

Legislation for Military Sexual Violence

Military sexual violence has been within the military ever since there was a military, not when women began to serve in the military. Prior to allowing women to join the military, military sexual violence happened to male service members, often from hazing. But this has only taken nationwide and legislative attention in the past couple of decades because of big scandals like Tailhook or the missing case of Vanessa Guillen. (I can link websites to give information about those two scandals)

The first legislation to be introduced to tackle the issue of military sexual violence did not happen until the 102nd Congressional Session in 1992, in response to the Tailhook scandal. This legislation, [H.R. 5193 – Veterans Health Care Act of 1992](#), is only concerned with meeting the health care needs of the women veterans, not preventing this issue nor finding justice for the victims. This law is also only concerned about female veterans for sexual trauma counseling, not male veterans. Unfortunately, male veterans are often more likely to experience sexual violence during their military career, and they are more likely to not report it either. This does not get corrected until the 103rd Congressional Session, with [H.R. 3313 – Veterans Health Programs Extension Act of 1994](#), where the word “women” is stricken from the program regulations.

Congress does not pass any legislation in terms of how the military treats sexual assault or sexual harassment until the 108th Congressional Session with [H.R. 4200 – Ronald W. Reagan National Defense Authorization Act](#) (NDAA). This mostly involves just an examination of what the military is already doing in reaction to reports or prevention of sexual harassment and sexual assault. The implementation of the information database of sexual assault incidents was passed in the 110th Congressional Session’s [Senate bill 3001 – Duncan Hunter National Defense Authorization Act for Fiscal Year 2009](#).

Due to the recruitment concerns during post-9/11 wars, waivers were allowed for recruits with criminal backgrounds. So it was so important that [H.R. 4310 – National Defense Authorization Act for Fiscal Year 2013](#) prohibited any future waivers for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense. This law also added more tools to support military sexual violence victims as well as reporting to Congress. At almost every following congressional session, Congress requires the military to submit various reports on how the military handles sexual assault and sexual harassment.

The biggest improvement in how the military treats sexual violence and how they prevent them came from the missing case of Vanessa Guillen and the social media storm in response. Many current and former service members identified with Vanessa Guillen and posted their own experiences of military sexual violence with the #iamvanessaguillen. This was brought to the attention of many elected officials, so much so that Congress had multiple hearings to discuss whether the military is doing enough. This led to the removal of commanders' control of certain military crimes (specifically sex crimes), adding sexual harassment to the Uniform Code of Military Justice, and requiring an independent investigation. These improvements came from [S. 1605 – National Defense Authorization Act for Fiscal Year 2022](#) and [H.R. 7776 – James M. Inhofe National Defense Authorization Act for Fiscal Year 2023](#).

So, what's next? There are definitely many things that advocates say is needed to make real change to support military sexual violence victims properly. These things would be:

- A Military Occupational Specialty (MOS) was created for unit victim advocates (those who receive sexual harassment and assault reports) and sexual assault response coordinators (those who manage unit victim advocates and all reporting).
- Create a new division to manage unit victim advocates and sexual assault response coordinators, thus removing them from the unit chain of command.
- Removing the commander's control over jury selection and terms of discharge of the alleged perpetrator.
- More oversight on the processing of rape kits, certification, and manning of sexual assault forensic nurses.
- Tracking more demographics in those that report sexual harassment and assault like [BIPOC](#) and [LGBTQIA+](#).
- Add hate crimes to the Uniform Code of Military Justice.
- Provide outside sources to report retaliation (the current route is through the inspector general under the chain of command).

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