

108TH CONGRESS
2D SESSION

H. R. 5391

To reduce sexual assault and domestic violence involving members of the Armed Forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2004

Ms. SLAUGHTER introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reduce sexual assault and domestic violence involving members of the Armed Forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Prevention of and Response to Sexual Assault and Do-
 4 mestic Violence in the Military Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings relating to domestic violence within the Armed Forces.
- Sec. 4. Findings relating to sexual misconduct in the Armed Forces.

TITLE I—VICTIMS’ ADVOCATE PROGRAMS IN THE DEPARTMENT
OF DEFENSE

- Sec. 101. Office of the victims’ advocate.
- Sec. 102. Victims advocates.

TITLE II—INTERDISCIPLINARY COUNCILS WITHIN THE
DEPARTMENT OF DEFENSE

- Sec. 201. Department of Defense interdisciplinary council.
- Sec. 202. Military department councils.
- Sec. 203. Conforming repeal.

TITLE III—REPORTING OF SEXUAL ASSAULT, DOMESTIC VIO-
LENCE, AND STALKING WITHIN THE DEPARTMENT OF DE-
FENSE

- Sec. 301. Complaints of sexual assault and domestic violence.
- Sec. 302. Response of military law enforcement officials to domestic violence in-
cidents.
- Sec. 303. Investigations of sexual and domestic violence cases involving Depart-
ment of Defense personnel.

TITLE IV—PROTECTION OF PERSONS REPORTING SEXUAL
ASSAULT OR DOMESTIC VIOLENCE

- Sec. 401. Protection of communications between victims and advocates.
- Sec. 402. Whistleblower protections for victim advocates.
- Sec. 403. Prohibition of compulsory disclosure of certain communications and
information.

TITLE V—PERSONNEL ADMINISTRATION MATTERS

- Sec. 501. Performance evaluations and benefits.

TITLE VI—NATIONAL AND INTERNATIONAL HOTLINES
AWARENESS, PREVENTION, AND INTERVENTION CAMPAIGN

- Sec. 601. Awareness, prevention, and intervention campaign.

TITLE VII—MEDICAL CARE AND TREATMENT FOR VICTIMS OF
SEXUAL AND DOMESTIC VIOLENCE

- Sec. 701. Findings.
- Sec. 702. Enhanced Department of Defense treatment capacity.
- Sec. 703. Outreach program at the community level.
- Sec. 704. Equal treatment and services.
- Sec. 705. Evaluation of services and treatment within deployed units.
- Sec. 706. Emergency medical leave.
- Sec. 707. Reports.
- Sec. 708. Transition to veterans health care for victims or perpetrators of domestic violence, sexual assault, family violence, or stalking.
- Sec. 709. Privacy safeguards.

TITLE VIII—MILITARY-CIVILIAN SHELTER PROGRAMS

- Sec. 801. Enhanced capacity of the Department of Defense for shelter programs and services.

TITLE IX—ENHANCEMENT OF ARMED FORCES DOMESTIC
SECURITY ACT

- Sec. 901. Amendments to Servicemembers Civil Relief Act.

TITLE X—CRIMES RELATED TO SEXUAL ASSAULT AND
DOMESTIC VIOLENCE

Subtitle A—Federal Criminal Code

- Sec. 1001. Assimilative crimes.
- Sec. 1002. Jurisdiction for sexual assault and domestic violence offenses committed outside the United States.
- Sec. 1003. Technical amendments.
- Sec. 1004. Travel and transportation.

Subtitle B—Uniform Code of Military Justice

- Sec. 1011. Military sexual assault.
- Sec. 1012. Stalking.
- Sec. 1013. Domestic violence and family violence.
- Sec. 1014. Protective orders.

TITLE XI—VICTIM'S RIGHTS AND RESTITUTION

- Sec. 1101. Military law enforcement and victims' rights.
- Sec. 1102. Incident reports.
- Sec. 1103. Victim advocates and victims' rights.
- Sec. 1104. Restitution.
- Sec. 1105. Records of military justice actions.
- Sec. 1106. Technical amendments relating to fatality review panels.
- Sec. 1107. Enhanced capacity of the Department of Defense for victim services.

TITLE XII—COUNSELING AND TREATMENT PROGRAMS OF
DEPARTMENT OF VETERANS AFFAIRS

- Sec. 1201. Permanent authority for counseling and treatment of veterans for sexual trauma.

- Sec. 1202. Authority to operate additional Department of Veterans Affairs centers for mental illness research, education, and clinical activities.
- Sec. 1203. Improvement of program for provision of specialized mental health services to veterans.
- Sec. 1204. Enhancement of readjustment counseling services for reserve component members.

TITLE XIII—ENHANCEMENT OF TREATMENT SERVICES FOR PERPETRATORS

- Sec. 1301. Enhanced capacity of the Department of Defense for treatment services for offenders.

TITLE XIV—PREVENTION AND INTERVENTION TRAINING IN THE DEPARTMENT OF DEFENSE

- Sec. 1401. Prevention and intervention training awards.

TITLE XV—RESEARCH ON PREVALENCE, NEEDS ASSESSMENT, SERVICES, AND ACCOUNTABILITY

- Sec. 1501. Research on sexual assault in the Armed Forces.
- Sec. 1502. Research on institutional procedures for reporting sexual assaults in the Armed Forces.
- Sec. 1503. Research on domestic violence associated with the Armed Forces.
- Sec. 1504. Research on institutional procedures for reporting domestic violence in the Armed Forces.
- Sec. 1505. Research on dating violence associated with the Armed Forces.
- Sec. 1506. Research on sexual violence perpetrated upon civilians.
- Sec. 1507. Research on child maltreatment, abuse, and homicide in the Armed Forces.

TITLE XVI—SUMMIT ON SEXUAL ASSAULT AND DOMESTIC VIOLENCE

- Sec. 1601. Purposes.
- Sec. 1602. Establishment.
- Sec. 1603. Eligible participants.
- Sec. 1604. Summit activities.
- Sec. 1605. Authorization of appropriations.

TITLE XVII—CONFERENCE ON SEXUAL ASSAULT AND DOMESTIC VIOLENCE

- Sec. 1701. Establishment.
- Sec. 1702. Conference participants.
- Sec. 1703. Conference activities.
- Sec. 1704. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

- 3 (1) DOMESTIC VIOLENCE.—The term “domestic
- 4 violence” has the meaning given that term in section

1 2003 of title I of the Omnibus Crime Control and
2 Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

3 (2) FAMILY VIOLENCE.—The term “family vio-
4 lence” has the meaning given that term in section
5 308 of the Family Violence Prevention and Services
6 Act (42 U.S.C. 10408).

7 (3) SEXUAL ASSAULT.—The term “sexual as-
8 sault” means any conduct proscribed by chapter
9 109A of title 18, United States Code, whether or not
10 the conduct occurs in the special maritime and terri-
11 torial jurisdiction of the United States or in a Fed-
12 eral prison and includes both assaults committed by
13 offenders who are strangers to the victim and as-
14 saults committed by offenders who are known or re-
15 lated by blood or marriage to the victim.

16 (4) SEXUAL MISCONDUCT.—The term “sexual
17 misconduct” includes the following:

18 (A) Sexual harassment, entailing any con-
19 duct involving sexual harassment that—

20 (i) in the case of conduct of a person
21 who is subject to the provisions of chapter
22 47 of title 10, United States Code (the
23 Uniform Code of Military Justice), com-
24 prises a violation of a provision of sub-
25 chapter X of such chapter (relating to pu-

1 nitive articles of such Code) or an applica-
2 ble regulation, directive, or guideline re-
3 garding sexual harassment that is pre-
4 scribed by the Secretary of Defense or the
5 Secretary of a military department; and

6 (ii) in the case of an employee of the
7 Department of Defense or a family mem-
8 ber subject to the jurisdiction of the Sec-
9 retary of Defense or of the Secretary of a
10 military department, comprises a violation
11 of a regulation, directive, or guideline that
12 is applicable to such employee or family
13 member.

14 (B) Sexual abuse.

15 (C) Sexual assault.

16 (D) Sexual battery.

17 (E) Rape.

18 (5) STALKING.—The term “stalking” means
19 engaging in a course of conduct as proscribed in
20 chapter 109A of title 18, United States Code, as di-
21 rected at a specific person that would cause a rea-
22 sonable person to fear death, sexual assault, or bod-
23 ily injury to himself or herself or a member of his
24 or her immediate family when—

1 (A) the person engaging in such conduct
2 has knowledge or should have knowledge that
3 the specific person will be placed in reasonable
4 fear of death, sexual assault, or bodily injury to
5 himself or herself or a member of his or her im-
6 mediate family; and

7 (B) the conduct induces fear in the specific
8 person of death, sexual assault, or bodily injury
9 to himself or herself or a member of his or her
10 immediate family.

11 (6) ARMED FORCES.—The term “Armed
12 Forces” has the meaning provided in section
13 101(a)(4) of title 10, United States Code.

14 (7) FAMILY ADVOCACY PROGRAM.—The term
15 “family advocacy program” has the meaning pro-
16 vided in Department of Defense Directive 6400.1,
17 issued by the Office of Family Policy of the Depart-
18 ment of Defense established by section 1781 of title
19 10, United States Code.

20 (8) VICTIMS’ ADVOCATES PROGRAM.—The term
21 “victims’ advocates program” means a program es-
22 tablished within a military department pursuant to
23 section 534(a) of the National Defense Authoriza-
24 tion Act for Fiscal Year 1995 (10 U.S.C. 113 note).

1 (9) VICTIM.—The term “victim” means a per-
2 son who is a victim of domestic violence, family vio-
3 lence, sexual assault, stalking, or sexual misconduct
4 committed—

5 (A) by or upon a member of the Armed
6 Forces;

7 (B) by or upon a family member of a
8 member of the Armed Forces;

9 (C) by or upon a person who shares a child
10 in common with a member of the Armed
11 Forces;

12 (D) by or upon a person who is cohabiting
13 with or has cohabited as a spouse with a mem-
14 ber of the Armed Forces;

15 (E) by or upon a person similarly situated
16 to a spouse of a member of the Armed Forces;
17 or

18 (F) by or upon any other person who is
19 protected from the acts of a member of the
20 Armed Forces or an officer or employee of the
21 Department of Defense in the official capacity
22 of that member, officer, or employee.

23 (10) VICTIM SERVICES.—The term “victim
24 services organization” means a nonprofit, non-
25 governmental organization or a public, nonprofit or-

1 organization acting in a nongovernmental capacity
2 that assists domestic violence, family violence, or
3 sexual assault victims, including women’s centers,
4 rape crisis centers, battered women’s shelters, and
5 other sexual assault, domestic violence or dating vio-
6 lence programs, including counseling, support and
7 victim advocate organizations with domestic violence,
8 dating violence, stalking, and sexual assault pro-
9 grams.

10 (11) DATING VIOLENCE.—The term “dating vi-
11 olence” means violence committed by a person—

12 (A) who is or has been in a social relation-
13 ship of a romantic or intimate nature with the
14 victim; and

15 (B) where the existence of such a relation-
16 ship shall be determined based on a consider-
17 ation of—

18 (i) the length of the relationship;

19 (ii) the type of relationship; and

20 (iii) the frequency of interaction be-
21 tween the persons involved in the relation-
22 ship.

23 (12) ELECTRONIC COMMUNICATION.—The term
24 “electronic communication” has the meaning given

1 that term in paragraph (12) of section 2510 of title
2 18, United States Code.

3 (13) STATE.—The term “State” includes the
4 District of Columbia, the Commonwealth of Puerto
5 Rico, the Commonwealth of the Northern Mariana
6 Islands, Guam, the Virgin Islands, American Samoa,
7 and any other territory or possession of the United
8 States.

9 (14) TRANSITIONAL HOUSING.—The term
10 “transitional housing” includes short-term housing
11 and has the meaning given that term in section
12 424(b) of the McKinney-Vento Homeless Assistance
13 Act (42 U.S.C. 11384(b)).

14 (15) COMPLAINT.—The term “complaint”, with
15 respect to an allegation of family violence, sexual as-
16 sault, stalking, or domestic violence, includes a re-
17 port of such allegation.

18 (16) MILITARY LAW ENFORCEMENT OFFI-
19 CIAL.—The term “military law enforcement official”
20 means a person authorized under regulations gov-
21 erning the Armed Forces to apprehend persons sub-
22 ject to the Uniform Code of Military Justice (chap-
23 ter 47 of title 10, United States Code) or to trial
24 thereunder.

1 (17) BATTERERS PROGRAM.—The term
2 “batterers program” means a program approved or
3 certified by a State that is operated by a public or
4 not-for-profit organization for the purpose of pro-
5 viding battering prevention and educational services
6 the goal of which is to help clients end abusive be-
7 haviors and components of which include—

8 (A) an educational instruction and group
9 discussion model to provide information about
10 domestic violence; the illegality of domestic vio-
11 lence, and the responsibility for and alternative
12 choices to abusive behavior; and

13 (B) a long-term group that helps end the
14 violent behavior of its participants with formal
15 linkages to the local criminal justice systems
16 and to area domestic violence services.

17 (18) REPRESENTATIVE OF THE VICTIM.—The
18 term “representative of the victim” means, with re-
19 spect to a victim, any of the following:

20 (A) The surviving spouse.

21 (B) A surviving child of the decedent who
22 has attained 18 years of age.

23 (C) A surviving parent of the decedent.

24 (D) A surviving adult relative.

1 (E) The public administrator appointed by
2 a probate court, if one has been appointed.

3 (19) PARTNER.—The term “partner” means
4 any of the following:

5 (A) A person who is or has been in a social
6 relationship of a romantic or intimate nature
7 with another, where the existence of such a re-
8 lationship is determined based on a consider-
9 ation of the length of the relationship, the type
10 of relationship, and the frequency of interaction
11 between the persons involved in the relation-
12 ship.

13 (B) A person who shares a child in com-
14 mon with another person.

15 (C) A person who is cohabiting with or has
16 cohabited as a spouse by regularly residing in
17 the household.

18 (D) A person similarly situated to a
19 spouse.

20 (E) A former spouse.

21 **SEC. 3. FINDINGS RELATING TO DOMESTIC VIOLENCE**
22 **WITHIN THE ARMED FORCES.**

23 Congress makes the following findings:

24 (1) The prevalence of intimate partner violence
25 associated with the Armed Forces is dramatic. In

1 fiscal year 2001, 18,000 reported cases of spouse
2 abuse occurred involving military personnel, of which
3 11,000 cases were substantiated by the Department
4 of Defense Family Advocacy Program.

5 (2) In a survey of intimate partner violence
6 among married members of the Armed Forces, ap-
7 proximately 30 percent of the respondents who ac-
8 knowledged using a knife or gun on an intimate
9 partner were single service members. Thirty-three
10 percent of never-married soldiers reported using a
11 knife or a gun; however only five percent of the
12 never married soldiers answered the survey.

13 (3) The predominant type of spouse abuse asso-
14 ciated with the Armed Forces is physical assault. A
15 study found that 85 percent of the offenders in the
16 Armed Forces committed physical assaults.

17 (4) Several studies commissioned by the De-
18 partment of Defense have concluded that the De-
19 partment and its service branches have failed to
20 standardize data collection and that data related to
21 recidivism and reoffense are unreliable. Under-
22 reporting, informal handling, and slippages in cen-
23 tral data collection have also been cited as contrib-
24 uting to the lack of reliable data.

1 (5) The victims of intimate partner violence as-
2 sociated with the Armed Forces are particularly vul-
3 nerable due to isolation, mobile residency, financial
4 insecurity, and fear of adverse career consequences
5 and impact, with resultant severe underreporting of
6 incidents and the failure to access services, care, and
7 treatment.

8 (6) The safety of the victim is significantly af-
9 fected by confusion over the definition of intimate
10 partner violence, family violence, sexual assault,
11 rape, and spouse abuse.

12 (7) The safety of a victim is significantly af-
13 fected by the substantiation of mutual abuse. A
14 study conducted by the Department of Defense con-
15 cluded that 33 percent of the offenders were involved
16 in mutual abuse. The identification of the primary
17 aggressor is essential to the safety of a victim.

18 (8) The victims of family violence are vulner-
19 able to eviction from military housing. Department
20 of Defense data indicates that 47 percent of the vic-
21 tims of family violence reside on a military installa-
22 tion. The Department of Defense should support
23 transitional housing for family members challenged
24 by domestic violence, sexual assault, or stalking.

1 (9) The Department of Defense has sponsored
2 programs to prevent, identify, and curtail family vio-
3 lence. The rehabilitative, nonjudicial, legal, and judi-
4 cial responses to family violence are not standard-
5 ized or comprehensive for the Armed Forces.

6 (10) The Department of Defense has acknowl-
7 edged multiple barriers to operating programs to
8 curtail intimate partner violence, including lack of
9 awareness and understanding in the military com-
10 munity of the signs and dynamics of family violence,
11 inconsistent command support for Family Advocacy
12 Program recommendations and interventions, oper-
13 ational barriers to victim safety and client participa-
14 tion, and unit deployment schedules interfering with
15 full participation in and timely completion of treat-
16 ment programs by active-duty servicemembers.

17 (11) Commander discretion plays a major role
18 in a zero tolerance climate, victim safety, and of-
19 fender accountability. Command support and train-
20 ing by professionals in the fields of family violence
21 and sexual assault would enhance the readiness of
22 the Armed Forces.

23 (12) The rates of domestic violence among
24 members of the Armed Forces are considerably high-

1 er than anticipated and are two, three, four, or five
2 times higher than the civilian rate.

3 (13) Military deployments affect the prevalence
4 and severity of abuse within the Armed Forces.

5 (14) A review of homicides within the Armed
6 Forces indicates that firearms were used against 35
7 percent of female victims, while 28 percent of female
8 victims were beaten or strangled. Females were over
9 ten times more likely than males to be strangled.
10 The study concluded that active-duty females were
11 at increased risk for homicide in comparison to both
12 males in the Armed Forces and females in the gen-
13 eral population.

14 (15) Five to six percent of substantiated offend-
15 ers are court-martialed by military authorities.

16 (16) A study commissioned by the Department
17 of Defense concluded that 75 to 84 percent of ac-
18 tive-duty offenders were discharged honorably.

19 (17) The health and welfare of Armed Forces
20 personnel, families, and partners would be greatly
21 enhanced by elimination of domestic and family vio-
22 lence.

23 **SEC. 4. FINDINGS RELATING TO SEXUAL MISCONDUCT IN**
24 **THE ARMED FORCES.**

25 Congress makes the following findings:

1 (1) The first large-scale survey of sexual mis-
2 conduct within the Armed Forces concluded that 5
3 percent of female respondents and 1 percent of male
4 respondents were victims of completed or attempted
5 rape.

6 (2) The most recent estimates suggest that sex-
7 ual misconduct in the Armed Forces has decreased
8 from 6 percent of female respondents reporting a
9 completed or attempted rape to 3 percent of female
10 respondents reporting the same.

11 (3) Department of Defense surveys have ranked
12 the prevalence of sexual misconduct among the serv-
13 ices, citing 9 percent of female Marines were victims
14 of an attempted or completed rape, 8 percent of fe-
15 male Army personnel, 6 percent of female Naval per-
16 sonnel, and 4 percent of Air Force female personnel.

17 (4) A survey by the Department of Veterans
18 Affairs concluded that 30 percent of female veterans
19 report an attempted or completed rape during active
20 duty. Thirty-seven percent of the women who re-
21 ported an attempted or completed rape had been
22 raped more than once, while 14 percent of the vic-
23 tims reported being gang raped.

24 (5) The disparity between the surveys con-
25 ducted by the Department of Defense and Depart-

1 ment of Veterans Affairs entails the application of
2 research protocols varying from civilian practices, in-
3 cluding the protection of human subjects, anonymity
4 for respondents, and behavior based questionnaires.

