

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide for a safe to report policy relating to alleged instances of sexual assault involving members of the Armed Forces.

---

IN THE SENATE OF THE UNITED STATES

Mrs. GILLIBRAND (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on

---

**A BILL**

To provide for a safe to report policy relating to alleged instances of sexual assault involving members of 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 “Safe to Report Act”.

5 **SEC. 2. SAFE TO REPORT POLICY APPLICABLE ACROSS THE**

6 **ARMED FORCES.**

7 (a) IN GENERAL.—The Secretary of Defense shall,  
8 in consultation with the Secretaries of the military depart-  
9 ments and the Secretary of Homeland Security, prescribe

1 in regulations a safe to report policy described in sub-  
2 section (b) that applies with respect to all members of the  
3 Armed Forces (including members of the reserve compo-  
4 nents of the Armed Forces) and cadets and midshipmen  
5 at the military service academies.

6 (b) SAFE TO REPORT POLICY.—The safe to report  
7 policy described in this subsection is a policy under which  
8 a member of the Armed Forces who is the alleged victim  
9 of sexual assault, but who may have committed minor col-  
10 lateral misconduct at or about the time of such sexual as-  
11 sault, or whose minor collateral misconduct is discovered  
12 only as a result of the investigation into such sexual as-  
13 sault, may report such sexual assault to proper authorities  
14 without fear or receipt of discipline in connection with  
15 such minor collateral misconduct absent aggravating cir-  
16 cumstances that increase the gravity of the minor collat-  
17 eral misconduct or its impact on good order and discipline.

18 (c) MINOR COLLATERAL MISCONDUCT.—For pur-  
19 poses of the safe to report policy, minor collateral mis-  
20 conduct shall include any of the following:

- 21 (1) Improper use or possession of alcohol.
- 22 (2) Consensual intimate behavior (including  
23 adultery) or fraternization.
- 24 (3) Presence in an off-limits area.

1           (4) Such other misconduct as the Secretary of  
2           Defense shall specify in the regulations under sub-  
3           section (a).

4           (d) AGGRAVATING CIRCUMSTANCES.—The regula-  
5           tions under subsection (a) shall specify aggravating cir-  
6           cumstances that increase the gravity of minor collateral  
7           misconduct or its impact on good order and discipline for  
8           purposes of the safe to report policy.