

1 **TITLE V—VIOLENCE AGAINST**  
2 **WOMEN IN THE MILITARY**  
3 **SYSTEM**

4 **Subtitle A—Civilian Jurisdiction**  
5 **for Crimes of Sexual Assault**  
6 **and Domestic Violence**

7 **SEC. 501. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**  
8 **UNITED STATES BY PERSONS ACCOMPANY-**  
9 **ING THE ARMED FORCES.**

10 (a) IN GENERAL.—Title 18, United States Code, is  
11 amended by inserting after chapter 211 the following new  
12 chapter:

13 **“CHAPTER 212—DOMESTIC VIOLENCE AND**  
14 **SEXUAL ASSAULT OFFENSES COMMIT-**  
15 **TED OUTSIDE THE UNITED STATES**

“Sec.

“3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

“3262. Delivery to authorities of foreign countries.

“3263. Regulations.

“3264. Definitions for chapter.

16 **“§ 3261. Domestic violence and sexual assault of-**  
17 **fenses committed by persons formerly**  
18 **serving with, or presently employed by or**  
19 **accompanying, the Armed Forces outside**  
20 **the United States**

21 “(a) IN GENERAL.—Whoever, while serving with, em-  
22 ployed by, or accompanying the Armed Forces outside of

1 the United States, engages in conduct that would con-  
2 stitute a misdemeanor or felony domestic violence or sex-  
3 ual assault offense, if the conduct had been engaged in  
4 within the special maritime and territorial jurisdiction of  
5 the United States, shall be subject to prosecution in the  
6 Federal District Court of the jurisdiction of origin.

7       “(b) CONCURRENT JURISDICTION.—Nothing con-  
8 tained in this chapter deprives courts-martial, military  
9 commissions, provost courts, or other military tribunals of  
10 concurrent jurisdiction with respect to offenders or of-  
11 fenses that by statute or by the law of war may be tried  
12 by courts-martial, military commissions, provost courts, or  
13 other military tribunals.

14       “(c) ACTION BY FOREIGN GOVERNMENT.—No pros-  
15 ecution may be commenced under this section if a foreign  
16 government, in accordance with jurisdiction recognized by  
17 the United States, has prosecuted or is prosecuting such  
18 person for the conduct constituting such offense, except  
19 upon the approval of the Attorney General of the United  
20 States or the Deputy Attorney General of the United  
21 States (or a person acting in either such capacity), which  
22 function of approval shall not be delegated.

23       “(d) ARRESTS.—

24               “(1) LAW ENFORCEMENT PERSONNEL.—The  
25 Secretary of Defense may designate and authorize

1 any person serving in a law enforcement position in  
2 the Department of Defense to arrest outside of the  
3 United States any person described in subsection (a)  
4 if there is probable cause to believe that such person  
5 engaged in conduct which constitutes a criminal of-  
6 fense under subsection (a).

7 “(2) RELEASE TO CIVILIAN LAW ENFORCE-  
8 MENT.—A person arrested under paragraph (1)  
9 shall be released to the custody of civilian law en-  
10 forcement authorities of the United States for re-  
11 moval to the United States for judicial proceedings  
12 in the Federal district court of the named jurisdic-  
13 tion of origin of the person arrested in relation to  
14 conduct referred to in such paragraph unless—

15 “(A) such person is delivered to authorities  
16 of a foreign country under section 3262; or

17 “(B) such person has had charges brought  
18 against him or her under chapter 47 of title 10  
19 for such conduct.

20 **“§ 3262. Delivery to authorities of foreign countries**

21 “(a) IN GENERAL.—Any person designated and au-  
22 thorized under section 3261(d) may deliver a person de-  
23 scribed in section 3261(a) to the appropriate authorities  
24 of a foreign country in which the person is alleged to have  
25 engaged in conduct described in subsection (a) if—

1           “(1) the appropriate authorities of that country  
2           request the delivery of the person to such country  
3           for trial for such conduct as an offense under the  
4           laws of that country; and

5           “(2) the delivery of such person to that country  
6           is authorized by a treaty or other international  
7           agreement to which the United States is a party.

8           “(b) DETERMINATION BY THE SECRETARY.—The  
9           Secretary of Defense shall determine which officials of a  
10          foreign country constitute appropriate authorities for pur-  
11          poses of this section.

12          **“§ 3263. Regulations**

13          “The Secretary of Defense shall issue regulations  
14          governing the apprehension, detention, and removal of  
15          persons under this chapter. Such regulations shall be uni-  
16          form throughout the Department of Defense.