5 (6) Men accounted for 22 percent of those seek-
6 ing treatment for sexual trauma at the Veterans'
7 Centers in 1996, an increase from 13 percent in
8 1994. The percentage of male sexual trauma vic-
9 tims, 9 percent, is significantly higher than in the ci-
10 vilian community.

11 (7) Eight percent of female Persian Gulf War
12 veterans in a survey reported being sexually abused
13 during Operation Desert Shield and Operation
14 Desert Storm. The rate of victimization experienced
15 by female servicemembers deployed during the Gulf
16 War represents nearly a 10-fold increase over rates
17 obtained using female civilian community samples.

18 (8) In a survey of veterans seeking disability
19 benefits from the Department of Veterans Affairs
20 for post-traumatic stress disorder (PTSD), 6.5 per-
21 cent of male combat veterans reported an in service
22 or post service sexual assault, while 16.5 percent of
23 noncombat veterans reported an in service or post
24 service sexual assault; 69 percent of female combat
25 veterans and 86.6 percent of female noncombat vet-

1 erans reported an in-service or post service sexual
2 assault. The reported rates of sexual assault are
3 higher among veterans seeking veterans' disability
4 benefits for PTSD than the historically reported
5 rates for men and women in the general population.

6 (9) The military environment is more power-
7 fully associated with risk than individual factors, en-
8 compassing young women entering male dominated
9 working groups at lower levels of authority, sexual
10 harassment by officers, and unwanted advances on
11 duty and in sleeping quarters.

12 (10) The prior victimization of the female
13 servicemembers has been cited in numerous service
14 sponsored studies. Prior victimization results in en-
15 hanced vulnerability of a victim.

16 (11) Female servicemembers are less likely to
17 report harassment, rape, and family violence due to
18 fear of adverse career impact and charges of drink-
19 ing, fraternization, and adultery.

20 (12) The response of the Armed Forces is pre-
21 dominantly an administrative intervention rather
22 than criminal investigations, charges, and judicial
23 proceedings.

24 (13) The overlap of physical, sexual, and emo-
25 tional abuse is routinely found in studies and case

1 histories of survivors. Research relative to active
 2 duty military women has cited this overlap indi-
 3 cating that one third of female veterans who experi-
 4 ence physical assault by an intimate partner also re-
 5 port being sexually assaulted.

6 **TITLE I—VICTIMS’ ADVOCATE**
 7 **PROGRAMS IN THE DEPART-**
 8 **MENT OF DEFENSE.**

9 **SEC. 101. OFFICE OF THE VICTIMS’ ADVOCATE.**

10 (a) IN GENERAL.—Part II of subtitle A of title 10,
 11 United States Code, is amended by adding at the end the
 12 following new chapter:

13 **“CHAPTER 90—OFFICE OF THE VICTIMS’**
 14 **ADVOCATE**

- “1811. Office of the Victims’ Advocate: establishment.
- “1812. Office of the Victims’ Advocate: responsibilities.
- “1813. Office of the Victims’ Advocate: Director and staff.
- “1814. Office of the Victims’ Advocate: access.
- “1815. Office of the Victims’ Advocate: authorities and powers.
- “1816. Office of the Victims’ Advocate: victim protection actions.
- “1817. Office of the Victims’ Advocate: victims advocates whistleblower protec-
 tions.
- “1818. Office of the Victims’ Advocate: annual assessment.
- “1819. Office of the Victims’ Advocate: annual reports.
- “1820. Office of the Victims’ Advocate: policy implementation.
- “1821. Authorization of appropriations.

15 **“§ 1811. Office of the Victims’ Advocate: establish-**
 16 **ment**

17 “(a) ESTABLISHMENT.—There is in the Office of the
 18 Secretary of Defense an Office of the Victims’ Advocate
 19 (hereinafter in this chapter referred to as the ‘Office’).

1 “(b) VICTIM DEFINED.—In this chapter, the term
2 ‘victim’ means a person who is a victim of domestic vio-
3 lence, family violence, sexual assault, stalking, or sexual
4 misconduct committed—

5 “(1) by or upon a member of the armed forces;

6 “(2) by or upon a family member of a member
7 of the armed forces;

8 “(3) by or upon a person who shares a child in
9 common with a member of the armed forces;

10 “(4) by or upon a person who is cohabiting with
11 or has cohabited as a spouse with a member of the
12 armed forces;

13 “(5) by or upon a person similarly situated to
14 a spouse of a member of the armed forces; or

15 “(6) by or upon any other person who is pro-
16 tected from the acts of a member of the armed
17 forces or an officer or employee of the Department
18 of Defense in the official capacity of that member,
19 officer, or employee.

20 **“§ 1812. Office of the Victims’ Advocate: responsibil-**
21 **ities**

22 “(a) COORDINATION FUNCTIONS.—(1) The Office
23 shall restore access to services for victims and survivors
24 of domestic violence, family violence, sexual assault, and
25 stalking.

1 “(2) The Office shall contract victim advocates in the
2 Department of Defense for purposes of victims’ advocates
3 programs in the Department of Defense under section 534
4 of the National Defense Authorization Act for Fiscal Year
5 1995 (10 U.S.C. 113 note). In awarding contracts under
6 this paragraph, the Director shall—

7 “(A) ensure that such contracts are awarded on
8 a competitive basis;

9 “(B) ensure, to the extent practicable, an equi-
10 table geographic distribution among the regions of
11 the United States and among urban, suburban and
12 rural areas;

13 “(C) give preference to applicants with strong
14 ties to minority communities and those that dem-
15 onstrate high levels of cultural competence; and

16 “(D) ensure that the victim advocates have re-
17 ceived specialized training in the counseling and sup-
18 port of victims and that each victim advocate meets
19 the following requirements:

20 “(i) Has a master’s degree in counseling or
21 a related field or has one year of counseling ex-
22 perience, at least six months of which has been
23 in the counseling of sexual assault or domestic
24 violence victims.

1 “(ii) Has at least 40 hours of training as
2 specified by regulations prescribed by the Direc-
3 tor, including training in the following areas:

4 “(I) History of domestic violence and
5 sexual assault.

6 “(II) Civil, criminal and military law
7 as it relates to domestic violence and sex-
8 ual assault.

9 “(III) Societal attitudes.

10 “(IV) Peer counseling techniques.

11 “(V) Housing.

12 “(VI) Public and private assistance
13 available to victims.

14 “(VII) Financial resources for victims.

15 “(VIII) Safety and protection re-
16 sources for victims.

17 “(IX) Victim and transitional com-
18 pensation.

19 “(X) Benefits.

20 “(XI) Referral services available to
21 victims.

22 “(3) The Office shall serve as headquarters program
23 manager for the Victims’ Advocates Program in the De-
24 partment of Defense under section 534 of the National

1 Defense Authorization Act for Fiscal Year 1995 (10
2 U.S.C. 113 note).

3 “(4) The Office shall obtain for any victim of domes-
4 tic violence, family violence, sexual assault, or stalking re-
5 ferred to in this section, from any facility of the uniformed
6 services or any other health care facility of the United
7 States or, by contract, from any other source, medical
8 services, counseling, and other mental health services ap-
9 propriate for treatment, including—

10 “(A) injuries resulting from domestic violence,
11 sexual assault or stalking;

12 “(B) rape evidence kits;

13 “(C) DNA screening and testing;

14 “(D) sexually transmitted diseases screening
15 and treatment;

16 “(E) HIV screening and treatment;

17 “(F) pregnancy testing;

18 “(G) FDA-approved methods of pregnancy pre-
19 vention, including emergency contraception;

20 “(H) reproductive services, including prenatal
21 care and abortions as authorized by section 1093 of
22 this title; and

23 “(I) other mental and physiological results of
24 the domestic violence, sexual assault, or stalking.

1 “(5) The Office shall coordinate and facilitate serv-
2 ices within the military departments for victims and sur-
3 vivors of domestic violence, family violence, sexual assault,
4 and stalking.

5 “(6) The Office shall coordinate programs and activi-
6 ties of the military departments relative to services and
7 treatment for victims of domestic violence, family violence,
8 sexual assault, and stalking.

9 “(b) EVALUATION AND REVIEW RESPONSIBIL-
10 ITIES.—The Director shall carry out the following ongoing
11 evaluations and reviews:

12 “(1) Evaluation of the policies and protocols es-
13 tablished by the military departments providing such
14 services and treatment, with a view towards the
15 rights of victims of domestic violence, family vio-
16 lence, sexual assault, and stalking.

17 “(2) Evaluation of the programs established by
18 the military departments providing services to vic-
19 tims of domestic violence, family violence, sexual as-
20 sault, and stalking.

21 “(3) Evaluation of the delivery of services of
22 the military departments that provide services and
23 treatment to victims of domestic violence, family vio-
24 lence, sexual assault, and stalking through funds
25 provided by the Department of Defense, Department

1 of Justice, or Department of Health and Human
2 Services.

3 “(4) Annual review of the facilities of the De-
4 partment of Defense providing services to victims of
5 domestic violence, family violence, sexual assault, or
6 stalking.

7 “(5) Annual review of the National Domestic
8 Violence Hotline, the National Sexual Assault Hot-
9 line, and the American Women Overseas Hotline rel-
10 ative to projects for military personnel, families and
11 partners, and installation hotlines for victims of do-
12 mestic violence, family violence, sexual assault, or
13 stalking.

14 “(6) Annual review of the victim witness assist-
15 ance programs within the Department of Defense.

16 “(7) Review of complaints of persons and inves-
17 tigation of those where victims may be in need of or
18 benefit from assistance from a victim advocate.

19 “(8) Serve or designate a person to serve on the
20 interdisciplinary councils under sections 201 and
21 202 of the Prevention of and Response to Sexual As-
22 sault and Domestic Violence in the Military Act.

23 “(9) Serve or designate a person to serve on the
24 fatality review panels established by the Secretary of

1 Defense under sections 4061, 6036, and 9061 of
2 this title.

3 “(c) POLICY RESPONSIBILITIES.—(1) The Director
4 shall recommend to the Secretary of Defense and the Sec-
5 retaries of the military departments a comprehensive pol-
6 icy on prevention and intervention to domestic violence,
7 family violence, sexual assault and stalking involving mem-
8 bers of the armed forces, families, and partners. The com-
9 prehensive policy shall address the following matters:

10 “(A) Prevention measures.

11 “(B) Education and training on prevention and
12 intervention.

13 “(C) Investigation of complaints by command
14 and law enforcement personnel.

15 “(D) Medical treatment of victims.

16 “(E) Confidential reporting of incidents.

17 “(F) Victim advocacy and intervention.

18 “(G) Oversight by commanders of administra-
19 tive and disciplinary actions in response to substan-
20 tiated incidents of domestic violence, family violence,
21 sexual assault, or stalking.

22 “(H) Disposition of victims of domestic vio-
23 lence, family violence, sexual assault, or stalking, in-
24 cluding review by appropriate authority of adminis-
25 trative separation actions involving victims of domes-

1 tic violence, family violence, sexual assault, or stalk-
2 ing.

3 “(I) Disposition of members of the armed
4 forces accused of domestic violence, family violence,
5 sexual assault, or stalking.

6 “(J) Liaison and collaboration with civilian
7 agencies on the provision of services to victims of do-
8 mestic violence, family violence, sexual assault, or
9 stalking.

10 “(K) Uniform collection of data on the inci-
11 dence of sexual assaults and on disciplinary actions
12 taken in substantiated cases of domestic violence,
13 family violence, sexual assault, or stalking.

14 “(2) Not later than January 1, 2005, the Secretary
15 of Defense, acting through the Office of the Victims’ Ad-
16 vocate, shall develop a comprehensive policy for the De-
17 partment of Defense on the prevention and intervention
18 of domestic violence, sexual assault, family violence and
19 stalking involving members of the armed forces. The policy
20 shall be based on—

21 “(A) a review of—

22 “(i) the Department of Defense Task
23 Force on Care for Victims of Sexual Assaults;
24 and

1 “(ii) the Defense Task Force on Domestic
2 Violence; and

3 “(B) such other matters as the Secretary, in
4 consultation with the Director of the Office of the
5 Victims’ Advocate, considers appropriate.

6 “(3) The Office shall recommend changes in policies,
7 personnel, and procedures for dealing with domestic vio-
8 lence, family violence, sexual assault and stalking based
9 on evaluations outlined in subsection (b) and as the Direc-
10 tor of the Office of the Victims’ Advocate considers appro-
11 priate.

12 “(4) The Office shall establish protective provisions
13 and protocols, including a privacy privilege and nondisclo-
14 sure policy.

15 “(5) The Office shall prescribe regulations to estab-
16 lish responsibilities of military law enforcement officials at
17 the scene of domestic violence, as defined by section 1058
18 of this title, and fatality review panels, as defined by sec-
19 tions 4061, 6036, and 9061 of this title, to carry out the
20 provisions of those sections.

21 “(6) The Office shall propose systemic reform and
22 formal legal action to secure and ensure the legal, civil,
23 and special rights of victims associated with the armed
24 forces.

1 “(d) EDUCATION AND TRAINING RESPONSIBIL-
2 ITIES.—(1) The Office shall conduct training for and pro-
3 vide technical assistance to—

4 “(A) commands;

5 “(B) victim advocates;

6 “(C) Family Advocacy Programs;

7 “(D) victim witness assistance;

8 “(E) commissions; liaisons;

9 “(F) judge advocates; and

10 “(G) law enforcement and security forces of the
11 military departments.

12 “(2) The Office shall conduct annual, Defense-wide,
13 mandatory training for—

14 “(A) command staff; first responders, including
15 commanders;

16 “(B) law enforcement;

17 “(C) security forces;

18 “(D) victim advocates;

19 “(E) military criminal investigators;

20 “(F) Family Advocacy Programs;

21 “(G) sexual assault nurse examiners;

22 “(H) rape crisis advocates;

23 “(I) chaplains;

24 “(J) military health care providers;

25 “(K) judge advocates; and

1 “(L) other relevant staff.

2 “(3) The Office shall conduct train-the-trainer ses-
3 sions to supplement annual mandatory training for first
4 responders and command staff with quarterly training
5 within commands.

6 “(4) The Office shall conduct programs of public edu-
7 cation, including the development and distribution of bro-
8 chures, booklets, posters, and handbooks outlining hot-
9 lines, services, contact information, policies, and protocols
10 for victims.

11 **“§ 1813. Office of the Victims’ Advocate: Director and**
12 **staff**

13 “(a) DIRECTOR.—(1) The Director of the Office shall
14 be a person with knowledge of victims’ rights, advocacy,
15 social services, and justice within Federal, State, and mili-
16 tary systems.

17 “(2) The Director shall be a civilian qualified by
18 training and expertise to perform the responsibilities of
19 the Office and possessing a significant level of experience
20 in advocacy for victims of sexual assault, domestic vio-
21 lence, family violence, and stalking.

22 “(3) The Director reports directly to the Secretary
23 of Defense.

24 “(4) The position of Director is a Senior Executive
25 Service position. The Secretary of Defense shall designate

1 the position as a career reserved position under section
2 3132(b) of title 5.

3 “(5) The Secretary of Defense shall consult with the
4 interdisciplinary council established under section 201 of
5 the Prevention of and Response to Sexual Assault and Do-
6 mestic Violence in the Military Act in the appointment of
7 the Director.

8 “(b) VICTIMS ADVOCATES.—(1) Victims advocates
9 positions (as defined by section 534 of the National De-
10 fense Authorization Act for Fiscal Year 1995 (10 U.S.C.
11 113 note)) shall be contracted by and assigned to the Di-
12 rector. Personnel shall be qualified by training, certifi-
13 cation, and expertise to perform the duties of a victim ad-
14 vocate.

15 “(2) Victim advocates shall be civilians qualified by
16 training, expertise, and certification to perform the re-
17 sponsibilities of the position, possessing a significant level
18 of knowledge relative to the armed forces community and
19 experience in advocacy for victims of sexual assault, do-
20 mestic violence, family violence, and stalking.

21 “(3) The victim advocates report directly to the Di-
22 rector or the Director’s designee within the Office.

23 “(4) The Director shall consult with the interdiscipli-
24 nary councils established under sections 201 and 202 of
25 the Prevention of and Response to Sexual Assault and Do-

1 mestic Violence in the Military Act in the contracting of
2 victim advocates.

3 “(5) To the maximum extent practicable, the victim
4 advocates shall be generally representative of the popu-
5 lation of the United States with regard to race, gender,
6 and cultural diversity.

7 “(c) VICTIM WITNESS PERSONNEL.—Victim witness
8 personnel shall be assigned to the Office.

9 “(d) STAFF.—(1) Staff shall be provided to carry out
10 the responsibilities of the Office, including sexual assault
11 nurse examiners, community liaisons, trauma specialists,
12 perpetrator behavioral specialists, and such other per-
13 sonnel as may be required to carry out the provisions of
14 this section.

15 “(2) To the maximum extent practicable, the staff
16 of the Office shall be generally representative of the popu-
17 lation of the United States with regard to race, gender,
18 and cultural diversity.

19 **“§ 1814. Office of the Victims’ Advocate: access**

20 “(a) ACCESS TO SENIOR OFFICIALS.—The Director
21 of the Office shall have direct and prompt access to the
22 Secretary of Defense, the Secretary of each military de-
23 partment, and any commander when necessary for any
24 purpose pertaining to the performance of the Director’s
25 duties.

1 “(b) ACCESS TO INFORMATION.—The Director shall
2 have access to the following:

3 “(1) Name of a victim receiving services, treat-
4 ment, or other programs under the jurisdiction of
5 the military departments and the location of the vic-
6 tim, if in custody.

7 “(2) Written reports of sexual assault, sexual
8 misconduct, domestic violence, family violence, or
9 stalking prepared by the military departments.

10 “(3) Records required to maintain the respon-
11 sibilities assigned to the Office.

12 “(4) Records of law enforcement, criminal in-
13 vestigative organizations, health care providers, and
14 command and Family Advocacy Programs as may be
15 necessary to carry out the responsibilities of the Of-
16 fice.

17 “(c) CONFIDENTIALITY.—To the extent that any in-
18 formation referenced in this section provides the name and
19 address of an individual who is the subject of any con-
20 fidential proceeding, that name and address or related in-
21 formation that has the effect of identifying such individual
22 shall not be released to the public without the consent of
23 such individual.

1 **“§ 1815. Office of the Victims’ Advocate: authorities**
2 **and powers**

3 “(a) IN GENERAL.—The Office of the Victims’ Advo-
4 cate shall have the following authorities and powers:

5 “(1) To communicate privately by mail or orally
6 with any victim, survivor, or family in treatment or
7 under protective services of a military department.

8 “(2) To have access to records held by the clerk
9 of courts, law enforcement, agencies, and institu-
10 tions, public or private, and other agencies or per-
11 sons with whom a particular case has been exam-
12 ined, including the right to inspect, copy, and sub-
13 poena such records.

14 “(3) To take whatever steps are appropriate to
15 see that persons are made aware of the services of
16 the Office, the purpose of the Office, and how the
17 Office may be contacted.

18 “(4) To establish policies, procedures, and prac-
19 tices in order to protect the privacy and confiden-
20 tiality of communications for persons seeking infor-
21 mation and services with victim advocates and victim
22 witness liaisons contracted by and assigned to the
23 Office.

24 “(b) CONFIDENTIALITY.—(1) Except as provided in
25 paragraph (2), in order to ensure the safety of victims of
26 domestic violence, family violence, sexual assault, sexual

1 misconduct, or stalking and their families, the Office shall
2 protect the confidentiality and privacy of persons receiving
3 services. The Office may not disclose any personally identi-
4 fying information or individual information collected in
5 connection with services requested, used, or denied
6 through its programs. The Office may not reveal indi-
7 vidual victim information without the informed, written,
8 reasonably time-limited consent of the person (or in the
9 case of unemancipated minor, the minor and the parent
10 or guardian) about whom information is sought, whether
11 for the Office or for any other military, Tribal, Federal,
12 State, or Territorial program.

