

119TH CONGRESS
2^D SESSION

S. _____

To amend chapter 171 of title 28, United States Code, to allow suit against the United States for military sexual trauma.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend chapter 171 of title 28, United States Code, to allow suit against the United States for military sexual trauma.

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 “Military Sexual Trau-
5 ma Accountability Act”.

1 **SEC. 2. ALLOWING CLAIMS AGAINST THE UNITED STATES**
2 **FOR FAILING TO PREVENT OR INVESTIGATE**
3 **SEXUAL MISCONDUCT.**

4 (a) IN GENERAL.—Chapter 171 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 2681. Claims against the United States for military**
8 **sexual trauma**

9 “(a) DEFINITIONS.—In this section:

10 “(1) COVERED INDIVIDUAL.—The term ‘cov-
11 ered individual’ means—

12 “(A) a member of the armed forces, in-
13 cluding a reserve component, who is serving on
14 active duty or active Guard and Reserve duty
15 (as those terms are defined in paragraphs (1)
16 and (6), respectively, of section 101(d) of title
17 10);

18 “(B) a member of the National Guard who
19 is serving on full-time National Guard duty (as
20 that term is defined in section 101(d)(5) of title
21 10); or

22 “(C) a member of a reserve component or
23 the Space Force while performing inactive-duty
24 training (as that term is defined in section
25 101(d)(7) of title 10).

1 “(2) MEMBER OF THE ARMED FORCES.—The
2 term ‘armed forces’ has the meaning given the term
3 in section 101(a)(4) of title 10.

4 “(3) RESERVE COMPONENT.—The term ‘reserve
5 component’ means a component specified in section
6 10101 of title 10.

7 “(4) SEXUAL MISCONDUCT.—The term ‘sexual
8 misconduct’ means—

9 “(A) wrongful broadcast or distribution of
10 intimate visual images punishable under section
11 917a of title 10 (article 117a of the Uniform
12 Code of Military Justice);

13 “(B) rape (as that term is defined in sec-
14 tion 920(a) of title 10 (article 120(a) of the
15 Uniform Code of Military Justice);

16 “(C) sexual assault (as that term is de-
17 fined in section 920(b) of title 10 (article
18 120(b) of the Uniform Code of Military Jus-
19 tice));

20 “(D) aggravated sexual contact (as that
21 term is defined in section 920(c) of title 10 (ar-
22 ticle 120(c) of the Uniform Code of Military
23 Justice));

24 “(E) abusive sexual contact (as that term
25 is defined in section 920(d) of title 10 (article

1 120(d) of the Uniform Code of Military Jus-
2 tice));

3 “(F) other sexual misconduct punishable
4 under section 920c of title 10 (article 120c of
5 the Uniform Code of Military Justice); and

6 “(G) the standalone offense of sexual har-
7 assment punishable under section 934 of title
8 10 (article 134 of the Uniform Code of Military
9 Justice).

10 “(b) CLAIMS.—An individual may bring suit against
11 the United States for injury or death arising, while such
12 individual was a member of the Armed Forces, including
13 a reserve component, from—

14 “(1) sexual misconduct committed by a covered
15 individual; and

16 “(2)(A) the negligent failure to prevent such
17 sexual misconduct;

18 “(B) the negligent failure to investigate such sexual
19 misconduct; or

20 “(C) any other such wrongful or negligent actions
21 that contributed to the sexual misconduct alleged.

22 “(c) NO REDUCTION FOR CERTAIN BENEFITS.—A
23 claim under this section shall not be reduced by the
24 amount of any health care or benefit provided under a pro-

1 vision of law administered by the Secretary of Veterans
2 Affairs or the Secretary of Defense.

3 “(d) LIMITATIONS PERIOD.—Notwithstanding sec-
4 tion 2401(b), a claim brought under this section shall have
5 a 5-year statute of limitations beginning on the date any
6 such claim accrues.

7 “(e) PROCEDURES.—For purposes of claims brought
8 under this section—

9 “(1) subsections (a), (h), (j), and (k) of section
10 2680 do not apply; and

11 “(2) the filing period under subsection (d) shall
12 be tolled during the pendency of any investigation or
13 proceeding related to the alleged sexual misconduct
14 underlying the claim.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 171 of title 28, United States Code, is amend-
17 ed by adding at the end the following:

“2681. Claims against the United States for military sexual trauma.”.

18 (c) RULE OF CONSTRUCTION.—Nothing in this Act
19 or the amendments made by this Act shall be construed
20 to limit the application of the administrative process and
21 procedures of chapter 171 of title 28, United States Code,
22 to claims permitted under section 2681 of such chapter.

23 (d) EFFECTIVE DATE.—This Act and the amend-
24 ments made by this Act shall apply to—

1 (1) a claim arising on or after the date of the
2 enactment of this Act; and

3 (2) a claim arising before the date of the enact-
4 ment of this Act, with respect to which the period
5 of limitations shall be deemed to begin on the date
6 of the enactment of this Act.