17          **“§ 3264. Definitions for chapter**

18          “As used in this chapter—

19                  “(1) the term ‘Armed Forces’ has the same  
20                  meaning as in section 101(a)(4) of title 10;

21                  “(2) a person is ‘employed by the Armed  
22                  Forces outside of the United States’ if the person—

23                                  “(A) is employed as a civilian employee of  
24                                  the Department of Defense, as a Department of

1 Defense contractor, or as an employee of a De-  
2 partment of Defense contractor;

3 “(B) is present or residing outside of the  
4 United States in connection with such employ-  
5 ment; and

6 “(C) is not a national of the host nation;  
7 and

8 “(3) a person is ‘accompanying the Armed  
9 Forces outside of the United States’ if the person—

10 “(A) is a dependent of a member of the  
11 armed forces;

12 “(B) is a dependent of a civilian employee  
13 of the Department of Defense;

14 “(C) is residing with the member or civil-  
15 ian employee outside of the United States; and

16 “(D) is not a national of the host nation.”

17 (b) CLERICAL AMENDMENT.—The table of chapters  
18 at the beginning of part II of title 18, United States Code,  
19 is amended by inserting after the item relating to chapter  
20 211 the following:

“**212. Domestic Violence and Sexual Assault Offenses  
Committed Outside the United States ..... 3261**”.

21 **SEC. 502. RECORDS OF MILITARY JUSTICE ACTIONS.**

22 (a) IN GENERAL.—Chapter 59 of title 10, United  
23 States Code, is amended by adding at the end the follow-  
24 ing new section:

1 **“§ 1178. Military justice information and DNA speci-**  
2 **mens: transmission to Director of Federal**  
3 **Bureau of Investigation upon member’s**  
4 **separation**

5 “(a) RECORDS OF MILITARY JUSTICE ACTIONS.—  
6 Whenever a member of the armed forces is discharged  
7 from a period of service in the armed forces or is released  
8 from a period of active duty, the Secretary of the military  
9 department concerned shall transmit to the Director of the  
10 Federal Bureau of Investigation a copy of records of any  
11 penal action taken against the member during that period  
12 under chapter 47 of this title (the Uniform Code of Mili-  
13 tary Justice).

14 “(b) DNA SPECIMENS OF PERSONS CONVICTED OF  
15 SEXUAL OFFENSES.—(1) Any member of the armed  
16 forces who is convicted by a court-martial of an offense  
17 of a sexual nature shall, before being separated from the  
18 member’s armed force, provide to the Secretary of the  
19 military department concerned a sample of blood, saliva,  
20 or other specimen collected from that member necessary  
21 to conduct DNA analysis consistent with established pro-  
22 cedures for DNA testing by the Director of the Federal  
23 Bureau of Investigation.

24 “(2) The Secretary concerned shall transmit each  
25 sample provided under paragraph (1) in a timely manner  
26 to the Director of the Federal Bureau of Investigation for

1 inclusion in the Combined DNA Identification System  
2 (CODIS) of the Federal Bureau of Investigation.”.

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

“1178. Military justice information and DNA specimens: transmission to Direc-  
tor of Federal Bureau of Investigation upon member’s separa-  
tion.”.

6 **Subtitle B—Transitional Com-**  
7 **penensation and Health Care for**  
8 **Abused Dependents of Members**  
9 **of the Armed Forces**

10 **SEC. 511. TRANSITIONAL COMPENSATION.**

11 Section 1059 of title 10, United States Code, is  
12 amended—

13 (1) in subsection (e)(1)(A), by inserting “that  
14 includes dependent-abuse as an underlying or prin-  
15 cipal factor” after “for a dependent-abuse offense”;

16 (2) in subsection (e)(1)(B), by inserting “un-  
17 derlying, partial, or principal” before “basis”; and

18 (3) in subsection (g)(2), by striking “the Sec-  
19 retary may not resume such payments” and insert-  
20 ing “the Secretary may resume such payments if the  
21 Secretary determines that there was ongoing abuse.  
22 Any such determination as to such a resumption of  
23 payments shall be reviewed by the Secretary on a  
24 case-by-case basis.”.

1 **SEC. 512. HEALTH BENEFITS.**

2 Paragraph (1) of section 1076(e) of title 10, United  
3 States Code, is amended to read as follows:

4 “(1) The administering Secretary shall furnish  
5 an abused dependent of a former member of a uni-  
6 formed service described in paragraph (4), during  
7 that period that the abused dependent is in receipt  
8 of transitional compensation under section 1059 of  
9 this title, with medical and dental care, including  
10 mental health services, in facilities of the uniformed  
11 services in accordance with the same eligibility and  
12 benefits as were applicable for that abused depend-  
13 ent during the period of active service of the former  
14 member.”.