13 “(2) If release of information referred to in para-
14 graph (1) is compelled by statutory or court mandate, the
15 Office shall make reasonable attempts to provide notice
16 to victims affected by the disclosure of the information.
17 If such personally identifying information is or will be re-
18 vealed, the Office shall take steps necessary to protect the
19 privacy and safety of the persons affected by the release
20 of the information.

21 “(3) The Office may share nonpersonally identifying
22 data in the aggregate regarding services to the Office’s
23 clients and nonpersonally identifying demographic infor-
24 mation in order to comply with armed forces, Tribal, Fed-

1 eral, State or Territorial reporting, evaluation, or data col-
2 lection requirements.

3 “(4) The Office may share court-generated informa-
4 tion contained in secure, governmental registries for pur-
5 poses of enforcement of protection orders.

6 “(c) PERSONALLY IDENTIFYING INFORMATION.—In
7 this section, the term ‘personally identifying information’
8 means individually identifying information from or about
9 an individual, including the following:

10 “(1) A first and last name.

11 “(2) A home or other physical address, includ-
12 ing street name and name of city or town.

13 “(3) If a member or former member of the
14 armed forces—

15 “(A) active duty, reservist, guard, or vet-
16 eran status;

17 “(B) assigned rate or rank;

18 “(C) duty station or deployment status;

19 and

20 “(D) squad, unit, platoon, ship, fleet, wing,
21 squadron, company or battalion of the Army,
22 Navy, Marine Corps, or Air Force.

23 “(4) An email address or other online contact
24 information, such as an instant messaging user iden-

1 tifier or a screen name that reveals an individual's
2 email address.

3 “(5) A telephone number.

4 “(6) A Social Security Number.

5 “(7) An Internet Protocol (IP) address or host
6 name that identifies an individual.

7 “(8) A persistent identifier, such as a customer
8 number held in a cookie or processor serial number,
9 that is combined with other available data that iden-
10 tifies an individual.

11 “(9) Any information, including grade point av-
12 erage, date of birth, academic or occupational as-
13 signments or interests, athletic or extracurricular in-
14 terests, racial or ethnic background, or religious af-
15 filiation, that, in combination with information speci-
16 fied in any of paragraphs (1) through (8), would
17 serve to identify an individual.

18 “(d) STANDARDS.—The Office shall abide by statu-
19 tory, regulatory, professional, and ethical standards estab-
20 lished within the professions relative to confidentiality of
21 communications, including the Health Insurance Port-
22 ability and Accountability Act, the National Association
23 of Social Workers and American Psychological Associa-
24 tion.

1 **“§ 1816. Office of the Victims’ Advocate: victim pro-**
2 **tection actions**

3 “(a) ORDERS OF PROTECTION.—The Office of the
4 Victims’ Advocate shall obtain for any victim of sexual
5 misconduct, sexual assault, family violence, domestic vio-
6 lence, or stalking, from any military command a no con-
7 tact order or from a court of appropriate jurisdiction an
8 order of protection, respectively, to safeguard the victim
9 from additional physical or emotional harm.

10 “(b) REMOVAL OF AN ALLEGED OFFENDER.—The
11 Office of the Victims’ Advocate shall request from any
12 commanding officer an order for the relocation or reas-
13 signment of an alleged offender during an investigation,
14 disciplinary action, or court-martial in order to ensure the
15 safety of a victim.

16 **“§ 1817. Office of the Victims’ Advocate: victims advo-**
17 **cates whistleblower protections**

18 “(a) WHISTLEBLOWER PROTECTIONS.—(1) No per-
19 son may restrict a victim advocate within the Department
20 of Defense in communicating with a victim or survivor of
21 domestic violence, sexual assault, family violence, or stalk-
22 ing.

23 “(2) Paragraph (1) does not apply to a communica-
24 tion that is unlawful.

25 “(b) PROHIBITION OF RETALIATORY PERSONNEL
26 ACTIONS.—No person may take or threaten to take an

1 unfavorable personnel action, or withhold or threaten to
2 withhold a favorable personnel action, against a victim ad-
3 vocate as a reprisal for—

4 “(1) providing services to victims and survivors
5 of domestic violence, sexual assault, family violence,
6 intimate partner violence or stalking;

7 “(2) a communication to a Member of Congress
8 or an Inspector General;

9 “(3) a communication with military law en-
10 forcement, military criminal investigators, judge ad-
11 vocates or command;

12 “(4) a communication with civilian law enforce-
13 ment, county, state or United States attorneys,
14 court officials, probation officers or victim service
15 providers; or

16 “(5) any other person or organization, including
17 any person or organization in the chain of command,
18 in the course of providing services to a victim or sur-
19 vivor.

20 “(c) PROHIBITED PERSONNEL ACTIONS.—Any ac-
21 tion prohibited by subsection (b), including the threat to
22 take any action and the withholding or threat to withhold
23 any favorable action, shall be considered for the purposes
24 of this section to be a personnel action prohibited by this
25 section.

1 “(d) INVESTIGATION OF ALLEGATIONS OF PROHIB-
2 ITED PERSONNEL ACTIONS.—(1) If a victim advocate
3 submits to an Inspector General an allegation that a per-
4 sonnel action prohibited by subsection (b) has been taken
5 or threatened against the victim advocate with respect to
6 a communication described in paragraph (2), the Inspec-
7 tor General shall take the action required in this section.

8 “(2) A communication described in this paragraph is
9 a communication in which the victim advocate reasonably
10 believes constitutes evidence of any of the following:

11 “(A) A violation of law or regulation, including
12 a law or regulation prohibiting domestic violence,
13 sexual assault, family violence, or stalking.

14 “(B) Gross mismanagement, an abuse of au-
15 thority, or a substantial danger to community safety
16 or public health.

17 “(3)(A) If the Inspector General receiving such an
18 allegation is an Inspector General within a military de-
19 partment, that Inspector General shall promptly notify the
20 Inspector General of the Department of Defense of the
21 allegation. Such notification shall be made in accordance
22 with regulations prescribed under subsection (e).

23 “(B) An Inspector General of the Department of De-
24 fense receiving an allegation as described in this section
25 shall expeditiously determine, in accordance with regula-

1 tions prescribed under subsection (e), whether there is suf-
2 ficient evidence to warrant an investigation of the allega-
3 tion.

4 “(C) Upon determining that an investigation of an
5 allegation under this section is warranted, the Inspector
6 General making the determination shall expeditiously in-
7 vestigate the allegation.

8 “(4) The Inspector General of the Department of De-
9 fense shall ensure that the Inspector General conducting
10 the investigation of an allegation under this subsection is
11 outside the immediate chain of command of both the vic-
12 tim advocate submitting the allegation and the individual
13 or individuals alleged to have taken the retaliatory action.

14 “(5) Upon receiving an allegation under this sub-
15 section, the Inspector General shall conduct a separate in-
16 vestigation of the information that the victim advocate
17 making the allegation believes constitutes evidence of
18 wrongdoing as described in subparagraph (A) or (B) of
19 paragraph (2) if there previously has not been such an
20 investigation or if the Inspector General determines that
21 the original investigation was biased or otherwise inad-
22 equate.

23 “(6)(A) After completion of an investigation under
24 paragraphs (3), (4), or (5), the Inspector General con-
25 ducting the investigation shall submit a report on the re-

1 sults of the investigation to the Secretary of Defense and
2 the Director of the Office of the Victims' Advocate and
3 shall transmit a copy of the report on the results of the
4 investigation to the victim advocate who made the allega-
5 tion investigated. The report shall be transmitted to the
6 Secretary of Defense, Director of the Office of the Victims'
7 Advocate, and the copy of the report shall be transmitted
8 to the victim advocate, not later than 30 days after the
9 completion of the investigation.

10 “(B) In the copy of the report transmitted to the vic-
11 tim advocate, the Inspector General shall ensure that the
12 maximum disclosure of information possible, with the ex-
13 ception of information that is not required to be disclosed
14 under section 552 of title 5. However, the copy need not
15 include summaries of interviews conducted, nor any docu-
16 ment acquired, during the course of the investigation.
17 Such items shall be transmitted to the victim advocate,
18 if the victim advocate requests the items, with the copy
19 of the report or after the transmittal to the victim advo-
20 cate of the copy of the report, regardless of whether the
21 request for those items is made before or after the copy
22 of the report is transmitted to the victim advocate.

23 “(C) If, in the course of an investigation of an allega-
24 tion under this section, the Inspector General determines
25 that it is not possible to submit the report required by

1 subparagraph (A) within 180 days after the date of receipt
2 of the allegation being investigated, the Inspector General
3 shall provide to the Secretary of Defense and to the victim
4 advocate making the allegation a notice—

5 “(i) of that determination including the reasons
6 why the report may not be submitted within that
7 time; and

8 “(ii) of the time when the report will be sub-
9 mitted.

10 “(D) The report on the results of the investigation
11 shall contain a thorough review of the facts and cir-
12 cumstances relevant to the allegation and the complaint
13 or disclosure and shall include documents acquired during
14 the course of the investigation, including summaries of
15 interviews conducted. The report may include a rec-
16 ommendation as to the disposition of the complaint.

17 “(e) REGULATIONS.—(1) The Secretary of Defense
18 shall prescribe regulations to carry out this section not
19 later than 120 days after the date of enactment of this
20 section. In prescribing regulations under this section, the
21 Secretary of Defense shall provide for appropriate proce-
22 dural protections for the subject of any investigation car-
23 ried out under the provisions of that section including a
24 process of appeal and review of investigative findings.

1 “(2) The Secretary shall provide in the regulations
 2 that a violation of the prohibition by a person subject to
 3 chapter 47 of this title is punishable as a violation of sec-
 4 tion 892 of this title (article 92 of the Uniform Code of
 5 Military Justice).

6 **“§ 1818. Office of the Victims’ Advocate: annual as-**
 7 **essment**

8 “(a) DATA COMPLIANCE AND REPORTING.—The Of-
 9 fice of the Victims’ Advocate shall compile an annual re-
 10 port consisting of data collected by the military depart-
 11 ments, including Defense Incident Based Reporting Sys-
 12 tem (DIBRS), Case Information System, database on do-
 13 mestic violence as defined by section 1562 of this title,
 14 central registry of the Family Advocacy Program, military
 15 justice, criminal investigators, law enforcement, security
 16 forces and victim advocates. The data shall be collected
 17 pursuant to policies set forth by the Director of the Office.

18 “(b) ASSESSMENT OF POLICIES AND PROCE-
 19 DURES.—Not later than January 15 each year, the Direc-
 20 tor shall conduct an assessment of the implementation
 21 during the preceding fiscal year of the policies and proce-
 22 dures of the military departments on the prevention and
 23 intervention for domestic violence, family violence, sexual
 24 assault and stalking involving members of the armed
 25 forces in order to determine the effectiveness of such poli-

1 cies and procedures during such fiscal year in providing
2 an appropriate response to domestic violence, family vio-
3 lence, sexual assault and stalking.

4 “(c) PERSONNEL ANALYSIS.—The annual assess-
5 ment shall include a review of personnel, including staffing
6 levels, assignments, accessibility, availability, training, and
7 duties of victim advocates, victim witness liaisons, sexual
8 assault nurse examiners, and others considered appro-
9 priate by the Director assigned to assist victims of domes-
10 tic violence, sexual assault, family violence, or stalking.
11 The assessment shall include a review of personnel as-
12 signed to deployed units, along with recommendations to
13 enhance availability, accessibility, and training for per-
14 sonnel.

15 “(d) ASSESSMENT OF STATUTES AND DIRECTIVES.—
16 The annual assessment shall include a review of—

17 “(1) the Uniform Code of Military Justice, the
18 Victims’ Rights and Restitution Act, the Violence
19 Against Women Act, and other Federal statutes;

20 “(2) directives of the military departments; and

21 “(3) regulations of the military departments
22 considered appropriate by the Director in order to
23 enhance the foundation of law and policy within the
24 military departments in response to domestic vio-
25 lence, family violence, sexual assault, and stalking.

1 **“§ 1819. Office of the Victims’ Advocate: annual re-**
2 **ports**

3 “(a) ANNUAL REPORTS.—(1) Not later than April 1,
4 2005, and January 15 of each year thereafter, the Direc-
5 tor shall submit to the Secretary of Defense a report on
6 the domestic violence, family violence, sexual assault, and
7 stalking involving members of the armed forces during the
8 preceding year.

9 “(2) Each report under paragraph (1) shall include
10 the following:

11 “(A) The number of incidents of domestic vio-
12 lence, family violence, sexual assault, and stalking
13 committed by or upon members of the armed forces,
14 that were reported to military officials during the
15 year covered by such report and the number of the
16 cases so reported that were substantiated.

17 “(B) A synopsis of, and the disciplinary action
18 taken in, each case.

19 “(C) The policies, procedures, and processes
20 implemented by the military departments during the
21 year covered by such report in response to incidents
22 of domestic violence, family violence, sexual assault,
23 and stalking involving members of the armed forces.

24 “(D) A plan for the actions that are to be taken
25 in the year following the year covered by such report
26 on the prevention of and response to domestic vio-

1 lence, family violence, sexual assault and stalking in-
2 volving members of the armed forces.

3 “(3) Each report under paragraph (1) in 2006, 2007
4 and 2008 shall also include the assessment conducted by
5 the Director under section 1818(b) of this title.

6 “(b) REPORT TO CONGRESS.—The Secretary of De-
7 fense shall submit to the Committees on Armed Services
8 of the Senate and House of Representatives each report
9 submitted to the Secretary under this section, together
10 with the comments of the Secretary on such report. The
11 Secretary shall transmit the report for 2004 not later than
12 May 1, 2005, and shall transmit the report for any subse-
13 quent year not later than March 15 of the following year.

14 **“§ 1820. Office of the Victims’ Advocate: policy imple-**
15 **mentation**

16 “(a) RESPONSIBILITY.—The Secretary of Defense,
17 acting through the Office of the Victims’ Advocate, shall
18 implement the comprehensive policy developed pursuant to
19 section 1812(c) of this title.

20 “(b) APPLICATION OF COMPREHENSIVE POLICY TO
21 MILITARY DEPARTMENTS.—The Secretary shall ensure
22 that, to the maximum extent practicable, the policy devel-
23 oped under subsection (c) is implemented uniformly by the
24 military departments.

1 “(c) POLICIES AND PROCEDURES OF THE MILITARY
2 DEPARTMENTS.—

3 “(1) Not later than March 1, 2005, the Sec-
4 retary of Defense and Secretaries of the military de-
5 partments, in consultation with the Office of the
6 Victims’ Advocate, shall prescribe regulations, or
7 modify current regulations, on the policies and pro-
8 cedures of the military departments on the preven-
9 tion of and response to domestic violence, family vio-
10 lence, sexual assault, or stalking involving members
11 of the armed forces in order—

12 “(A) to conform such policies and proce-
13 dures to the policy developed under subsection
14 (b); and

15 “(B) to ensure that such policies and pro-
16 cedures include the elements specified in para-
17 graph (2).

18 “(2) The elements specified in this paragraph
19 are as follows:

20 “(A) A program to promote awareness of
21 the incidence of domestic violence, family vio-
22 lence, sexual assault, and stalking involving
23 members of the armed forces.

24 “(B) A program to provide victim advocacy
25 and intervention for members of the armed

1 forces with victims of domestic violence, family
2 violence, sexual assault, and stalking, which
3 program shall make available, at home stations
4 and in deployed locations, trained advocates
5 who are readily available to intervene on behalf
6 of such victims.

7 “(C) Procedures for members of the armed
8 forces to follow in the case of an incident of do-
9 mestic violence, family violence, sexual assault,
10 or stalking involving a member of the armed
11 forces, including—

12 “(i) procedures for confidential re-
13 porting and for seeking services with vic-
14 tim advocates;

15 “(ii) specification of the person or
16 persons to whom the alleged offense should
17 be reported;

18 “(iii) specification of any other person
19 whom the victim should contact; and

20 “(iv) procedures for the preservation
21 of evidence.

22 “(D) Procedures for disciplinary action in
23 cases of domestic violence, family violence, sex-
24 ual assault, and stalking by members of the
25 armed forces.

1 “(E) Other sanctions authorized to be im-
2 posed in cases of sexual assault by members of
3 the armed forces.

4 “(F) Training for all members of the
5 armed forces, including specific training for
6 members of the armed forces who process alle-
7 gations of domestic violence, family violence,
8 sexual assault, and stalking committed by or
9 upon members of the armed forces.

10 “(G) Any other matters that the Secretary
11 of Defense, in consultation with the Director of
12 the Office of the Victims’ Advocate, considers
13 appropriate.

14 “(d) REPORT ON IMPROVEMENT OF CAPABILITY TO
15 INTERVENE IN DOMESTIC VIOLENCE, FAMILY VIOLENCE,
16 SEXUAL ASSAULT AND STALKING.—Not later than March
17 1, 2005, the Secretary of Defense, following consultation
18 with the Director of the Office of the Victims’ Advocate,
19 shall submit to Congress a proposal for such legislation
20 as the Secretary considers necessary to enhance the capa-
21 bility of the Department of Defense to address matters
22 relating to domestic violence, family violence, sexual as-
23 sault, and stalking involving members of the armed forces.

1 **“§ 1821. Authorization of appropriations**

2 “(a) There is authorized to be appropriated for each
3 of fiscal years 2005 through 2009 for Operation and
4 Maintenance, Defense-Wide, the amount of \$10,000,000
5 to carry out the functions of the Office of the Victims’
6 Advocate in the Department of Defense. Funds available
7 under this section shall remain available until expended.

8 “(b) Of the amounts appropriated to carry out this
9 section for any fiscal year, the Secretary—

10 “(1) may not use more than 3 percent for eval-
11 uation, monitoring, site visits, conferences and other
12 administrative costs associated with conducting ac-
13 tivities under this section;

14 “(2) shall use not less than 20 percent for pro-
15 grams addressing domestic violence, family violence,
16 sexual assault, and stalking that are operated by, or
17 in partnership with, civilian victim services; and

18 “(3) shall use not less than 5 percent for tech-
19 nical assistance and training to be provided by orga-
20 nizations having demonstrated expertise in devel-
21 oping collaborative community and system responses
22 to domestic violence, family violence, sexual assault
23 and stalking.

24 Technical assistance and training under paragraph (3)
25 may be offered to the elements of the armed forces, instal-
26 lations, or commands in the process of developing commu-

1 nity responses, whether they are receiving funds under
2 this section or not.”.

3 **SEC. 102. VICTIMS ADVOCATES.**

4 (a) PROGRAM CHANGES.—Section 534 of National
5 Defense Authorization Act for Fiscal Year 1995 (10
6 U.S.C. 113 note), is amended as follows:

7 (1) Subsection (a)(1) is amended by striking
8 “Under Secretary of Defense for Personnel and
9 Readiness” and inserting “Director of the Office of
10 the Victims’ Advocate”.

11 (2) Subsection (b) is amended—

12 (A) in the matter preceding paragraph (1),
13 by striking “dependents” and inserting “family
14 members and partners”; and

15 (B) in paragraph (2), by striking
16 “Intrafamilial sexual” and inserting “Sexual”.

17 (3) Paragraph (1) of subsection (d) is amended
18 by striking “provide” and all that follows and insert-
19 ing “provide the following:”

20 “(A) Crisis intervention.

21 “(B) Screening and evaluation of the needs
22 of victims of domestic violence, family violence,
23 sexual assault, and stalking.

