of the  
23 Secretary a designated form where senior com-  
24 manders can indicate whether the commander has  
25 conducted the required climate assessments.

1           (2) EFFECT OF FAILURE TO CONDUCT ASSESS-  
2           MENT.—If a commander is found to not have con-  
3           ducted the required climate assessments, the failure  
4           shall be noted in the commander’s performance eval-  
5           uation and be considered a serious factor during  
6           consideration for any subsequent promotion.

7           (c) TRACKING SYSTEM.—The Inspector General of  
8           the Department of Defense shall develop a system to track  
9           whether commanders are conducting command climate as-  
10          sessments.

11          (d) UNIT COMPLIANCE REPORTS.—Working with the  
12          Inspector General of the Department of Defense, unit  
13          commanders shall gather all the climate assessments from  
14          the unit and develop a compliance report that, at a min-  
15          imum, shall include the following:

16               (1) A comprehensive overview of the concerns  
17               members of the unit expressed in the climate assess-  
18               ments.

19               (2) Data showing how leadership is perceived in  
20               the unit.

21               (3) A detailed strategic plan on how leadership  
22               plans to address the expressed concerns.

1 **SEC. 5. INCLUSION OF LETTER OF REPRIMANDS, NONPUNI-**  
2 **TIVE LETTER OF REPRIMANDS AND COUN-**  
3 **SELING STATEMENTS.**

4 The Secretary of Defense shall require commanders  
5 to include letter of reprimands, nonpunitive letter of ac-  
6 tions and counseling statements involving substantiated  
7 cases of sexual harassment or sexual assault in the per-  
8 formance evaluation report of a member of the Armed  
9 Forces for the purpose of—

10 (1) providing commanders increased visibility of  
11 the background information of members of the unit;

12 (2) identifying and preventing trends of bad be-  
13 havior early and effectively disciplining repeated ac-  
14 tions which hinder units from fostering a healthy cli-  
15 mate; and

16 (3) preventing the transfer of sexual offenders.

17 **SEC. 6. SERVICE-WIDE 360 ASSESSMENTS.**

18 (a) **ADOPTION OF 360-DEGREE APPROACH.**—The  
19 Secretary of each military department shall develop an as-  
20 sessment program modeled after the current Department  
21 of the Army Multi-Source Assessment and Feedback  
22 (MSAF) Program, known in this section as the “360-de-  
23 gree approach”.

24 (b) **REPORT ON INCLUSION IN PERFORMANCE EVAL-**  
25 **UATION REPORTS.**—Not later than 90 days after the date  
26 of the enactment of this Act, the Secretary of Defense

1 shall submit to Congress a report containing the results  
2 of an assessment of the feasibility of including the 360-  
3 degree approach as part of the performance evaluation re-  
4 ports.

5 (c) INDIVIDUAL COUNSELING.—The Secretary of  
6 each military department shall include individual coun-  
7 seling as part of the performance evaluation process.

8 **SEC. 7. HEALTH WELFARE INSPECTIONS.**

9 The Secretary of each military department shall con-  
10 duct health welfare inspections on a monthly basis in order  
11 to ensure and maintain security, military readiness, good  
12 order, and discipline of all units of the Armed Forces  
13 under the jurisdiction of the Secretary. Results of the  
14 Health Welfare Inspections shall be provided to both the  
15 commander and senior commander.

16 **SEC. 8. REVIEW OF SECURITY OF MILITARY INSTALLA-**  
17 **TIONS, INCLUDING BARRACKS AND MULTI-**  
18 **FAMILY RESIDENCES.**

19 (a) REVIEW OF SECURITY MEASURES.—The Sec-  
20 retary of Defense shall conduct a review of security meas-  
21 ures on United States military installations, specifically  
22 with regard to barracks and multi-family residences on  
23 military installations, for the purpose of ensuring the safe-  
24 ty of members of the Armed Forces and their dependents  
25 who reside on military installations.

1 (b) ELEMENTS OF STUDY.—In conducting the review  
2 under subsection (a), the Secretary of Defense shall—

3 (1) identify security gaps on military installa-  
4 tions; and

5 (2) evaluate the feasibility and effectiveness of  
6 using 24-hour electronic monitoring or placing secu-  
7 rity personnel at all points of entry into barracks  
8 and multi-family residences on military installation.

9 (c) SUBMISSION OF RESULTS.—Not later than 90  
10 days after the date of the enactment of this Act, the Sec-  
11 retary of Defense shall submit to Congress a report con-  
12 taining the results of the study conducted under sub-  
13 section (a), including an estimate of the costs—

14 (1) to eliminate all security gaps identified  
15 under subsection (b)(1); and

16 (2) to provide 24-hour security monitoring as  
17 evaluated under subsection (b)(2).

18 **SEC. 9. REVIEW OF THE OFFICE OF DIVERSITY MANAGE-**  
19 **MENT AND EQUAL OPPORTUNITY ROLE IN**  
20 **SEXUAL HARASSMENT CASES.**

21 (a) REVIEW REQUIRED.—The Secretary of Defense  
22 shall conduct a review of the Office of Diversity Manage-  
23 ment and Equal Opportunity for the purposes specified  
24 in subsection (b).

1 (b) ELEMENTS OF STUDY.—In conducting the review  
2 under subsection (a), the Secretary of Defense shall—

3 (1) identify and evaluate the resource and per-  
4 sonnel gaps in the Office;

5 (2) identify and evaluate the role of the Office  
6 in sexual harassment cases; and

7 (3) evaluate how the Office works with the Sex-  
8 ual Assault Prevention and Response Office to ad-  
9 dress sexual harassment in the Armed Forces.

10 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the Sec-  
12 retary of Defense such sums as may be necessary to carry  
13 out this Act for fiscal year 2014.

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