

AMENDMENT TO H.R. 4310, AS REPORTED

OFFERED BY MR. SMITH OF WASHINGTON

(Offered on behalf of Himself, Mr. Turner of Ohio, Mrs. Davis of California, Ms. Tsongas of Massachusetts, and Ms. Pingree of Maine)

At the end of subtitle H of title V, add the following new section:

1 **SEC. 5__ . DEPARTMENT OF DEFENSE SEXUAL ASSAULT**
2 **AND HARASSMENT OVERSIGHT AND ADVI-**
3 **SORY COUNCIL.**

4 (a) IN GENERAL.—Chapter 7 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 188. Sexual Assault and Harassment Oversight and**
8 **Advisory Council**

9 “(a) ESTABLISHMENT.—There is a Sexual Assault
10 and Harassment Oversight and Advisory Council (in this
11 section referred to as the ‘Council’).

12 “(b) MEMBERSHIP.—(1) The Council shall be com-
13 prised of individuals appointed by the Secretary of De-
14 fense who are experts and professionals in the fields of
15 sexual assault and harassment, judicial proceedings involv-
16 ing sexual assault or harassment, or treatment for sexual

1 assault or harassment. At a minimum, the Council shall
2 include as members the following:

3 “(A) The Director of the Sexual Assault Pre-
4 vention and Response Office of the Department of
5 Defense.

6 “(B) The Judge Advocates General of the
7 Army, Navy, and Air Force.

8 “(C) A judge advocate from the Army, Navy,
9 Air Force, and Marine Corps with experience in
10 prosecuting sexual assault cases.

11 “(D) A Department of Justice representative
12 with experience in prosecuting sexual assault cases.

13 “(E) An individual who has extensive experi-
14 ence in providing assistance to sexual assault vic-
15 tims.

16 “(F) An individual who has expertise the civil-
17 ian judicial system with respect to sexual assault.

18 “(2) Subject to paragraph (3), members shall be ap-
19 pointed for a term of two years. A member may serve after
20 the end of the member’s term until the member’s suc-
21 cessor takes office.

22 “(3) If a vacancy occurs in the Council, the vacancy
23 shall be filled in the same manner as the original appoint-
24 ment. A member of the Council appointed to fill a vacancy
25 occurring before the end of the term for which the mem-

1 ber's predecessor was appointed shall only serve until the
2 end of such term.

3 “(c) CHAIRMAN; MEETINGS.—(1) The Council shall
4 elect a chair from among its members.

5 “(2) The Council shall meet not less often than once
6 every year.

7 “(3) If a member of the Board fails to attend two
8 successive Board meetings, except in a case in which an
9 absence is approved in advance, for good cause, by the
10 Board chairman, such failure shall be grounds for termi-
11 nation from membership on the Board. A person des-
12 igned for membership on the Board shall be provided
13 notice of the provisions of this paragraph at the time of
14 such designation.

15 “(d) ADMINISTRATIVE PROVISIONS.—(1) Each mem-
16 ber of the Council who is not an officer or employee of
17 the Federal Government shall be compensated at a rate
18 equal to the daily equivalent of the annual rate of basic
19 pay prescribed for Executive Schedule Level IV under sec-
20 tion 5315 of title 5, for each day (including travel time)
21 during which such member is engaged in the performance
22 of the duties of the Council. Members of the Council who
23 are officers or employees of the United States shall serve
24 without compensation in addition to that received for their
25 services as officers or employees of the United States.

1 “(2) The members of the Council shall be allowed
2 travel expenses, including per diem in lieu of subsistence,
3 at rates authorized for employees of agencies under sub-
4 chapter I of chapter 57 of title 5, while away from their
5 homes or regular places of business in the performance
6 of services for the Council.

7 “(e) RESPONSIBILITIES.—The Council shall be re-
8 sponsible for providing oversight and advice to the Sec-
9 retary of Defense and the Secretaries of the military de-
10 partments on the activities and implementation of policies
11 and programs developed by the Sexual Assault Prevention
12 and Response Office, including any modifications to the
13 Uniform Code of Military Justice, in response to sexual
14 assault and harassment.

15 “(f) ANNUAL REPORT.—Not later than March 31 of
16 each year, the Council shall submit to the Secretary of
17 Defense and the congressional defense committees a re-
18 port that describes the activities of the Council during the
19 preceding year and contains such recommendations as the
20 Council considers appropriate to improve sexual assault
21 prevention and treatment programs and policies of the De-
22 partment of Defense.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“188. Sexual Assault and Harassment Oversight and Advisory Council.”.