24 “(C) Information on safe and confidential
25 ways to seek assistance to address domestic vio-

1 lence, family violence, sexual assault, and stalk-
2 ing.

3 “(D) Information on available services
4 within the military departments and civilian
5 communities.

6 “(E) Assistance in obtaining those serv-
7 ices, including medical treatment for injuries.

8 “(F) Appropriate referrals to military and
9 civilian community-based domestic violence pro-
10 grams and sexual assault victim service pro-
11 viders with the capacity to support
12 servicemembers, family members, or partners.

13 “(G) Information on legal rights and re-
14 sources for personnel, family members, or part-
15 ners in both the military and civilian programs.

16 “(H) Development and coordination of a
17 safety plan with appropriate assistance and
18 intervention components including, law enforce-
19 ment, command, and Family Advocacy Pro-
20 gram.

21 “(I) Advocacy for victims outlined in sub-
22 section (b), including assistance in obtaining
23 and entering no contact orders from military
24 commands or orders of protection from a court
25 of appropriate jurisdiction, respectively.

1 “(J) Information on benefits, including
2 Department of Defense transitional compensa-
3 tion, victims of crime compensation, and vet-
4 erans’ benefits.

5 “(K) Coordination among services, includ-
6 ing medical, legal, and psychological counseling.

7 “(L) Education.

8 “(M) Transportation.

9 “(N) Pre-trial, trial, and post-trial sup-
10 port.

11 “(O) Voting member of the Case Review
12 Committee.

13 “(P) Serve as the liaison with civilian com-
14 munity-based service providers.

15 “(Q) Confidential handling of all docu-
16 ments or conversations relative to victim care,
17 services, benefits, and treatment.

18 “(R) Advocacy for the expressed interest
19 and safety of a victim during testimony in a
20 court-martial or civilian judicial system.

21 “(S) Follow-up to all identified victims (in-
22 cluding those who have declined services) three
23 months following initial contact to ascertain
24 whether further intervention is, or is not, war-
25 ranted.

1 “(T) Other appropriate assistance.”.

2 (4) Paragraph (2) of subsection (d) is amended
3 by striking “through the family advocacy programs
4 of the military departments” and inserting “through
5 the Office of the Victims’ Advocate in the Office of
6 the Secretary of Defense”.

7 (5) Such section is further amended—

8 (A) by redesignating subsections (f) and
9 (g) as subsections (g) and (h), respectively; and

10 (B) by striking subsection (e) and insert-
11 ing the following new subsections:

12 “(e) EDUCATION AND TRAINING.—The Secretary of
13 Defense, acting through the Director of the Office of the
14 Victims’ Advocate, shall do the following:

15 “(1) Develop curricula for mandatory training
16 of personnel, including, first responders, security
17 forces, law enforcement, medical personnel, com-
18 mand staff, military justice personnel, and military
19 criminal investigators in consultation with the Office
20 of the Victims’ Advocate.

21 “(2) Conduct mandatory annual training of
22 first responders, medical personnel, command staff,
23 military justice, and military criminal investigators.

1 “(3) Conduct and support train the trainer ses-
2 sions as specified in subsection (d) of section 1812
3 of title 10, United States Code.

4 “(4) Educate the community of criminal inves-
5 tigators, security forces, law enforcement, organiza-
6 tions, schools, and health care providers, to respon-
7 sibly respond to victims and perpetrators of domestic
8 violence, family violence, sexual assault, or stalking
9 associated with the Armed Forces and to under-
10 stand—

11 “(A) domestic violence, family violence,
12 sexual assault, and stalking and their effects on
13 members of the Armed Forces and their family
14 members and partners;

15 “(B) relevant laws, court procedures, and
16 policies that affect members of the Armed
17 Forces and their family members and partners
18 who are victims or perpetrators of domestic vio-
19 lence, sexual assault, family violence, or stalk-
20 ing;

21 “(C) educate the community to identify,
22 assess, and respond appropriately to domestic
23 violence, sexual assault, family violence, and
24 stalking and meet the needs of members of the

1 Armed Forces and their family members and
2 partners; and

3 “(D) provide appropriate resources in re-
4 sponse to domestic violence, family violence,
5 sexual assault, and stalking and assure that
6 necessary services dealing with physical and
7 mental health of victims are available.

8 “(f) STAFFING.—The Secretary of Defense, acting
9 through the Director of the Office of the Victims’ Advo-
10 cate, shall provide for the assignment of civilian personnel
11 on a full-time basis to victims’ advocates programs estab-
12 lished under subsection (a). The Secretary, acting through
13 the Director, shall ensure that sufficient numbers of such
14 full-time personnel are assigned to those programs to en-
15 able the programs to be carried out effectively, including
16 the assignment of victim advocates to deployed units.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out the func-
19 tions of victims’ advocates in the Department of Defense
20 \$5,000,000 in each fiscal years 2005 through 2009.

21 (c) AVAILABILITY.—Funds appropriated under sub-
22 section (b) shall remain available until expended. Of the
23 amounts appropriated to carry out this section for any fis-
24 cal year, the Secretary—

1 (1) may not use more than 3 percent for eval-
2 uation, monitoring, site visits, conferences, and other
3 administrative costs associated with conducting ac-
4 tivities under this section;

5 (2) shall use not less than 10 percent for pro-
6 grams addressing domestic violence and sexual as-
7 sault that are operated by, or in partnership with,
8 civilian victim services; and

9 (3) shall use not less than 5 percent for tech-
10 nical assistance and training to be provided by orga-
11 nizations having demonstrated expertise in devel-
12 oping collaborative community and system responses
13 to domestic violence, family violence, sexual assault,
14 and stalking.

15 Technical assistance and training under paragraph (3)
16 may be offered to the elements of the Armed Forces, in-
17 stallations, or commands in the process of developing com-
18 munity responses, whether they are receiving funds under
19 this section or not.

1 **TITLE II—INTERDISCIPLINARY**
2 **COUNCILS WITHIN THE DE-**
3 **PARTMENT OF DEFENSE**

4 **SEC. 201. DEPARTMENT OF DEFENSE INTERDISCIPLINARY**
5 **COUNCIL.**

6 (a) DEPARTMENT OF DEFENSE COUNCIL.—The Sec-
7 retary of Defense, in consultation with the Director of the
8 Office of the Victims' Advocate of the Department of De-
9 fense, shall establish a Department of Defense inter-
10 disciplinary council to coordinate and oversee victims' ad-
11 vocates programs of the Department of Defense.

12 (b) COMPOSITION.—(1) The Council shall consist of
13 12 members to be appointed by the Secretary of Defense.
14 The Council shall include members appointed from each
15 of the Army, Navy, Air Force, and Marine Corps and shall
16 include an equal number of personnel of the Department
17 of Defense (military and civilian) and persons from out-
18 side the Department of Defense.

19 (2) Members appointed from outside the Department
20 of Defense may be appointed from other Federal depart-
21 ments and agencies, from State and local agencies, and
22 from the private sector.

23 (3) The Secretary shall ensure that membership in-
24 cludes at least one judge advocate.

1 (4) In appointing members to the Interdisciplinary
2 Council, the Secretary may consult with—

3 (A) the Attorney General regarding representa-
4 tion from the Office of Violence Against Women of
5 the Department of Justice; and

6 (B) the Secretary of Health and Human Serv-
7 ices regarding representation from the Women’s
8 Health Office and the Administration for Children
9 and Families of the Department of Health and
10 Human Services.

11 (5) Each member of the Interdisciplinary Council ap-
12 pointed from outside the Department of Defense shall be
13 an individual who has demonstrated expertise and experi-
14 ence in the fields of sexual assault, domestic violence, fam-
15 ily violence, or stalking or shall be appointed from one of
16 the following:

17 (A) The Centers for Disease Control and Pre-
18 vention of the Department of Health and Human
19 Services.

20 (B) Civilian law enforcement.

21 (C) A judicial policy organization.

22 (D) A national crime victim organization.

23 (E) A victim service organization.

1 (F) A survivor of domestic violence, sexual as-
2 sault, family violence, or stalking in which the perpe-
3 trator was a servicemember.

4 (6) Members of the Interdisciplinary Council shall be
5 appointed not later than 90 days after the date of the en-
6 actment of this Act.

7 (7) Members of the Interdisciplinary Council shall
8 serve for a period of two years. The membership of the
9 Interdisciplinary Council shall be rotated by composition
10 and appointments as defined in paragraphs (1), (2), and
11 (5) every two years.

12 (c) CO-CHAIRS.—There shall be two co-chairs of the
13 Interdisciplinary Council. One of the co-chairs shall be
14 designated by the Secretary of Defense at the time of ap-
15 pointment from among the Department of Defense per-
16 sonnel on the Interdisciplinary Council. The other co-chair
17 shall be selected among the members appointed from out-
18 side the Department of Defense by those members.

19 (d) ADMINISTRATIVE SUPPORT.—(1) Each member
20 of the Interdisciplinary Council who is a member of the
21 Armed Forces or a civilian officer or employee of the
22 United States shall serve without compensation (other
23 than compensation to which entitled as a member of the
24 Armed Forces or an officer or an employee of the United
25 States, as the case may be). Other members of the Inter-

1 disciplinary Council shall be appointed in accordance with,
2 and subject to, section 3161 of title 5, United States Code.

3 (2) The Director of the Office of the Victims' Advo-
4 cate, under the direction of the Secretary of Defense, shall
5 provide oversight of the Interdisciplinary Council. The Of-
6 fice of the Victims' Advocate shall provide the Inter-
7 disciplinary Council with personnel facilities and other ad-
8 ministrative support as necessary for the performance of
9 the Interdisciplinary Council's duties.

10 (e) INSTALLATION VISITS.—The Director of the Of-
11 fice of the Victims' Advocate shall coordinate with the Sec-
12 retaries of the military departments to provide for visits
13 to the installations.

14 (f) REPORT.—Not later than 18 months after the
15 date on which all members of the Interdisciplinary Council
16 have been appointed, the Interdisciplinary Council shall
17 submit to the Secretary a report recommending specific
18 ways in which the Office of the Victims' Advocate and vic-
19 tim advocates may more effectively address matters rel-
20 ative to sexual assault, domestic violence, family violence,
21 and stalking committed by or upon servicemembers. The
22 report shall include an assessment of, and recommenda-
23 tions concerning the following:

24 (1) Victim safety programs.

1 (2) Confidentiality of communications for vic-
2 tims.

3 (3) Offender accountability.

4 (4) Prevention of sexual assault, domestic vio-
5 lence, family violence, and stalking.

6 (5) Collaboration among military organizations
7 with responsibility or jurisdiction with respect to
8 sexual assault, domestic violence, family violence,
9 and stalking.

10 (6) Coordination between military and civilian
11 communities including service organizations and law
12 enforcement with respect to sexual assault, domestic
13 violence, family violence and stalking.

14 (7) Adaptation of best professional practices
15 within the civilian communities with respect to sex-
16 ual assault, domestic violence, family violence and
17 stalking.

18 (8) Data collection, case management, and
19 tracking.

20 (9) Curricula and training including standard-
21 ized training for Armed Forces personnel and com-
22 munity-based advocates, organizations, and service
23 providers.

24 (10) Standardization of guidelines, directives,
25 and statutes.

1 (11) Other issues identified by the Interdiscipli-
2 nary Council.

3 (g) AUTHORIZATION OF APPROPRIATION.—There are
4 authorized to be appropriated to carry out the functions
5 of the Interdisciplinary Council in the Department of De-
6 fense \$2,000,000 for each of fiscal years 2005 through
7 2009.

8 **SEC. 202. MILITARY DEPARTMENT COUNCILS.**

9 (a) ESTABLISHMENT.—The Secretary of each mili-
10 tary department, in consultation with the Director of the
11 Office of the Victims' Advocate, shall establish inter-
12 disciplinary councils within that military department as
13 appropriate to ensure the fullest coordination and effec-
14 tiveness of the victims' advocates program of the military
15 department.

16 (b) COMPOSITION, ETC.—The composition, adminis-
17 trative support, organization, coordination, and oversight
18 within the interdisciplinary councils appointed by the Sec-
19 retaries of the military departments shall be similar to the
20 Interdisciplinary Council established within the Depart-
21 ment of Defense pursuant to section 201.

22 (c) INTERDISCIPLINARY COUNCILS AT INSTALLA-
23 TIONS.—The victim advocate, in consultation with the
24 command at each military installation, shall establish a
25 council. The composition, administrative support, coordi-

1 nation and oversight within the interdisciplinary councils
 2 at installations shall be similar to the Interdisciplinary
 3 Council established within the Department of Defense.

4 **SEC. 203. CONFORMING REPEAL.**

5 Section 534 of the National Defense Authorization
 6 Act for Fiscal Year 1995 (10 U.S.C. 113 note) is amended
 7 by striking subsection (c).

8 **TITLE III—REPORTING OF SEX-**
 9 **UAL ASSAULT, DOMESTIC VIO-**
 10 **LENCE, AND STALKING WITH-**
 11 **IN THE DEPARTMENT OF DE-**
 12 **FENSE**

13 **SEC. 301. COMPLAINTS OF SEXUAL ASSAULT AND DOMES-**
 14 **TIC VIOLENCE.**

15 (a) IN GENERAL.—Chapter 80 of title 10, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing new section:

18 **“§ 1566. Complaints of sexual assault, domestic vio-**
 19 **lence, family violence, or stalking: inves-**
 20 **tigation by commanding officers**

21 **“(a) ACTION ON COMPLAINTS ALLEGING SEXUAL**
 22 **ASSAULT, DOMESTIC VIOLENCE, FAMILY VIOLENCE OR**
 23 **STALKING.—A commanding officer or officer in charge of**
 24 **a unit, vessel, facility, or area of the Army, Navy, Air**
 25 **Force, or Marine Corps who receives from a victim, or**

1 from a member of the command, or a civilian employee
2 under the supervision of the officer or a victim advocate
3 of the Department of Defense a complaint alleging sexual
4 assault, domestic violence, family violence, or stalking by
5 a member of the armed forces or a civilian employee of
6 the Department of Defense shall carry out an investiga-
7 tion of the matter in accordance with this section.

8 “(b) COMMENCEMENT OF INVESTIGATION.—To the
9 extent practicable, a commanding officer or officer in
10 charge receiving such a complaint shall, within 72 hours
11 after receipt of the complaint—

12 “(1) forward the complaint or a detailed de-
13 scription of the allegation to the next superior officer
14 in the chain of command who is authorized to con-
15 vene a general court-martial;

16 “(2) commence, or cause the commencement of,
17 an investigation of the complaint, including engaging
18 law enforcement, criminal investigators, judge advo-
19 cates, victim advocates, and victim witness liaisons;
20 and

21 “(3) advise the complaint of the commencement
22 of the investigation.

23 “(c) DURATION OF INVESTIGATION.—To the extent
24 practicable, a commanding officer or officer in charge re-
25 ceiving such a complaint shall ensure that the investiga-

1 tion of the complaint is completed not later than 14 days
2 after the date on which the investigation is commenced.

3 “(d) JUDGE ADVOCATE REPORT.—To the extent
4 practicable, a commanding officer or officer in charge re-
5 ceiving such a complaint shall require a report of the judge
6 advocate, including the results of the investigation, appli-
7 cation of the disciplinary or punitive articles under the
8 Uniform Code of Military Justice, and any recommenda-
9 tions for actions to be taken as a result of the investiga-
10 tion, within 20 days after the date on which the investiga-
11 tion is commenced.

12 “(e) REPORT ON INVESTIGATION.—To the extent
13 practicable, a commanding officer or officer in charge re-
14 ceiving such a complaint shall—

15 “(1) submit a final report on the results of the
16 investigation, including any action taken as a result
17 of the investigation, to the next superior officer re-
18 ferred to in subsection (b)(1) within 30 days after
19 the date on which the investigation is commenced; or

20 “(2) submit a report on the progress made in
21 completing the investigation to the next superior of-
22 ficer referred to in subsection (b)(1) within 30 days
23 after the date on which the investigation is com-
24 menced and every 14 days thereafter until the inves-
25 tigation is completed and, upon completion of the in-

1 investigation, then submit a final report on the results
2 of the investigation, including any action taken as a
3 result of the investigation, to that next superior offi-
4 cer.

5 “(f) DEFINITIONS.—In this section:

6 “(1) DOMESTIC VIOLENCE.—The term ‘domes-
7 tic violence’ has the meaning given that term in sec-
8 tion 2003 of title I of the Omnibus Crime Control
9 and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
10 2).

11 “(2) FAMILY VIOLENCE.—The term ‘family vio-
12 lence’ has the meaning given that term in section
13 308 of the Family Violence Prevention and Services
14 Act (42 U.S.C. 10408).

15 “(3) SEXUAL ASSAULT.—The term ‘sexual as-
16 sault’ has the meaning given that term in section
17 2003(6) of title I of the Omnibus Crime Control and
18 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(6)).

19 “(4) SEXUAL MISCONDUCT.—The term ‘sexual
20 misconduct’ includes the following:

21 “(A) Sexual harassment, entailing any con-
22 duct involving sexual harassment that—

23 “(i) in the case of conduct of a person
24 who is subject to the provisions of chapter
25 47 of this (the Uniform Code of Military

1 Justice), comprises a violation of a provi-
2 sion of subchapter X of such chapter (re-
3 lating to punitive articles of such Code) or
4 an applicable regulation, directive, or
5 guideline regarding sexual harassment that
6 is prescribed by the Secretary of Defense
7 or the Secretary of a military department;
8 and

9 “(ii) in the case of an employee of the
10 Department of Defense or a family mem-
11 ber subject to the jurisdiction of the Sec-
12 retary of Defense or of the Secretary of a
13 military department, comprises a violation
14 of a regulation, directive, or guideline that
15 is applicable to such employee or family
16 member.

17 “(B) Sexual abuse.

18 “(C) Sexual assault.

19 “(D) Sexual battery.

20 “(E) Rape.

21 “(5) STALKING.—The term ‘stalking’ means
22 engaging in a course of conduct as proscribed in
23 chapter 109A of title 18, as directed at a specific
24 person that would cause a reasonable person to fear
25 death, sexual assault, or bodily injury to himself or

1 herself or a member of his or her immediate family
2 when—

3 “(A) the person engaging in such conduct
4 has knowledge or should have knowledge that
5 the specific person will be placed in reasonable
6 fear of death, sexual assault, or bodily injury to
7 himself or herself or a member of his or her im-
8 mediate family; and

9 “(B) the conduct induces fear in the spe-
10 cific person of death, sexual assault, or bodily
11 injury to himself or herself or a member of his
12 or her immediate family.

13 “(6) VICTIM.—The term ‘victim’ means a per-
14 son who is a victim of domestic violence, family vio-
15 lence, sexual assault, stalking, or sexual misconduct
16 committed—

17 “(A) by or upon a member of the armed
18 forces;

19 “(B) by or upon a family member of a
20 member of the armed forces;

21 “(C) by or upon a person who shares a
22 child in common with a member of the armed
23 forces;

1 “(D) by or upon a person who is cohab-
2 iting with or has cohabited as a spouse with a
3 member of the armed forces;

4 “(E) by or upon a person similarly situ-
5 ated to a spouse of a member of the armed
6 forces; or

7 “(F) by or upon any other person who is
8 protected from the acts of a member of the
9 armed forces or an officer or employee of the
10 Department of Defense in the official capacity
11 of that member, officer, or employee.

12 “(7) COMPLAINT.—The term ‘complaint,’ with
13 respect to an allegation of sexual misconduct, family
14 violence, sexual assault, stalking, or domestic vio-
15 lence, includes a report of such allegation.

