

114TH CONGRESS  
2D SESSION

# H. R. 4991

To amend the Uniform Code of Military Justice to establish the offense of retaliation, to improve military justice case management, data collection, and the accessibility of such data, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2016

Mr. TURNER (for himself and Ms. TSONGAS) introduced the following bill;  
which was referred to the Committee on Armed Services

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## A BILL

To amend the Uniform Code of Military Justice to establish the offense of retaliation, to improve military justice case management, data collection, and the accessibility of such data, and for other purposes.

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 “Prevent Retaliation  
5 and Open up Transparency to Expand Care for Troops  
6 Act of 2016” or the “PROTECT Act”.

1 **SEC. 2. RETALIATION.**

2 (a) ESTABLISHMENT OF OFFENSE.—Subchapter X  
3 of chapter 47 of title 10, United States Code, is amended  
4 by inserting after section 907 (article 107 of the Uniform  
5 Code of Military Justice) the following new section (arti-  
6 cle):

7 **“§ 907a. Art. 107a. Retaliation**

8 “Any person subject to this chapter who, with the in-  
9 tent to retaliate against any person for reporting or plan-  
10 ning to report a criminal offense, or with the intent to  
11 discourage any person from reporting a criminal offense—

12 “(1) wrongfully takes or threatens to take an  
13 adverse personnel action against any person; or

14 “(2) wrongfully withholds or threatens to with-  
15 hold a favorable personnel action with respect to any  
16 person;

17 shall be punished as a court-martial may direct.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of subchapter X of chapter 47 of title  
20 10, United States Code, is amended by inserting after the  
21 item relating to section 907 (article 107 of the Uniform  
22 Code of Military Justice) the following new item:

“907a. 107a. Retaliation.”.

1 **SEC. 3. MILITARY JUSTICE CASE MANAGEMENT; DATA COL-**  
2 **LECTION AND ACCESSIBILITY.**

3 (a) IN GENERAL.—Subchapter XI of chapter 47 of  
4 title 10, United States Code (the Uniform Code of Military  
5 Justice), is amended by adding at the end the following  
6 new section (article):

7 **“§ 940a. Art. 140a. Case management; data collection**  
8 **and accessibility**

9 “The Secretary of Defense shall prescribe uniform  
10 standards and criteria for conduct of each of the following  
11 functions at all stages of the military justice system, in-  
12 cluding pretrial, trial, post-trial, and appellate processes,  
13 using, insofar as practicable, the best practices of Federal  
14 and State courts:

15 “(1) Collection and analysis of data concerning  
16 substantive offenses and procedural matters in a  
17 manner that facilitates case management and deci-  
18 sionmaking within the military justice system, and  
19 that enhances the quality of periodic reviews under  
20 section 946 of this title (article 146).

21 “(2) Case processing and management.

22 “(3) Timely, efficient, and accurate production  
23 and distribution of records of trial within the mili-  
24 tary justice system.

25 “(4) Facilitation of access to docket informa-  
26 tion, filings, and records, taking into consideration

1 restrictions appropriate to judicial proceedings and  
2 military records.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of subchapter XI of chapter 47 of title  
5 10, United States Code, is amended by adding at the end  
6 the following item:

“940a. 140a. Case management; data collection and accessibility.”.

7 (c) EFFECTIVE DATES.—

8 (1) IMPLEMENTATION.—Not later than two  
9 years after the date of the enactment of this Act, the  
10 Secretary of Defense shall carry out section 940a of  
11 title 10, United States Code (article 140a of the  
12 Uniform Code of Military Justice), as added by sub-  
13 section (a).

14 (2) DEADLINE FOR STANDARDS AND CRI-  
15 TERIA.—Not later than four years after the date of  
16 the enactment of this Act, the standards and criteria  
17 under section 940a of title 10, United States Code  
18 (article 140a of the Uniform Code of Military Jus-  
19 tice), as added by subsection (a), shall take effect.

20 **SEC. 4. IMPROVED INVESTIGATION OF ALLEGATIONS OF**  
21 **PROFESSIONAL RETALIATION.**

22 Section 1034(c)(4) of title 10, United States Code,  
23 is amended by adding at the end the following new sub-  
24 paragraph:

1           “(F) The Secretary concerned shall ensure that any  
2 individual investigating an allegation as described in para-  
3 graph (1) must have training in the definition and charac-  
4 teristics of retaliation. In addition, if the investigation in-  
5 volves alleged retaliation in response to a communication  
6 regarding a violation of a law or regulation prohibiting  
7 rape, sexual assault, or other sexual misconduct in viola-  
8 tion of sections 920 through 920c of this title (articles  
9 120 through 120c of the Uniform Code of Military Jus-  
10 tice), the training shall include specific instruction regard-  
11 ing such violations.”.

12 **SEC. 5. ANNUAL REPORT ON INFORMATION RECEIVED BY**  
13 **DEPARTMENT OF DEFENSE FAMILY ADVOCACY PROGRAMS REGARDING UNWANTED**  
14 **SEXUAL CONTACT BY MEMBERS OF THE**  
15 **ARMED FORCES.**  
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17           Not later than January 31, 2017, and each January  
18 31 thereafter through January 31, 2021, the Secretary  
19 of each military department shall submit to the Commit-  
20 tees on Armed Services of the House of Representatives  
21 and the Senate a report containing information regarding  
22 each report of unwanted sexual contact committed by a  
23 member of the Armed Forces against a domestic partner  
24 or child of the member that was received by a family advoc-

1 cacy program of the Department of Defense during the  
2 preceding year covered by the report.

3 **SEC. 6. SENSE OF CONGRESS REGARDING PLIGHT OF MALE**  
4 **VICTIMS OF MILITARY SEXUAL TRAUMA.**

5 (a) FINDING.—Congress finds that the plight of male  
6 victims of military sexual trauma remains in the shadows  
7 due a lack of social awareness on the issue of male victim-  
8 ization.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that the Secretary of Defense should—

11 (1) enhance victims' access to intensive medical  
12 and mental health treatment for military sexual  
13 trauma treatment;

14 (2) look for opportunities to utilize male sur-  
15 vivors of sexual assault as presenters during annual  
16 Sexual Assault Preventions and Response training;  
17 and

18 (3) ensure Department of Defense medical and  
19 mental health providers are adequately trained to  
20 meet the needs of male survivors of military sexual  
21 trauma.

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