AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. RASKIN OF MARYLAND

At the end of subtitle B of title V, insert the following:

SEC. 5. JROTC SAFETY IMPROVEMENT.

(a) JROTC PROGRAM CERTIFICATION.—Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) The Secretary of Defense shall permanently suspend any Junior Reserve Officers’ Training Corps unit that fails to notify the Department of Defense and the Department of Education of allegations that an instructor sexually harassed or assaulted a student participating in the Junior Reserve Officers’ Training Corps within 48 hours after the institution is notified of the allegation.

“(2) The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report including information on units suspended pursuant to this subsection and a justification for the reinstatement of any such unit.”.
(b) DEPARTMENT OF DEFENSE CLIMATE SURVEYS.—Section 481 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “four surveys” and inserting “five surveys”; and

(B) in paragraph (2)—

(i) by striking “four surveys” and inserting “five surveys”; and

(ii) by adding at the end the following new subparagraph:

“(E) To identify and assess gender issues and discrimination, disability issues and discrimination, and racial and ethnic issues and discrimination among members of the Junior Reserve Officers’ Training Corps and the Senior Reserve Officers’ Training Corps.”; and

(2) in subsection (e), by inserting “and publish on a publicly accessible website of the Department” after “the Secretary shall submit to Congress”.

c) PROGRAM INSPECTIONS.—Section 2031(b) of title 10, United States Code, is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;
(2) by redesignating paragraph (5) as paragraph (8); and

(3) by inserting after paragraph (4) the following new paragraphs:

“(5) the institution has been inspected and approved by the military department concerned in the previous 18 months;

“(6) the military department concerned certifies that—

“(A) the institution—

“(i) has created a process for students to report violations of their rights under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and section 504 of the Rehabilitation Act (29 U.S.C. 794), including the rights of students to not be subject to discrimination or subject to retaliation for reporting a violation of those laws; and

“(ii) has notified the students and instructors of those rights and the process for reporting violations of those rights, including information on available reporting options, including mandatory reporters,
and available supportive measures to ensure students have access to any accommodations needed in the aftermath of experiencing discrimination; and

“(B) the unit includes biannual training to inform students of methods to prevent, respond to, and report sexual assault and harassment;

“(7) the institution agrees to report all allegations of violations described under paragraph (6)(A) to the military department concerned and the Department of Education’s Office for Civil Rights not less than annually; and”.

(d) INFORMED CONSENT.—

(1) INFORMED CONSENT REQUIREMENT.—Section 2031 of title 10, United States Code, as amended by subsection (a), is further amended by inserting after subsection (i) the following new subsection:

“(j)(1) No student shall be enrolled in the Junior Reserve Officers’ Training Corps without the full and informed consent of both the student and the student’s legal guardian. Students and legal guardians shall be notified of the voluntary nature of the program, process for disenrolling from the program, and the program’s requirements, including academic and physical expectations for students.
“(2) The Secretary of Defense shall suspend any Junior Reserve Officers’ Training Corps unit found to have violated the full and informed consent requirement under paragraph (1).”.

(2) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education, develop and implement a plan to collect affirmative, informed consent from students and their legal guardians before enrollment in the Junior Reserve Officers’ Training Corps, as required by subsection (j) of section 2031 of title 10, United States Code, as added by subsection (a).