16 “(g) ANNUAL REPORTS TO SERVICE SECRE-
17 TARIES.—Not later than March 15, 2005, and January
18 1 of each year thereafter each officer receiving a complaint
19 forwarded in accordance with this section shall submit to
20 the Secretary of the military department concerned a re-
21 port on all such complaints and the investigations of such
22 complaints (including the results of the investigations, in
23 cases of investigations completed during the preceding
24 year).

1 “(h) ANNUAL REPORT TO SECRETARY OF DEFENSE
 2 AND CONGRESS.—(1) Not later than April 1, 2005, and
 3 January 15 of each year thereafter, each Secretary of a
 4 military department receiving a report under subsection
 5 (f) shall submit to the Secretary of Defense a report on
 6 the complaints and investigations of sexual assault, do-
 7 mestic violence, family violence, and stalking.

8 “(2) The Secretary of Defense shall submit to the
 9 Committees on Armed Services of the Senate and House
 10 of Representatives each report submitted to the Secretary
 11 under this paragraph (1), together with the comments of
 12 the Secretary on each such report. The Secretary shall
 13 transmit the report for 2004 not later than May 1, 2005,
 14 and shall transmit the report for any year thereafter not
 15 later than March 15 of the year following such year.”.

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

“1566. Complaints of sexual assault, domestic violence, family violence, or stalk-
 ing: investigation by commanding officers.”.

19 **SEC. 302. RESPONSE OF MILITARY LAW ENFORCEMENT OF-**
 20 **FICIALS TO DOMESTIC VIOLENCE INCIDENTS.**

21 (a) IN GENERAL.—Chapter 80 of title 10, United
 22 States Code, is amended by adding after section 1566, as
 23 added by section 301, the following new sections:

1 **“§ 1567. Domestic violence: responsibilities of mili-**
2 **tary law enforcement officials**

3 “(a) DEFINITIONS.—In this section:

4 “(1) MILITARY LAW ENFORCEMENT OFFI-
5 CIAL.—The term ‘military law enforcement official’
6 means a person authorized under regulations gov-
7 erning the armed forces to apprehend persons sub-
8 ject to the Uniform Code of Military Justice (chap-
9 ter 47 of this title) or to trial thereunder.

10 “(2) DOMESTIC VIOLENCE.—The term ‘domes-
11 tic violence’ means any of the following engaged in
12 by a person against the person’s spouse or former
13 spouse or against a person with whom the person re-
14 sides or formerly resided or against an individual
15 with whom the person has a child in common:

16 “(A) Infliction of physical pain, bodily in-
17 jury, or illness or damage to property.

18 “(B) Intentional impairment of physical
19 condition.

20 “(C) A threat of conduct that would cause
21 bodily injury or damage to property.

22 “(b) CIRCUMSTANCES REQUIRING ARREST.—A mili-
23 tary law enforcement officer shall arrest and take into cus-
24 tody a person if—

25 “(1) the officer has reasonable grounds to be-
26 lieve that the person has committed domestic vio-

1 lence and that the person’s actions are the commis-
2 sion of a crime; and

3 “(2) any of the following circumstances is
4 present:

5 “(A) The officer has reasonable basis for
6 believing that continued domestic violence
7 against the alleged victim is likely.

8 “(B) There is evidence of physical injury
9 to the alleged victim.

10 “(C) The use of a deadly weapon or dan-
11 gerous instrument is evident.

12 “(c) ARRESTING OFFICER’S REPORT.—An officer
13 who makes an arrest under subsection (b) shall submit
14 a full written report of the alleged domestic violence inci-
15 dent to the officer’s supervisor and to the judge advocate
16 within 10 days of the arrest. Such a report shall include—

17 “(1) a description of physical injuries observed,
18 if any;

19 “(2) whenever possible, a statement from the
20 victim and witnesses concerning the alleged domestic
21 violence; and

22 “(3) a statement that a copy of legal rights and
23 notices was given to the victim.

24 “(d) LAW ENFORCEMENT POLICIES.—(1) The Sec-
25 retary of Defense shall prescribe regulations to implement

1 written policies regarding arrest procedures for domestic
2 violence incidents. Those policies shall include the fol-
3 lowing:

4 “(A) In most circumstances, a military law en-
5 forcement officer should arrest and take a person
6 into custody if the officer has reasonable grounds to
7 believe that the person is committing or has com-
8 mitted domestic violence and that the actions con-
9 stitute the commission of a crime.

10 “(B) When the officer has reasonable grounds
11 to believe that the spouses or former spouses or
12 other persons who reside together or resided to-
13 gether or share a child in common are committing
14 or have committed domestic violence against each
15 other, the officer does not have to arrest both par-
16 ties but should arrest the person whom the officer
17 believes to be the primary physical aggressor. In de-
18 termining who is the primary physical aggressor, an
19 officer should consider the intent of this section to
20 protect victims of domestic violence, the relative in-
21 jury or fear inflicted on the persons involved, or any
22 history of domestic violence between these persons,
23 if that history can be ascertained by the officer, or
24 response of a person who acts in a reasonable man-
25 ner to protect oneself or another family or household

1 member from domestic violence. No victim shall be
2 denied relief or arrested or charged for a domestic
3 violence offense because the victim used reasonable
4 force in self defense against domestic violence by an
5 attacker.

6 “(C) A military law enforcement officer’s deci-
7 sion as to whether or not to arrest under this section
8 may not be based on the consent of the victim or
9 any subsequent prosecution or on the relationship or
10 the rank of the persons involved in the incident.

11 “(D) A military law enforcement officer’s deci-
12 sion not to arrest under this section may not be
13 based solely upon the absence of visible injury or im-
14 pairment.

15 “(2) The policies under paragraph (1) shall include
16 a procedure applicable to the report and referral required
17 under subsection (c). Such procedures shall require that
18 the military law enforcement agency shall, without charge,
19 send a copy of the initial report and any subsequent, sup-
20 plemental, or related report, which excludes the victim’s
21 statement or other materials that are part of an active
22 criminal investigation and are exempt from disclosure, to
23 the command and Family Advocacy Program exercising
24 responsibility over the area in which the incident took
25 place, to the victim advocate within the Department of De-

1 fense assigned to the installation and the nearest local do-
2 mestic violence center within 24 hours of the agency's re-
3 ceipt of the report. The report furnished to the Family
4 Advocacy Program, victim advocate, and local domestic vi-
5 olence center shall include a narrative description of the
6 domestic violence incident.

7 “(3) The policies under paragraph (1) shall include
8 a procedure for notifying the alleged victim of the incident
9 of domestic violence services from which the victim may
10 receive assistance. The military law enforcement officer
11 shall provide the victim immediate notice of the legal
12 rights and remedies available to the victim. Such notice
13 shall be in a standard form developed and distributed by
14 the Secretary of Defense. As necessary, the Secretary shall
15 revise the victims rights brochure to include a summary
16 of this section using simple English and shall distribute
17 the notice as a model form to be used by all military law
18 enforcement agencies. The notice shall include the fol-
19 lowing:

20 “(A) The resources available for the area in
21 which domestic violence services are sought, includ-
22 ing military resources (victim advocates, Family Ad-
23 vocacy Program, judge advocates, medical personnel,
24 and command) and civilian agencies (shelter, victim

1 advocates, counseling, county or state attorney of-
2 fices and centers).

3 “(B) A copy of the following statement: ‘If you
4 are a victim of domestic violence, you may ask the
5 county or state attorney or judge advocate or Direc-
6 tor of Special Investigations or command to file a
7 complaint. You also have the right to go to court
8 and file a petition requesting a protective order from
9 domestic violence to include provisions which re-
10 strain the alleged perpetrator from further acts of
11 abuse; direct the abuser to leave your house; prevent
12 the abuser from entering your residence, school,
13 business or place of employment; award you custody
14 of your minor child or children; and direct the
15 abuser to pay support to you and the minor children
16 if he/she has a legal obligation to do so. You also
17 have the right to request a military no contact order
18 containing the above provisions.’.

19 “(4) The policies under paragraph (1) shall include
20 a procedure for notifying the alleged victim of the incident,
21 a description of the procedure for releasing the arrested
22 person, and the likelihood and probable time of the ar-
23 rested person’s release.

24 “(5) In the development of policies under this sub-
25 section, the Secretary and military law enforcement shall

1 consult with law enforcement agencies and organizations
2 with expertise in the recognition of domestic violence inci-
3 dents.

4 “(6) This section does not limit the authority of mili-
5 tary law enforcement to establish policies that require ar-
6 rests under circumstances other than those set forth in
7 this section.

8 “(e) REPORT REQUIREMENTS OF MILITARY LAW
9 ENFORCEMENT.—(1) A military law enforcement officer
10 who responds to a domestic violence incident shall prepare
11 a domestic violence incident report.

12 “(2) If a military law enforcement officer has reason-
13 able grounds to arrest a person who is committing or has
14 committed domestic violence and that person’s actions
15 constitute the commission of a crime, the officer shall pre-
16 pare a written statement detailing why the person was not
17 arrested. The report shall be sent to the judge advocate
18 for the command of the suspect where the acts took place,
19 immediately upon the completion of the investigation of
20 the incident. The judge advocate shall review the report
21 to determine whether the person involved in the incident
22 should be charged with the commission of a crime.

23 “(3) All information contained in the domestic vio-
24 lence incident report shall be forwarded to the appropriate
25 military criminal investigative unit, to the judge advocate

1 with responsibility for the jurisdiction, and to the com-
2 mand of the suspect and installation.

3 “(4) The domestic violence incident report shall be
4 on a form set forth in regulations prescribed by the Sec-
5 retary of Defense in consultation with the Director of Spe-
6 cial Investigations. The form shall include provisions for
7 the following information:

8 “(A) The relationship of the parties.

9 “(B) The sex of the parties.

10 “(C) The time and date of the incident.

11 “(D) The number of domestic violence calls in-
12 vestigated.

13 “(E) Whether children were involved, or wheth-
14 er the alleged act of domestic violence had been com-
15 mitted in the presence of children.

16 “(F) The type and extent of the abuse.

17 “(G) The number and type of weapons involved.

18 “(H) The action taken by the law enforcement
19 officer.

20 “(I) The existence of any prior court or military
21 orders issued to the parties.

22 “(J) The number of domestic violence calls al-
23 leging a violation of a military no contact order or
24 civilian protective order.

1 “(K) The number of arrests for a violation of
2 a civilian protective order or details of disciplinary
3 action taken for the violation of a military no con-
4 tact order.

5 “(L) Any other data that may be necessary for
6 a complete analysis of all circumstances leading to
7 the alleged incident of domestic violence.

8 “(f) CONTACT PROHIBITIONS.—(1) Unless there is a
9 waiver, during the 72 hours immediately following an ar-
10 rest for a domestic violence incident, the person arrested—

11 “(A) shall avoid the residence of the alleged vic-
12 tim of the domestic violence incident and, if applica-
13 ble, any premises temporarily occupied by the al-
14 leged victim; and

15 “(B) shall avoid contacting or causing any per-
16 son, other than law enforcement officers or military
17 criminal investigators, judge advocates, or command,
18 to contact the alleged victim.

19 “(2) Unless there is a waiver, a law enforcement offi-
20 cer who releases a person arrested for domestic violence
21 from custody less than 72 hours after the arrest shall in-
22 form the arrested person orally and in writing of the re-
23 quirements of this section and the consequences of vio-
24 lating this section. The arrested person shall sign an ac-
25 knowledgement on the written notice that the person has

1 had notice of, and understands the requirements, the con-
 2 sequences and the provisions of this section. If the ar-
 3 rested person refuses to sign the notice, the person may
 4 not be released from custody.

5 “(3) If there is a waiver under paragraph (1) and
 6 the person is arrested under this section, the law enforce-
 7 ment officer who releases the arrested person shall inform
 8 the arrested person orally and in writing of the waiver.

9 “(4) Failure to comply with the notice requirement
 10 under paragraph (2) regarding a person who is lawfully
 11 released from custody does not affect the prosecution for
 12 a crime of domestic violence.

13 “(g) **CONDITIONAL RELEASE.**—A person arrested
 14 and taken into custody for a domestic violence incident
 15 is eligible for conditional release. Unless there is a waiver
 16 under section (f), as part of the conditions of any such
 17 release that occurs within 72 hours immediately following
 18 such an arrest, the person shall be made to comply with
 19 the requirements under subsection (f)(1) and to sign the
 20 acknowledgement under subsection (f)(2).

21 **“§ 1568. Domestic violence: prosecution policies**

22 “The staff judge advocate within the Office of the
 23 Secretary of Defense shall develop and implement written
 24 policies encouraging the prosecution of domestic violence
 25 offenses. Those policies shall include the following:

1 “(1) A policy indicating that a judge advocate’s
2 recommendation not to prosecute a domestic violence
3 incident should not be based—

4 “(A) solely upon the absence of visible in-
5 dications of injury;

6 “(B) consent of the victim;

7 “(C) consideration of the relationship of
8 the parties; or

9 “(D) the character, rank, rate, or quality
10 of service of members of the armed forces, offi-
11 cers or employees.

12 “(2) A policy indicating that when a domestic
13 violence incident is not prosecuted by the judge ad-
14 vocates, including a report made under this section,
15 the decision by the judge advocates should be made
16 not later than 28 days after the date on which the
17 judge advocate general has received notice of the in-
18 cident.

19 “(3) Whether or not the command, in consulta-
20 tion with the judge advocate, decides to prosecute
21 the member of the armed forces, officer, or em-
22 ployee, the judge advocates shall provide a written
23 report that is complete and clearly indicates the rea-
24 sons for any disciplinary action, punitive or adminis-
25 trative, against a armed forces member of the armed

1 forces or officer or employee of the Department of
2 Defense.

3 **“§ 1569. Domestic violence: education and training**

4 “Any education and training for military law enforce-
5 ment, military criminal investigators, or judge advocates
6 relating to the handling of domestic violence shall include
7 enforcement of criminal laws in domestic violence inci-
8 dents and protection of the alleged victim. Law enforce-
9 ment agencies and organizations with expertise in the rec-
10 ognition and handling of domestic violence incidents shall
11 conduct training on a competitive basis.

12 **“§ 1570. Domestic violence: annual reports**

13 “(a) REPORTS TO SECRETARIES OF THE MILITARY
14 DEPARTMENTS.—Each judge advocate for a command
15 who in the official capacity of that judge advocate receives
16 an allegation of domestic violence shall submit to the Sec-
17 retary of the military department concerned notification
18 of that allegation, together with such information as the
19 Secretary may require, including the following:

20 “(1) The number of arrests for domestic vio-
21 lence incidents in that judge advocate’s command,
22 compiled and furnished by military law enforcement
23 and military criminal investigators.

1 “(2) The number of subsequent prosecutions
2 and convictions of those arrested for domestic vio-
3 lence incidents.

4 “(3) A listing of the number of arrests, pros-
5 ecutions, and convictions under paragraph (1) and
6 (2) shall include categories by statutory reference of
7 offenses under the Uniform Code of Military Justice
8 (chapter 47 of this title) and include totals for all
9 categories.

10 “(b) REPORTS TO THE SECRETARY OF DEFENSE.—
11 Not later than March 15, 2005, and January 1 of each
12 year thereafter, the Secretaries of the military depart-
13 ments shall submit to the Secretary of Defense an annual
14 report on the number of arrests, disposition of cases, sub-
15 sequent prosecutions or disciplinary actions, and convic-
16 tions for domestic violence involving members of the
17 armed forces and officers and employees of the Depart-
18 ment of Defense under their jurisdiction during the pre-
19 ceding year.

20 “(c) REPORTS TO CONGRESS.—Not later than April
21 1, 2005, and January 15 of each year thereafter, the Sec-
22 retary of Defense shall submit to Congress an annual re-
23 port on the number of arrests, disposition of cases, subse-
24 quent prosecutions or disciplinary actions, and convictions
25 for domestic violence involving members of the armed

1 forces and officers and employees of the Department of
2 Defense during the preceding year.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 after the item relating to section 1566, as added by section
6 301, the following new items:

“1567. Domestic violence: responsibilities of military law enforcement officials.

“1568. Domestic violence: prosecution policies.

“1569. Domestic violence: education and training.

“1570. Domestic violence: annual reports.”.

7 (c) DEADLINE.—The Secretary of Defense shall pre-
8 scribe in regulations the procedures to carry out sections
9 1567 through 1570 of title 10, United States Code, as
10 added by subsection (a) of this section, not later than 90
11 days after the date of the enactment of this Act.

12 (d) CONFORMING REPEAL.—(1) Section 1058 of title
13 10, United States Code, is repealed.

14 (2) The table of sections at the beginning of chapter
15 53 is amended by striking the item relating to section
16 1058.

17 **SEC. 303. INVESTIGATIONS OF SEXUAL AND DOMESTIC VIO-**
18 **LENCE CASES INVOLVING DEPARTMENT OF**
19 **DEFENSE PERSONNEL.**

20 (a) ESTABLISHMENT.—Chapter 4 of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new section:

1 **“§ 144. Director of Special Investigations**

2 “(a) APPOINTMENT.—There is a Director of Special
3 Investigations in the Department of Defense. The Director
4 is appointed by the Secretary of Defense from among civil-
5 ians who have a significant level of experience in criminal
6 investigations and possess a significant level of training
7 and expertise in domestic violence, family violence, sexual
8 assault, or stalking. The Director reports directly to the
9 Secretary of Defense.

10 “(b) SENIOR EXECUTIVE SERVICE POSITION.—The
11 position of Director of Special Investigations is a Senior
12 Executive Service position. The Secretary shall designate
13 the position as a career reserved position under section
14 3132(b) of title 5.

15 “(c) DUTIES.—Subject to the authority, direction,
16 and control of the Secretary of Defense, the Director of
17 Special Investigations shall perform the duties set forth
18 in this section and such other related duties as the Sec-
19 retary may prescribe.

20 “(d) DATA COMPLIANCE AND REPORTING.—(1) The
21 Director shall obtain, compile, store, monitor, and (in ac-
22 cordance with this section) report information on each al-
23 legation of domestic violence, family violence, sexual as-
24 sault, sexual misconduct, or stalking of a member of the
25 armed forces or of a family member of a member of the
26 armed forces against a member of the armed forces,

1 against a family member of a member of the armed forces,
2 or against a civilian not a family member of a member
3 of the armed forces that is received by a member of the
4 armed forces or an officer or employee of the Department
5 of Defense in the official capacity of that member, officer,
6 or employee.

7 “(2) The information compiled pursuant to para-
8 graph (1) shall include the following:

9 “(A) The number of complaints containing an
10 allegation referred to in paragraph (1) that are re-
11 ceived as described in that paragraph.

12 “(B) The number of such complaints that are
13 investigated.

14 “(C) In the case of each complaint—

15 “(i) the organization that investigated the
16 complaint (if investigated);

17 “(ii) the disposition of the complaint upon
18 completion or other termination of the inves-
19 tigation; and

20 “(iii) the status of results of any judicial
21 action, nonjudicial disciplinary action, or other
22 action taken.

23 “(D) The number of complaints that were dis-
24 posed of by formal adjudication in a judicial pro-
25 ceeding, including—

1 “(i) the number disposed of in a court-
2 martial;

3 “(ii) the number disposed of in a court of
4 the United States;

5 “(iii) the number disposed of in a court of
6 a State or territory of the United States or in
7 a court of a political subdivision of a State or
8 territory of the United States;

9 “(iv) the number disposed of by a plea of
10 guilty;

11 “(v) the number disposed of by a trial on
12 a contested basis; and

13 “(vi) the number disposed of on any other
14 basis.

15 “(E) The number of complaints that were dis-
16 posed of by formal adjudication in an administrative
17 proceeding.

18 “(3) The Director shall make the information ob-
19 tained and compiled under this subsection available to the
20 Secretary of Defense, the Secretaries of the military de-
21 partments, the Committees on Armed Services and the
22 Committees on the Judiciary of the Senate and House of
23 Representatives, any law enforcement agency concerned,
24 and any court concerned. The information obtained, com-
25 piled, and transmitted to Congress shall be made available

1 via an Internet website maintained by the Department of
2 Defense.

3 “(e) DIRECT INVESTIGATIONS.—The Director shall
4 investigate each allegation of sexual misconduct, sexual as-
5 sault, family violence, stalking, or domestic violence re-
6 ferred to in subsection (d)(1)—

7 “(1) that is made directly to, or that is referred
8 to, the Director, including such an allegation that is
9 made or referred to the Director—

10 “(A) by a victim of the alleged sexual mis-
11 conduct, domestic violence, family violence, sex-
12 ual assault, or stalking who is a member of the
13 armed forces or a family member of a member
14 of the armed forces; or

15 “(B) by an investigative organization of
16 the Department of Defense or one of the mili-
17 tary departments; or

18 “(C) by a commander of a member of the
19 armed forces alleged to have engaged in sexual
20 misconduct, sexual assault, domestic violence,
21 family violence, or stalking or to have been the
22 victim of sexual misconduct, sexual assault, do-
23 mestic violence, family violence, or stalking; or

24 “(2) that the Secretary directs the Director to
25 investigate.

1 “(f) OVERSIGHT AND QUALITY CONTROL OF OTHER
2 INVESTIGATIONS.—(1) The Director shall monitor the
3 conduct of investigations by units, offices, agencies, and
4 other organizations within the Department of Defense re-
5 garding allegations of sexual misconduct, sexual assault,
6 domestic violence, family violence and stalking.

7 “(2) In carrying out paragraph (1), the Director shall
8 inspect any investigation conducted or being conducted by
9 any other organization within the Department of Defense,
10 review the records of an investigation, and observe the
11 conduct of an ongoing investigation.

12 “(3) The Director shall report to the Secretary on
13 any investigation monitored pursuant to paragraph (1).
14 The report may include the status of the investigation, an
15 evaluation of the conduct of the investigation, and an eval-
16 uation of each investigator and the investigative organiza-
17 tion involved in the investigation.

18 “(4) The Director shall conduct training within units,
19 offices, agencies, and other organizations within the De-
20 partment of Defense. The training shall include the report
21 entitled ‘Adapting Military Sex Crimes Investigations to
22 Changing Times’. The training shall be conducted in col-
23 laboration with—

24 “(A) individuals or organizations with dem-
25 onstrated experience and expertise in the organiza-

1 tion and management of investigative agencies, in-
2 cluding the Federal Law Enforcement Training Cen-
3 ter; and

4 “(B) individuals and organizations with dem-
5 onstrated experience and expertise in the dynamics
6 of trauma for victims of domestic violence, sexual as-
7 sault, family violence, and stalking, including the
8 National Crime Victims Center, the National Crime
9 Victims Law Institute, the Sidran Foundation, and
10 the National Center on Post-Traumatic Stress Dis-
11 order.

12 “(g) POWERS.—In the performance of the duties set
13 forth or authorized in this section, the Director shall have
14 the following powers:

15 “(1) To have access to all records, reports, au-
16 dits, reviews, documents, papers, recommendations,
17 or other material available in the Department of De-
18 fense which relate to the duties of the Director.

19 “(2) To request such information or assistance
20 as may be necessary for carrying out the Director’s
21 duties from any Federal, State, or local govern-
22 mental agency or unit thereof.

23 “(3) To require by subpoena the production of
24 all information, documents, reports, answers,
25 records, accounts, papers, and other data and docu-

1 mentary evidence necessary in the performance of
2 the Director's duties, which subpoena, in the case of
3 contumacy or refusal to obey, shall be enforceable by
4 order of any appropriate United States district
5 court.

6 “(4) To serve subpoenas, summons, and any ju-
7 dicial process related to the performance of any of
8 the Director's duties.

9 “(5) To administer to or take from any person
10 an oath, affirmation, or affidavit whenever necessary
11 in the performance of the Director's duties, which
12 oath, affirmation, or affidavit, when administered or
13 taken by or before an employee designated by the
14 Director, shall have the same force and effect as if
15 administered or taken by or before an officer having
16 a seal.

17 “(6) To have direct and prompt access to the
18 Secretary of Defense, the Secretary of a military de-
19 partment, and any commander when necessary for
20 any purpose pertaining to the performance of the
21 Director's duties.

22 “(7) To obtain for any victim of sexual mis-
23 conduct, sexual assault, family violence, domestic vi-
24 olence, or stalking from any military command a no
25 contact order or from a court of appropriate juris-

1 diction an order of protection, respectively, to safe-
2 guard the victim.

3 “(8) To obtain for any victim of sexual mis-
4 conduct, sexual assault, family violence, domestic vi-
5 olence or stalking from any facility of the uniformed
6 services or any other health care facility of the Fed-
7 eral Government or, by contract, from any other
8 source, medical services and counseling and other
9 mental health services for treating or investigating
10 including—

11 “(A) injuries resulting from the sexual
12 misconduct, sexual assault, domestic violence,
13 family violence, or stalking;

14 “(B) rape evidence kits;

15 “(C) DNA collection and processing;

16 “(D) photographs of injuries; and

17 “(E) other mental and physiological results
18 of the sexual misconduct or domestic violence.

19 “(9) To relocate any alleged offender during an
20 investigation in order to ensure the safety of a vic-
21 tim.

22 “(h) REFERRALS FOR PROSECUTION.—(1) The Di-
23 rector may refer any case of sexual misconduct, domestic
24 violence, family violence, sexual assault, or stalking de-
25 scribed in subsection (d)(1) to—

1 “(A) a United States Attorney, or another ap-
2 propriate official in the Department of Justice, for
3 prosecution; or

4 “(B) to an appropriate commander within the
5 armed forces for action under chapter 47 of this title
6 (the Uniform Code of Military Justice) or other ap-
7 propriate action.

8 “(2) The Director shall report each such referral to
9 the Secretary of Defense.

10 “(i) STAFF.—(1) The Director shall have—

11 “(A) a staff of investigators who have extensive
12 experience in criminal investigations and dem-
13 onstrated expertise in domestic violence, family vio-
14 lence, sexual assault, or stalking;

15 “(B) a staff of attorneys sufficient to provide
16 the Director, the criminal investigators, and the Di-
17 rector’s other staff personnel with legal counsel nec-
18 essary for the performance of the duties of the Di-
19 rector;

20 “(C) a staff of counseling referral specialists;
21 and

22 “(D) such other staff as is necessary for the
23 performance of the Director’s duties.

24 “(2) To the maximum extent practicable, the staff
25 of the Director shall be generally representative of the

1 population of the United States with regard to race, gen-
2 der, and cultural diversity. The staff shall also reflect the
3 race, gender, and cultural diversity of the victims filing
4 complaints within the military departments.

5 “(j) REPORTS TO DIRECTOR.—Each member of the
6 armed forces and each officer or employee of the Depart-
7 ment of Defense who, in the official capacity of that mem-
8 ber, officer, or employee, receives an allegation of sexual
9 misconduct, sexual assault, domestic violence, family vio-
10 lence, or stalking shall submit to the Director notification
11 of that allegation, together with such information as the
12 Director may require for the purpose of carrying out the
13 Director’s duties.

14 “(k) ANNUAL REPORT ON SEXUAL MISCONDUCT
15 AND DOMESTIC VIOLENCE.—Not later than April 1, 2005,
16 and January 15 of each year thereafter, the Secretary of
17 Defense shall submit to Congress a report on the number
18 and disposition of cases of sexual misconduct, sexual as-
19 sault, family violence, stalking, and domestic violence by
20 or involving members of the armed forces and officers and
21 employees of the Department of Defense during the pre-
22 ceding year.

23 “(l) DEFINITIONS.—In this section:

24 “(1) The term ‘sexual misconduct’ includes the
25 following:

1 “(A) Sexual harassment, including any
2 conduct involving sexual harassment that—

3 “(i) in the case of conduct of a person
4 who is subject to the provisions of chapter
5 47 of this title (the Uniform Code of Mili-
6 tary Justice), comprises a violation of a
7 provision of subchapter X of such chapter
8 (relating to the punitive articles of such
9 Code) or an applicable regulation, direc-
10 tive, or guideline regarding sexual harass-
11 ment that is prescribed by the Secretary of
12 Defense or the Secretary of a military de-
13 partment; and

14 “(ii) in the case of an employee of the
15 Department of Defense or a family mem-
16 ber subject to the jurisdiction of the Sec-
17 retary of Defense or of the Secretary of a
18 military department, comprises a violation
19 of a regulation, directive, or guideline re-
20 ferred to in clause (i) that is applicable to
21 such employee or family member.

22 “(B) Sexual abuse.

23 “(C) Sexual assault.

24 “(D) Sexual battery.

25 “(E) Rape.

1 “(2) The term ‘domestic violence’ includes the
2 following:

3 “(A) Domestic violence.

4 “(B) Spouse abuse.

5 “(C) Intimate partner violence.

6 “(D) Stalking.

7 “(E) Child abuse, neglect, and maltreat-
8 ment.

9 “(3) The term ‘complaint,’ with respect to an
10 allegation of sexual misconduct, family violence, sex-
11 ual assault, stalking, or domestic violence, includes
12 a report of such allegation.”.

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

 “144. Director of Special Investigations.”.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated for each of fiscal years 2005
18 through 2009 for Operation and Maintenance, Defense-
19 Wide, the amount of \$10,000,000 to carry out the func-
20 tions of the Director of Special Investigations in the De-
21 partment of Defense. Funds available under this section
22 shall remain available until expended. Of the amounts ap-
23 propriated to carry out this section for any fiscal year,
24 the Secretary—

1 (1) may not use more than 3 percent for eval-
2 uation, monitoring, site visits, conferences, and other
3 administrative costs associated with conducting ac-
4 tivities under this section; and

5 (2) shall use not less than 5 percent for tech-
6 nical assistance and training to be provided by orga-
7 nizations having demonstrated expertise in devel-
8 oping law enforcement, criminal justice, and inves-
9 tigative protocols and procedures in response to do-
10 mestic violence, family violence, sexual assault, and
11 stalking, including the Federal Law Enforcement
12 Training Center, the American Prosecutors Research
13 Institute, and the National District Attorneys Asso-
14 ciation.

15 Technical assistance and training under paragraph (2)
16 may be offered to elements of the Armed Forces, installa-
17 tions, or commands in the process of developing investiga-
18 tive procedures, whether they are receiving funds under
19 this section or not.

1 **TITLE IV—PROTECTION OF PER-**
2 **SONS REPORTING SEXUAL AS-**
3 **SAULT OR DOMESTIC VIO-**
4 **LENCE**

5 **SEC. 401. PROTECTION OF COMMUNICATIONS BETWEEN**
6 **VICTIMS AND ADVOCATES.**

7 (a) RESTRICTING COMMUNICATION PROHIBITED.—
8 Subsection (a) of section 1034 of title 10, United States
9 Code, is amended by inserting before the period at the
10 end the following: “or the Office of the Victims’ Advocate
11 or a Victims’ Advocate within the Department of De-
12 fense”.

13 (b) PROHIBITION OF RETALIATORY PERSONNEL AC-
14 TIONS.—Subsection (b)(1) of such section is amended—

15 (1) in subparagraph (A), by striking “or an In-
16 spector General” and inserting “, an Inspector Gen-
17 eral, or the Office of the Victims’ Advocate or a Vic-
18 tims’ Advocate”; and

19 (2) in subparagraph (A)—

20 (A) by redesignating clauses (iii) and (iv)
21 as clauses (iv) and (v), respectively; and

22 (B) by inserting after clause (ii) the fol-
23 lowing new clause:

24 “(iii) The Office of the Victims’ Advo-
25 cate or a Victims’ Advocate.”.

1 (c) INSPECTOR GENERAL INVESTIGATIONS.—Sub-
2 section (c)(2) of such subsection is amended by inserting
3 “, sexual assault, domestic violence, family violence, stalk-
4 ing,” in subparagraph (A) after “sexual harassment”.

5 **SEC. 402. WHISTLEBLOWER PROTECTIONS FOR VICTIM AD-**
6 **VOCATES.**

7 (a) RESTRICTING COMMUNICATIONS WITH VICTIMS
8 AND SURVIVORS PROHIBITED.—(1) No person may re-
9 strict a victim advocate within the Department of Defense
10 in communicating with a victim or survivor of domestic
11 violence, sexual assault, family violence, intimate partner
12 violence, or stalking.

13 (2) Paragraph (1) does not apply to a communication
14 that is unlawful.

15 (b) PROHIBITION OF RETALIATORY PERSONNEL AC-
16 TIONS.—(1) No person may take or threaten to take an
17 unfavorable personnel action, or withhold or threaten to
18 withhold a favorable personnel action, against a victim ad-
19 vocate as a reprisal for—

20 (A) providing services to victims and survivors
21 of domestic violence, sexual assault, family violence,
22 intimate partner violence, or stalking;

23 (B) a communication to a Member of Congress
24 or an Inspector General;

1 (C) a communication with military law enforce-
2 ment, military criminal investigators, judge advo-
3 cates, or command;

4 (D) a communication with civilian law enforce-
5 ment, county, State, or United States attorneys,
6 court officials, probation officers, or victim service
7 providers; or

8 (E) a communication with any other person or
9 organization, including any person or organization in
10 the chain of command, in the course of providing
11 services to a victim or survivor.

12 (2) Any action prohibited by paragraph (1), including
13 the threat to take any action and the withholding or threat
14 to withhold any favorable action, shall be considered for
15 the purposes of this section to be a personnel action pro-
16 hibited by this subsection.

17 (c) INVESTIGATION OF ALLEGATIONS OF PROHIB-
18 ITED PERSONNEL ACTIONS.—(1) If a victim advocate
19 submits to an Inspector General an allegation that a per-
20 sonnel action prohibited by subsection (b) has been taken
21 or threatened against the victim advocate with respect to
22 communication described in paragraph (2), the Inspector
23 General shall take the action required under paragraph
24 (3).

1 (2) A communication described in this paragraph is
2 a communication which a victim advocate reasonably be-
3 lieves constitutes evidence of any of the following:

4 (A) A violation of law or regulation, including
5 a law or regulation prohibiting domestic violence,
6 sexual assault, or stalking.

7 (B) Gross mismanagement, an abuse of author-
8 ity, or a substantial danger to community safety or
9 public health.

10 (3)(A) If the Inspector General receiving an allega-
11 tion as described in paragraph (1) is an Inspector General
12 within a military department, that Inspector General shall
13 promptly notify the Inspector General of the Department
14 of Defense of the allegation. Such notification shall be
15 made in accordance with regulations prescribed under sub-
16 section (f).

17 (B) An Inspector General receiving such an allegation
18 shall expeditiously determine, in accordance with regula-
19 tions prescribed under subsection (f), whether there is suf-
20 ficient evidence to warrant an investigation of the allega-
21 tion.

22 (C) Upon determining that an investigation of an al-
23 legation under paragraph (1) is warranted, the Inspector
24 General making the determination shall expeditiously in-
25 vestigate the allegation.

1 (D) The Inspector General of the Department of De-
2 fense shall ensure that the Inspector General conducting
3 the investigation of an allegation under this subsection is
4 outside the immediate chain of command of both the vic-
5 tim advocate submitting the allegation and the individual
6 or individuals alleged to have taken the retaliatory action.

7 (d) INVESTIGATION OF UNDERLYING ALLEGA-
8 TIONS.—Upon receiving an allegation under subsection
9 (c), the Inspector General receiving the allegation shall
10 conduct a separate investigation of the information that
11 the victim advocate making the allegation believes con-
12 stitutes evidence of wrongdoing as described in subpara-
13 graph (A) or (B) of subsection (c)(2) if there previously
14 has not been such an investigation or if the Inspector Gen-
15 eral determines that the original investigation was biased
16 or otherwise inadequate.

17 (e) REPORTS ON INVESTIGATIONS.—(1) After com-
18 pletion of an investigation under subsection (c) or (d), the
19 Inspector General conducting the investigation shall sub-
20 mit a report on the results of the investigation to the Sec-
21 retary of Defense and Director of the Office of the Vic-
22 tims' Advocate and shall transmit a copy of the report on
23 the results of the investigation to the victim advocate who
24 made the allegation investigated. The report shall be
25 transmitted to the Secretary of Defense and the Director

1 of the Office of the Victims' Advocate, and the copy of
2 the report shall be transmitted to the victim advocate, not
3 later than 30 days after the completion of the investiga-
4 tion.

5 (2) In the copy of the report transmitted to the victim
6 advocate, the Inspector General shall ensure that the max-
7 imum disclosure of information possible, with the excep-
8 tion of information that is not required to be disclosed
9 under section 552 of title 5, United States Code. However,
10 the copy need not include summaries of interviews con-
11 ducted, nor any document acquired, during the course of
12 the investigation. Such items shall be transmitted to the
13 victim advocate, if the victim advocate requests the items,
14 with the copy of the report or after the transmittal to the
15 victim advocate of the copy of the report, regardless of
16 whether the request for those items is made before or after
17 the copy of the report is transmitted to the victim advo-
18 cate.

19 (3) If, in the course of an investigation of an allega-
20 tion under this section, the Inspector General determines
21 that it is not possible to submit the report required by
22 paragraph (1) within 180 days after the date of receipt
23 of the allegation being investigated, the Inspector General
24 shall provide to the Secretary of Defense and to the victim
25 advocate making the allegation a notice—

1 (A) of that determination, including the reasons
2 why the report may not be submitted within that
3 time; and

4 (B) of the time when the report will be sub-
5 mitted.

6 (4) The report on the results of the investigation shall
7 contain a thorough review of the facts and circumstances
8 relevant to the allegation and the complaint or disclosure
9 and shall include documents acquired during the course
10 of the investigation, including summaries of interviews
11 conducted. The report may include a recommendation as
12 to the disposition of the complaint.

13 (f) REGULATIONS.—(1) The Secretary of Defense
14 shall prescribe regulations to carry out this section. In pre-
15 scribing such regulations the Secretary of Defense shall
16 provide for appropriate procedural protections for the sub-
17 ject of any investigation carried out under this section,
18 including a process of appeal and review of investigative
19 findings.

20 (2) The Secretary shall provide in such regulations
21 that a violation of the prohibition in this section by a per-
22 son subject to chapter 47 of title 10, United States Code
23 (the Uniform Code of Military Justice), is punishable as
24 a violation of section 892 of that title.

1 (3) Such regulations shall be prescribed not later
2 than 120 days after the date of the enactment of this Act.

3 **SEC. 403. PROHIBITION OF COMPULSORY DISCLOSURE OF**
4 **CERTAIN COMMUNICATIONS AND INFORMA-**
5 **TION.**

6 (a) PROHIBITION.—A victim representative may not
7 be compelled, without appropriate consent, to give testi-
8 mony or to produce records concerning confidential com-
9 munications for any purpose in a criminal, disciplinary,
10 civil, legislative, or administrative proceeding.

11 (b) DEFINITIONS.—For purposes of this section:

12 (1) APPROPRIATE CONSENT.—The term “ap-
13 propriate consent” means—

14 (A) the consent of the victim, with respect
15 to testimony of—

16 (i) an adult victim; or

17 (ii) a victim representative, if the vic-
18 tim is an adult; and

19 (B) the consent of the victim’s parent,
20 legal guardian, or guardian ad litem, with re-
21 spect to the testimony of—

22 (i) a victim who is a minor or incom-
23 petent to testify; or

24 (ii) a victim representative if the vic-
25 tim is a minor or incompetent to testify.

1 (2) VICTIM REPRESENTATIVE.—The term “vic-
2 tim representative” means a victim advocate, victim
3 witness liaison, victim support liaison, or victim
4 counselor.

5 (c) EMERGENCY SHELTER PROTECTION.—A victim
6 or victim representative may not be compelled to provide
7 testimony in a civil, criminal, legislative, disciplinary, or
8 administrative proceeding that would identify—

9 (1) the name, address, location, or telephone
10 number of a safe house, abuse shelter, or other facil-
11 ity that provided temporary emergency shelter to the
12 victim of the offense or transaction that is the sub-
13 ject of the proceeding; or

14 (2) the name, address, or telephone number of
15 a victim representative.

16 (d) WAIVER BY MINOR.—A minor may waive the
17 privilege provided under subsection (a) and testify, or give
18 consent for a victim representative to testify, if the court
19 or hearing officer determines that the minor is capable of
20 knowingly waiving the privilege.

21 (e) EXCEPTION TO WAIVER AUTHORITY.—Notwith-
22 standing subsection (a), a parent or legal guardian may
23 not, on behalf of a minor, waive the privilege provided
24 under subsection (a) with respect to the minor’s testimony
25 or the testimony of a victim representative if—

1 (1) the parent or legal guardian has been
2 charged with a crime against the minor;

3 (2) a protective order, no contact order or re-
4 straining order has been entered against the parent
5 or legal guardian on request of or behalf of the
6 minor; or

7 (3) the parent or legal guardian otherwise has
8 an interest adverse to that of the minor with respect
9 to the waiver of privilege.

10 **TITLE V—PERSONNEL**
11 **ADMINISTRATION MATTERS**

12 **SEC. 501. PERFORMANCE EVALUATIONS AND BENEFITS.**

13 (a) REQUIREMENT.—The Secretary of Defense shall
14 prescribe in regulations a requirement that, in the case
15 of any member of the Army, Navy, Air Force, or Marine
16 Corps and any officer or employee of the Department of
17 Defense, the commitment of the member, or the officer
18 or employee, to the elimination of sexual harassment, sex-
19 ual misconduct, sexual assault, domestic violence, family
20 violence, and stalking in the place of work or duty of the
21 member, or the officer or employee, and at installations
22 and other facilities of the Department of Defense shall be
23 one of the factors considered in—

24 (1) the evaluation of the performance of work
25 or duties of the member or the officer or employee;

1 (2) the determination of the appropriateness of
2 a promotion of the member or the officer or em-
3 ployee; and

4 (3) the determination of the appropriateness of
5 selecting the member or the officer or employee to
6 receive a financial award for performance of work or
7 duties.

8 (b) ANNUAL REPORT TO CONGRESS.—The Secretary
9 shall submit to Congress an annual report on the imple-
10 mentation of the regulations required by subsection (a).
11 The report shall contain an assessment of the effects of
12 the implementation of such regulations on the number, ex-
13 tent, and seriousness of the cases of domestic violence,
14 sexual misconduct, sexual assault, family violence, and
15 stalking in the Department of Defense. The annual report
16 under this subsection shall be separate from the annual
17 report required by section 144(k) of title 10, United States
18 Code.

19 (c) ELIGIBILITY FOR PROMOTION AND AWARDS.—
20 The Secretary of Defense and the Secretary of the military
21 department concerned may not approve for presentation
22 of a financial award for performance of work or duties
23 or for promotion an officer or employee of the Department
24 of Defense or a member of the Armed Forces who—

1 (1) has been convicted of a criminal offense in-
 2 volving domestic violence, family violence, sexual as-
 3 sault, sexual misconduct, or stalking; or

4 (2) has received any other disciplinary action or
 5 adverse personnel action on the basis of having en-
 6 gaged in domestic violence, sexual assault, sexual
 7 misconduct, family violence, or stalking.

8 **TITLE VI—NATIONAL AND**
 9 **INTERNATIONAL HOTLINES**
 10 **AWARENESS, PREVENTION,**
 11 **AND INTERVENTION CAM-**
 12 **PAIGN**

13 **SEC. 601. AWARENESS, PREVENTION, AND INTERVENTION**
 14 **CAMPAIGN.**

15 (a) AWARDS AUTHORIZED.—The Secretary of De-
 16 fense (in this section referred to as the “Secretary”), act-
 17 ing through the Director of the Office of the Victims’ Ad-
 18 vocate, is authorized to award contracts to any eligible en-
 19 tity to support the crisis intervention services of the De-
 20 partment of Defense for victims of domestic violence, sex-
 21 ual assault, family violence, and stalking in the Depart-
 22 ment of Defense.

23 (b) ELIGIBLE ENTITIES.—In this section, the term
 24 “eligible entity” means any of the following:

25 (1) The National Domestic Violence Hotline.

1 (2) The National Sexual Assault Hotline.

2 (3) The American Women Overseas Hotline.

3 (c) PURPOSE OF CONTRACT.—An entity awarded a
4 contract under subsection (a) shall—

5 (1) include in the services provided under the
6 contract the availability of a toll-free telephone num-
7 ber (commonly referred to as an “800” number);

8 (2) ensure that information about services and
9 resources available to military personnel, families,
10 and partners—

11 (A) is revised and updated as appropriate;

12 (B) is made available and visibly posted at
13 appropriate facilities within the Department of
14 Defense; and

15 (C) is made available through appropriate
16 public information services;

17 (3) provide for coordination with the Secretary
18 of Defense, acting through the Director of the Office
19 of the Victims’ Advocate, to ensure that individuals
20 are provided appropriate information about pro-
21 grams, requirements, and procedures for military
22 and civilian resources, services, counseling, and
23 treatment;

24 (4) provide support services for military per-
25 sonnel, families, and partners for the purpose of de-

1 veloping and strengthening effective prevention and
2 intervention strategies with response to
3 servicemembers, family members, and partners experi-
4 encing domestic violence, family violence, sexual as-
5 sault, and stalking;

6 (5) develop and implement policies regarding
7 appropriate, safe responses, and identification and
8 referral procedures for servicemembers, family mem-
9 bers, and partners experiencing domestic violence,
10 family violence, sexual assault, and stalking;

11 (6) provide linguistically and culturally appro-
12 priate services, or linkages to existing services in the
13 community, tailored to the needs of victims and sur-
14 vivors associated with the Armed Forces; and

15 (7) provide the necessary human resources to
16 respond to the needs of servicemembers, family
17 members, and partners who are experiencing domes-
18 tic violence, family violence, sexual assault, or stalk-
19 ing, such as a resource person or liaison who is ei-
20 ther on-site or on-call and who possesses dem-
21 onstrated experience as a service provider to victims
22 associated with the Armed Forces.

23 (d) APPLICATIONS.—

24 (1) IN GENERAL.—An eligible entity that de-
25 sires to receive a contract under this section shall

1 submit to the Secretary an application at such time,
2 in such manner, and containing such information as
3 the Secretary may require, consistent with the re-
4 quirements in this section.

5 (2) CONTENTS.—An application under para-
6 graph (1) shall—

7 (A) outline and describe the activities to be
8 undertaken to promote prevention, interventions
9 and collaboration;

10 (B) identify the members of the entity sub-
11 mitting the application who will be responsible
12 for carrying out the activities described in sub-
13 paragraph (A);

14 (C) ensure that communities or agencies
15 affected by the activities described in subpara-
16 graph (A) are adequately represented in the de-
17 velopment of the application, resources, train-
18 ing, and follow on activities to be undertaken,
19 and that they have a significant role in evalu-
20 ating the success of the project;

21 (D) include documentation of any history
22 of training between military entities, domestic
23 violence, sexual assault, or stalking service pro-
24 viders, courts, law enforcement agencies, com-
25 munity-based programs, and other needs of vic-

1 tims of domestic violence, sexual assault, family
2 violence, and stalking;

3 (E) provide assurances that training and
4 other activities will be provided to all types of
5 staff, will address appropriate practices for dis-
6 semination of information, referrals, follow-up,
7 screening, intake, assessment, and provision of
8 services addressing the safety needs of victims
9 of domestic violence, sexual assault, family vio-
10 lence, or stalking;

11 (F) describe how the training and collabo-
12 ration activities will enhance or ensure the safe-
13 ty and security of Armed Forces personnel,
14 family members, and partners where domestic
15 violence, sexual assault, family violence, or
16 stalking occurs by providing appropriate re-
17 sources, protection, and support to victims;

18 (G) outline the services to be provided, in-
19 cluding information and referrals to both mili-
20 tary and civilian resources;

21 (H) outline methods and means partici-
22 pating entities will use to ensure that all serv-
23 ices are provided in a linguistically and cul-
24 turally competent manner and will use commu-
25 nity-based support and resources; and

1 (I) outline the protocols, policies, and pro-
2 cedures participating entities will develop and
3 adopt to ensure the confidentiality of victims.

4 (e) CONSIDERATIONS.—(1) In providing information
5 on services, resources, counseling, and advocacy available
6 to Armed Forces personnel, family members, and part-
7 ners, the Secretary shall ensure that the personnel who
8 provide assistance under this section are trained to provide
9 to persons who have experienced sexual assault, domestic
10 violence, family violence, and stalking information about
11 the services, care, and treatment relating to domestic vio-
12 lence, family violence, sexual assault, and stalking avail-
13 able in the communities in which the victim resides, in-
14 cluding care and services available under programs of the
15 Department of Defense and the Department of Veterans
16 Affairs and from non-military and non-veteran agencies
17 and organizations.

18 (2) The Secretary shall ensure that the telephone as-
19 sistance service shall be operated in a manner that pro-
20 tects the confidentiality of persons who place a call to the
21 system.

22 (3) The Secretary shall ensure that information about
23 the availability of the telephone assistance service is visibly
24 posted in medical facilities, commissary and exchange fa-
25 cilities, and Family Advocacy Program and Victims' Advo-

1 cate Program facilities of the Department and is adver-
2 tised through public service announcements and pam-
3 phlets, and by other means.

4 (f) DURATION OF AWARDS.—The Secretary shall
5 make the awards under this section for a period of one
6 year. The awards may be renewed.

7 (g) AWARD AMOUNTS.—Each award under this sec-
8 tion shall be in an amount of not more than \$500,000
9 per year.

10 (h) CONFIDENTIALITY.—(1) In order to ensure the
11 safety of victims of domestic violence, sexual assault, fam-
12 ily violence, or stalking and their families, the hotline serv-
13 ice provider shall protect the confidentiality and privacy
14 of persons receiving services. The hotline service provider
15 shall not disclose any personally identifying information
16 or individual information collected in connection with serv-
17 ices requested, used, or denied through its programs. The
18 hotline service provider shall not reveal individual client
19 information without the informed, written, reasonably
20 time-limited consent of the person (or in the case of an
21 unemancipated minor, the minor and the parent or guard-
22 ian) about whom information is sought, whether for the
23 victim service provider or any other Armed Forces, Tribal,
24 Federal, State, or Territorial program. If release of such
25 information is compelled by statutory or court mandate,

1 the hotline services provider shall make reasonable at-
2 tempts to provide notice to victims affected by the disclo-
3 sure of information. If such personally identifying infor-
4 mation is or will be revealed, the hotline service provider
5 shall take steps necessary to protect the privacy and safety
6 of the persons affected by the release of the information.
7 The hotline service provider may share nonpersonally iden-
8 tifying data in the aggregate regarding services to their
9 clients and nonpersonally identifying demographic infor-
10 mation in order to comply with Armed Forces, Tribal,
11 Federal, State, or Territorial reporting, evaluation, or
12 data collection requirements.

13 (2) In this subsection, the term “personally identi-
14 fying information” has the meaning given that term in
15 section 1815(c) of title 10, United States Code, as added
16 by section 101.

17 (i) NONSUPPLANTATION.—Any Federal funds re-
18 ceived under this section shall be used to supplement, and
19 not to supplant, non-Federal funds that would otherwise
20 be available for activities funded under this section.

21 (j) MATCHING FUNDS.—For the purposes of this sec-
22 tion, a nonprofit, nongovernmental victim services pro-
23 gram receiving funds under this section may not be re-
24 quired to provide matching funds as a condition of receiv-
25 ing an award under this section.

1 (k) REPORTS.—An entity receiving funds under this
2 section shall submit to the Secretary a report that de-
3 scribes, at a minimum—

4 (1) how the funds under the program were used
5 and the extent to which Armed Forces personnel,
6 family members, or partners were served;

7 (2) the adequacy of staff training and services
8 to ensure that the needs of Armed Forces members,
9 family members, or partners were met; and

10 (3) the existence of continuing barriers the enti-
11 ty faces to more fully addressing the needs of Armed
12 Forces members, family members, or partners.

13 (l) AUTHORIZATION OF APPROPRIATION.—There is
14 authorized to be appropriated for each of fiscal years 2005
15 through 2009 for Operation and Maintenance, Defense-
16 Wide, the amount of \$500,000 to carry out this section.

17 (m) AVAILABILITY.—Funds available under this sec-
18 tion shall remain available until expended. Of the amounts
19 appropriated to carry out this section for each fiscal year,
20 the Secretary—

21 (1) may not use more than 3 percent for eval-
22 uation, monitoring, site visits, conferences, and other
23 administrative costs associated with conducting ac-
24 tivities under this section; and

1 (2) shall use not less than 5 percent for tech-
2 nical assistance and training to be provided by orga-
3 nizations having demonstrated expertise in devel-
4 oping system responses to domestic violence, family
5 violence, sexual assault and stalking.

6 Technical assistance and training under paragraph (2)
7 may be offered to elements of the Armed Forces, installa-
8 tions, and commands in the process of developing commu-
9 nity responses, whether they are receiving funds under
10 this section or not.

11 **TITLE VII—MEDICAL CARE AND**
12 **TREATMENT FOR VICTIMS OF**
13 **SEXUAL AND DOMESTIC VIO-**
14 **LENCE**

15 **SEC. 701. FINDINGS.**

16 Congress makes the following findings:

17 (1) A study published in the New England
18 Journal of Medicine reported that one in six soldiers
19 of the Iraq War displays symptoms of post-trau-
20 matic stress disorder (PTSD).

21 (2) Clinical experts are anticipating an increase
22 in the number of post-traumatic stress disorder
23 cases among members of the Armed Forces in light
24 of the increasing duration of military deployments.

1 (3) Studies conducted by the Department of
2 Defense indicate an increase in domestic violence
3 cases following deployments.

4 (4) Victims of domestic violence, family vio-
5 lence, sexual assault, and stalking display symptoms
6 of post-traumatic stress disorder and other psycho-
7 social symptoms following the onset of violence.

8 (5) Sixty-six percent of victims of sexual assault
9 display symptoms of post-traumatic stress disorder
10 referred to as rape trauma or military sexual trau-
11 ma. Ninety percent of sexual assault victims experi-
12 ence the onset of post-traumatic stress disorder
13 within one month of the assault. Fifty percent of
14 sexual assault victims display symptoms of post-
15 traumatic stress disorder up to six months following
16 the assault. One-third of victims of sexual assault
17 display symptoms of post-traumatic stress disorder
18 more than six months later.

19 (6) The Secretary of Defense is required to en-
20 sure, in accordance with Federal law, that the De-
21 partment of Defense maintains its capacity to pro-
22 vide treatment and rehabilitative needs of active
23 duty personnel and military families within pro-
24 grams or facilities of the Department.

1 **SEC. 702. ENHANCED DEPARTMENT OF DEFENSE TREAT-**
2 **MENT CAPACITY.**

3 (a) **ADDITIONAL PERSONNEL AUTHORIZED.**—The
4 Secretary of Defense, acting through the Assistant Sec-
5 retary of Defense for Health Affairs, may award contracts
6 for additional personnel, including sexual assault nurse ex-
7 aminers, social workers, psychiatrists, and other mental
8 health services specialists in medical centers and out-
9 patient facilities specializing in the diagnosis and treat-
10 ment of post-traumatic stress disorder, rape trauma, mili-
11 tary sexual trauma, domestic violence, family violence,
12 stalking, sex offender behavior, or batterer intervention.

13 (b) **USE OF FUNDS.**—Funds made available pursuant
14 to the authorization of appropriations in subsection (c)
15 shall, to the extent funds are available for such purpose,
16 be used to employ at least one sexual assault nurse exam-
17 iner and psychiatrist, and a complimentary clinical team
18 at each medical facility operated by the Department of De-
19 fense in order to conduct a specialized program at that
20 facility for the diagnosis and treatment of post-traumatic
21 stress disorder, rape trauma, and military sexual trauma.

22 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
23 authorized to be appropriated to carry out this section
24 \$20,000,000 for each of fiscal years 2005 through 2009.

1 **SEC. 703. OUTREACH PROGRAM AT THE COMMUNITY**
2 **LEVEL.**

3 (a) PROGRAM.—The Secretary of Defense, acting
4 through the Assistant Secretary of Defense for Health Af-
5 fairs, shall carry out a program to provide outreach at
6 the community level to members of the Armed Forces on
7 active duty and family members of such members who are
8 victims of domestic violence, sexual assault, family vio-
9 lence, or stalking.

10 (b) PROGRAM SITES.—The outreach program shall
11 be carried out on a nation-wide basis through facilities of
12 the Department of Defense.

13 (c) PROGRAM CONTENT.—In conducting the outreach
14 program, the Secretary shall provide for individualized
15 case management to be conducted on a one-to-one basis,
16 counseling, education, and group therapy to help partici-
17 pants cope with trauma. Through the program, the Sec-
18 retary shall—

19 (1) emphasize early identification of victims ex-
20 perienceing post-traumatic stress disorder, rape trau-
21 ma, military sexual trauma, domestic violence, fam-
22 ily violence, or stalking;

23 (2) include group-oriented, peer-to-peer settings
24 for treatment;

1 (3) acknowledge that the causal factors of do-
2 mestic violence, sexual assault, family violence, and
3 stalking include power and control;

4 (4) provide victims of sexual assault with timely
5 and confidential access to the necessary standard of
6 post-sexual assault medical care, including rape evi-
7 dence kits, sexually transmitted disease screening
8 and treatment, HIV screening and treatment, FDA-
9 approved methods of pregnancy prevention, includ-
10 ing emergency contraception and reproductive serv-
11 ices, including all services as authorized by section
12 1093 of title 10, United States Code; and

13 (5) provide that health information packets
14 given to members of the Armed Forces and their
15 family members include information about how to
16 access timely and confidential post-sexual assault
17 medical care, including rape evidence kits, sexually
18 transmitted disease screening and treatment, HIV
19 screening and treatment, and FDA-approved meth-
20 ods of pregnancy prevention, including emergency
21 contraception.

22 (d) PROGRAM MODELS.—The Secretary shall estab-
23 lish and carry out the program following a comprehensive
24 review of programs, including programs of the Depart-
25 ment of Veterans Affairs, of State, and local governments,

1 and of private, nonprofit, or nongovernmental organiza-
2 tions specializing in the treatment of victims of domestic
3 violence, sexual assault, family violence, or stalking.

4 **SEC. 704. EQUAL TREATMENT AND SERVICES.**

5 The Secretary of Defense shall develop and adopt
6 policies to prohibit the disparate treatment of females in
7 placement and treatment, and establishing gender specific
8 services to ensure that females have access to the full
9 range of health and mental health services, treatment for
10 physical and sexual assault and abuse, education in par-
11 enting, education in general, and other training and voca-
12 tional services.

13 **SEC. 705. EVALUATION OF SERVICES AND TREATMENT**
14 **WITHIN DEPLOYED UNITS.**

15 (a) ASSESSMENT OF DEPLOYED UNITS.—The Sec-
16 retary of Defense shall assess the availability and accessi-
17 bility within deployed units of rape evidence kits, testing
18 supplies for sexually transmitted infections and diseases
19 (STIs), for HIV, and for pregnancy, emergency contracep-
20 tion, transportation, resources, and medication. The as-
21 sessment shall include an inventory of supplies, trained
22 personnel, and transportation resources assigned or de-
23 ployed. The assessment shall be completed no later than
24 30 days after the date of the enactment of this Act.

1 (b) ACTION PLAN FOR DEPLOYED UNITS.—The Sec-
2 retary shall develop a plan to enhance accessibility and
3 availability of supplies, trained personnel, and transpor-
4 tation resources in response to sexual assaults occurring
5 in deployed units.

6 (c) REPORTS.—(1) The Secretary shall submit to the
7 Committees on Armed Services of the Senate and House
8 of Representatives a report as to the supply inventory, lo-
9 cation, accessibility, and availability of supplies, trained
10 personnel, and transportation resources, and the strategic
11 plan developed under subsection (b) to enhance the same
12 in response to sexual assault in deployed units, within 45
13 days of the enactment of this Act.

14 (2) The Secretary shall submit to those committees
15 a report on implementation of that strategic plan within
16 90 days of the enactment of this Act.

17 **SEC. 706. EMERGENCY MEDICAL LEAVE.**

18 Section 709 of title 10, United States Code, is
19 amended—

20 (1) in subsection (b)(3), by inserting before the
21 period at the end the following: “except that in a
22 case of sexual assault, domestic violence, family vio-
23 lence, or stalking, the period of such an emergency
24 leave of absence may exceed 14 days but may not
25 extend for a period of more than 30 days”; and

1 (2) in subsection (c)(1)—

2 (A) by striking “or” at the end of subpara-
3 graph (A);

4 (B) by redesignating subparagraph (B) as
5 subparagraph (C); and

6 (C) by inserting after subparagraph (A)
7 the following new subparagraph (B):

8 “(B) sexual assault, domestic violence,
9 family violence, or stalking; or”.

10 **SEC. 707. REPORTS.**

11 The Secretary of Defense shall submit to Congress
12 a report setting forth the results of such review not later
13 than 90 days after the date of the enactment of this Act.
14 The Secretary shall submit every 18 months thereafter a
15 report that describes—

16 (1) the extent to which military personnel and
17 family members were served;

18 (2) the adequacy of staff training and services
19 to ensure that needs of Armed Forces members and
20 family members, including transportation and loca-
21 tion; and

22 (3) the existence of continuing barriers to more
23 fully addressing the needs of members of the Armed
24 Forces and their family members.

1 **SEC. 708. TRANSITION TO VETERANS HEALTH CARE FOR**
2 **VICTIMS OR PERPETRATORS OF DOMESTIC**
3 **VIOLENCE, SEXUAL ASSAULT, FAMILY VIO-**
4 **LENCE, OR STALKING.**

5 The Secretary of each military department shall take
6 special care in providing for a seamless transition from
7 Department of Defense health care services to Depart-
8 ment of Veterans Affairs health care services in the case
9 of any member of the Armed Forces who is being dis-
10 charged or separated from active duty and who has been
11 identified as a victim or perpetrator of domestic violence,
12 sexual assault, family violence, or stalking.

13 **SEC. 709. PRIVACY SAFEGUARDS.**

14 (a) IN GENERAL.—In order to ensure the safety of
15 victims of domestic violence, family violence, sexual assault
16 or stalking and their families, the health care provider
17 shall protect the confidentiality and privacy of persons re-
18 ceiving services. The health care provider may not disclose
19 any personally identifying information or individual infor-
20 mation collected in connection with services requested,
21 used, or denied through its programs. The health care pro-
22 vider shall not reveal individual client information without
23 the informed, written, reasonably time-limited consent of
24 the person (or in the case of an unemancipated minor,
25 the minor and the parent or guardian) about whom infor-
26 mation is sought, whether for the victim service provider

1 or any other Armed Forces, Veterans, Tribal, Federal,
2 State, or Territorial program. If release of such informa-
3 tion is compelled by statutory or court mandate, the health
4 care provider shall make reasonable attempts to provide
5 notice to victims affected by the disclosure of information.
6 If such personally identifying information is or will be re-
7 vealed, the health care provider shall take steps necessary
8 to protect the privacy and safety of the persons affected
9 by the release of the information. The health care provider
10 may share nonpersonally identifying data in the aggregate
11 regarding services to their clients and nonpersonally iden-
12 tifying demographic information in order to comply with
13 Armed Forces, Veterans, Tribal, Federal, State, or Terri-
14 torial reporting, evaluation, or data collection require-
15 ments. The health care provider may share court-gen-
16 erated information contained in secure, governmental reg-
17 istries.

18 (b) PERSONALLY IDENTIFYING INFORMATION.—In
19 this section, the term “personally identifying information”
20 has the meaning given that term in section 1815(c) of title
21 10, United States Code, as added by section 101.

1 **TITLE VIII—MILITARY-CIVILIAN**
2 **SHELTER PROGRAMS**

3 **SEC. 801. ENHANCED CAPACITY OF THE DEPARTMENT OF**
4 **DEFENSE FOR SHELTER PROGRAMS AND**
5 **SERVICES.**

6 (a) AWARDS AUTHORIZED.—

7 (1) IN GENERAL.—The Secretary of Defense,
8 acting through the Director of the Office of the Vic-
9 tims' Advocate, may award contracts to eligible enti-
10 ties to enable the design, replication, and implemen-
11 tation of shelter services for servicemembers, family
12 members, or partners who experience domestic vio-
13 lence, family violence, sexual assault, or stalking.

14 (2) ELIGIBLE ENTITIES.—In this section, the
15 term “eligible entity” means a public or private,
16 nonprofit, or nongovernmental program the primary
17 purpose of which is to provide shelter services to vic-
18 tims of domestic violence, family violence, sexual as-
19 sault, or stalking. The entity may be—

20 (A) a community-based organization spe-
21 cializing in intervention or violence prevention
22 services for military servicemembers, family
23 members, or partners;

24 (B) a nonprofit nongovernmental entity
25 providing services primarily to servicemembers,

1 family members, or partners who are victims of
2 domestic violence, family violence, sexual as-
3 sault, or stalking;

4 (C) a nonprofit, nongovernmental entity
5 providing services for veterans;

6 (D) a nonprofit, nongovernmental entity
7 providing services to homeless individuals; or

8 (E) a governmental program serving
9 servicemembers and family members.

10 (b) USES OF FUNDS.—An entity awarded a contract
11 under subsection (a) shall—

12 (1) whenever possible, collaborate with existing
13 shelter services in the civilian community to provide
14 appropriate victim services;

15 (2) provide, when appropriate shelter services
16 are not available in the civilian community or are
17 not accessible to Armed Forces personnel, family
18 members, or partners, services on installations or
19 create services in collaboration with a community-
20 based organization;

21 (3) develop and implement policies in the mili-
22 tary departments regarding identification and refer-
23 ral procedures and safe response for Armed Forces
24 personnel, family members, and partners who are ex-
25 perienicing domestic violence, family violence, sexual

1 assault or stalking, including procedures for han-
2 dling the requirements of protective orders (military
3 or civilian) that ensure the safety of the victim and
4 hold the perpetrator accountable;

5 (4) provide aid, including legal, medical, or psy-
6 chological counseling, to Armed Forces members,
7 family members, or partners, who are experiencing
8 domestic violence, family violence, sexual assault, or
9 stalking;

10 (5) assist with the improvement of delivery of
11 victim services for the military departments;

12 (6) design or replicate, and implement, pro-
13 grams and services using domestic violence, family
14 violence, sexual assault and stalking intervention
15 models to respond to the needs of Armed Forces
16 members, family members or partners who are vic-
17 tims of domestic violence, family violence, sexual as-
18 sault, or stalking;

19 (7) provide the necessary human resources to
20 respond to the needs of Armed Forces members,
21 family members, or partners who are experiencing
22 domestic violence, family violence, sexual assault, or
23 stalking, such as a resource person or liaison who is
24 either on-site or on-call, and who possesses dem-

1 onstrated experience as a service provider to victims
2 associated with the Armed Forces;

3 (8) provide direct counseling and advocacy for
4 Armed Forces members, family members, or part-
5 ners who have experienced domestic violence, family
6 violence, sexual assault, or stalking;

7 (9) include linguistically and culturally appro-
8 priate services or linkages to existing services in the
9 community tailored to the needs of the military com-
10 munity;

11 (10) include counseling and mental health serv-
12 ices;

13 (11) include legal advocacy efforts on behalf of
14 servicemembers, family members, or partners with
15 respect to domestic violence, family violence, sexual
16 assault, rape, or stalking; and

17 (12) use not use more than 25 percent of the
18 funding to provide additional services and resources
19 for servicemembers, family members, and partners,
20 including childcare, transportation, education sup-
21 port, and respite care.

22 (c) APPLICATION.—

23 (1) IN GENERAL.—An eligible entity that de-
24 sires to receive a contract under this section shall
25 submit to the Secretary an application at such time,

1 in such manner, and containing such information as
2 the Secretary may require, consistent with the re-
3 quirements of this section.

4 (2) CONTENTS.—An application submitted pur-
5 suant to paragraph (1) shall include—

6 (A) an outline and description of the serv-
7 ices to be provide to ensure the health and safe-
8 ty of victims of domestic violence, sexual as-
9 sault, family violence, and stalking;

10 (B) identification of the members of the
11 organization who will be responsible for car-
12 rying out services;

13 (C) assurances that communities or agen-
14 cies affected by collaboration and service pro-
15 viders are adequately represented in the devel-
16 opment of the application, and follow on activi-
17 ties to be undertaken, and that they have a sig-
18 nificant role in evaluating the success of the
19 project;

20 (D) documentation of any services or advo-
21 cacy between military entities, domestic vio-
22 lence, sexual assault, family violence, or stalk-
23 ing service providers, courts, law enforcement
24 agencies, community-based programs, and other
25 entities;

1 (E) assurances that services and activities
2 will be provided to all types of staff, will ad-
3 dress appropriate practices for prevention,
4 intervention, response, safety, follow-up, screen-
5 ing, intake, assessment, and provision of serv-
6 ices addressing the safety needs of victims of
7 domestic violence, family violence, sexual as-
8 sault or stalking;

9 (F) a description of how the services and
10 activities will enhance or ensure the safety and
11 security of personnel, families and partners
12 where domestic violence, family violence, sexual
13 assault or stalking occurs by providing appro-
14 priate resources, protection, and support to vic-
15 tims;

16 (G) an outline of methods and means par-
17 ticipating entities will use to ensure that all
18 services are provided in a linguistically and cul-
19 turally competent manner and will use commu-
20 nity-based supports and resources; and

21 (H) an outline of the protocols, policies,
22 and procedures participating entities will de-
23 velop and adopt to ensure the confidentiality of
24 victims.

1 (3) COLLABORATIVE PARTNERSHIPS.—The eli-
2 gible entity or service provider shall establish a part-
3 nership that—

4 (A) provides appropriate referrals to com-
5 munity-based domestic violence programs or
6 sexual assault victim service providers with the
7 capacity to—

8 (i) support servicemembers, family
9 members, and partners who are victims of
10 domestic violence, sexual assault, family vi-
11 olence, or stalking; and

12 (ii) provide legal assistance and advo-
13 cacy for victims of domestic violence, fam-
14 ily violence, sexual assault or stalking, in-
15 cluding, where appropriate, assistance in
16 obtaining and entering orders of protec-
17 tion;

18 (B) provides support and training to assist
19 military entities in supporting servicemembers,
20 family members, or partners dealing with prob-
21 lems related to domestic violence, sexual as-
22 sault, family violence, or stalking;

23 (C) will identify, assess, and respond ap-
24 propriately to domestic violence, family violence,

1 sexual assault, or stalking against
2 servicemembers, family members, or partners;

3 (D) provides appropriate resources in fam-
4 ily court matters to respond to domestic vio-
5 lence, family violence, sexual assault, or stalk-
6 ing;

7 (E) assures that necessary services dealing
8 with physical and mental health of victims are
9 available; and

10 (F) the military installation commander
11 must submit proof of collaboration with any ex-
12 isting nonprofit nongovernmental service pro-
13 vider for victims of domestic violence, family vi-
14 olence, sexual assault, or stalking located in the
15 region.

16 (d) CONTRACTING CONSIDERATIONS.—The Sec-
17 retary, in awarding contracts under this section, shall—

18 (1) ensure that such contracts are awarded on
19 a competitive basis;

20 (2) ensure, to the extent practicable, an equi-
21 table geographic distribution among the regions of
22 the United States and among urban, suburban and
23 rural areas; and

1 (3) give preference to applicants with strong
2 ties to minority communities and those that dem-
3 onstrate high levels of cultural competence.

4 (e) DURATION OF AWARDS.—A contract awarded
5 under this section shall be awarded for a period of three
6 fiscal years. Such a contract may be renewed.

7 (f) AMOUNT.—A contract awarded under this section
8 shall be in an amount of not less than \$5,000 per year
9 and not more than \$300,000 per year.

10 (g) CONFIDENTIALITY.—

11 (1) NONDISCLOSURE OF CONFIDENTIAL INFOR-
12 MATION OR PRIVATE INFORMATION.—In order to en-
13 sure the safety of victims of domestic violence, sex-
14 ual assault or stalking and their families, the victim
15 services provider under a contract under this section
16 shall protect the confidentiality and privacy of per-
17 sons receiving services. The victim services provider
18 may not disclose any personally identifying informa-
19 tion or individual information collected in connection
20 with services requested, used, or denied through its
21 programs. The victim services provider shall not re-
22 veal individual client information without the in-
23 formed, written, reasonably time-limited consent of
24 the person (or in the case of an unemancipated
25 minor, the minor and the parent or guardian) about

1 whom information is sought, whether for the victim
2 service provider or any other Armed Forces, Tribal,
3 Federal, State, or Territorial program. If release of
4 such information is compelled by statutory or court
5 mandate, the victim services provider shall make
6 reasonable attempts to provide notice to victims af-
7 fected by the disclosure of information. If such per-
8 sonally identifying information is or will be revealed,
9 the victim services provider shall take steps nec-
10 essary to protect the privacy and safety of the per-
11 sons affected by the release of the information. The
12 victim services provider may share nonpersonally
13 identifying data in the aggregate regarding services
14 to their clients and nonpersonally identifying demo-
15 graphic information in order to comply with Armed
16 Forces, Tribal, Federal, State, or Territorial report-
17 ing, evaluation, or data collection requirements. The
18 victim services provider may share court-generated
19 information contained in secure, governmental reg-
20 istries for protection order enforcement purposes.

21 (2) PERSONALLY IDENTIFYING INFORMA-
22 TION.—In this section, the term “personally identi-
23 fying information” has the meaning given that term
24 in section 1815(c) of title 10, United States Code,
25 as added by section 101.

1 (h) NONSUPPLANTATION.—Any Federal funds re-
2 ceived under this section shall be used to supplement, and
3 not to supplant, non-Federal funds that would otherwise
4 be available for activities funded under this section.

5 (i) MATCHING FUNDS.—Nonprofit, nongovernmental
6 victim services programs receiving funds under this sec-
7 tion shall not be required to provide matching funds as
8 a condition of receiving an award.

9 (j) REPORTS.—An entity receiving an award under
10 this section shall submit to the Secretary every 18 months
11 a report that describes, at a minimum—

12 (1) how the funds under the award were used;

13 (2) the extent to which military personnel, fam-
14 ilies, and partners were served;

15 (3) the adequacy of staff training and services
16 to ensure that needs of servicemembers, family
17 members, and partners, including transportation and
18 location; and

19 (4) the existence of any continuing barriers the
20 entity faces to more fully addressing the needs of
21 servicemembers, family members, and partners.

22 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated for fiscal years 2005
24 through 2009 for Operation and Maintenance, Defense-
25 Wide, \$5,000,000 to carry out this section.

1 (l) AVAILABILITY.—Funds available under this sec-
 2 tion shall remain available until expended. Of the amounts
 3 appropriated to carry out this section for each fiscal year,
 4 the Secretary—

5 (1) may not use more than 5 percent for ad-
 6 ministration, monitoring, and evaluation of contracts
 7 made available under this section; and

8 (2) shall use not less than 5 percent to provide
 9 technical assistance for programs funded under this
 10 section.

11 **TITLE IX—ENHANCEMENT OF**
 12 **ARMED FORCES DOMESTIC**
 13 **SECURITY ACT**

14 **SEC. 901. AMENDMENTS TO SERVICEMEMBERS CIVIL RE-**
 15 **LIEF ACT.**

16 The Servicemembers Civil Relief Act (50 U.S.C. App.
 17 501 et seq.) is amended—

18 (1) in section 101(4) (50 U.S.C. App.
 19 511(4))—

20 (A) in the heading, by striking “DEPEND-
 21 ENT” and inserting “FAMILY MEMBER”; and

22 (B) by striking “dependent” and inserting
 23 “family member”; and

24 (2) in section 202(b)(1) (50 U.S.C. App.
 25 522(b)(1)), by inserting “, except in the case of an

1 order of protection or restraining order,” after “pro-
2 ceeding”.

3 **TITLE X—CRIMES RELATED TO**
4 **SEXUAL ASSAULT AND DO-**
5 **MESTIC VIOLENCE**

6 **Subtitle A—Federal Criminal Code**

7 **SEC. 1001. ASSIMILATIVE CRIMES.**

8 Section 13 of title 18, United States Code, is amend-
9 ed by adding at the end the following:

10 “(d) That which may or shall be imposed through ju-
11 dicial or administrative action under the law of a State,
12 territory, possession, or district for conduct that con-
13 stitutes a sexual assault, sexual abuse, sexual battery,
14 rape, stalking, domestic violence, or family violence offense
15 of the jurisdiction shall be considered to be punishment
16 provided by the jurisdiction.”.

17 **SEC. 1002. JURISDICTION FOR SEXUAL ASSAULT AND DO-**
18 **MESTIC VIOLENCE OFFENSES COMMITTED**
19 **OUTSIDE THE UNITED STATES.**

20 (a) **EXTRATERRITORIAL JURISDICTION.**—Section
21 3261(a) of title 18, United States Code, is amended by
22 inserting “or constitutes a sexual assault, sexual abuse,
23 sexual battery, rape, domestic violence, stalking, or family
24 violence offense” after “year”.

1 (b) DEFINITIONS.—Section 3267 of such title is
2 amended by adding at the end the following new para-
3 graphs:

4 “(5) The term ‘domestic violence’ has the
5 meaning given such term in section 2007(1) of the
6 Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3796gg–2(1)).

8 “(6) The term ‘sexual assault’ has the meaning
9 given such term in section 2007(6) of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3796gg–2(6)).

12 “(7) The term ‘sexual misconduct’ includes—

13 “(A) sexual harassment, entailing any con-
14 duct involving sexual harassment that—

15 “(i) in the case of conduct of a person
16 who is subject to the provisions of chapter
17 47 of title 10 (the Uniform Code of Mili-
18 tary Justice), comprises a violation of—

19 “(I) a provision of subchapter X
20 of such chapter (relating to punitive
21 articles of such Code); or

22 “(II) an applicable regulation, di-
23 rective, or guideline regarding sexual
24 harassment that is prescribed by the

1 Secretary of Defense or the Secretary
2 of a military department; and

3 “(ii) in the case of an employee of the
4 Department of Defense or a family mem-
5 ber subject to the jurisdiction of the Sec-
6 retary of Defense or of the Secretary of a
7 military department, comprises a violation
8 of a regulation, directive, or guideline that
9 is applicable to such employee or family
10 member;

11 “(B) sexual abuse;

12 “(C) sexual assault;

13 “(D) sexual battery; and

14 “(E) rape.

15 “(8) STALKING.—The term ‘stalking’ means
16 engaging in a course of conduct as proscribed in
17 chapter 110A directed at a specific person that
18 would cause a reasonable person to fear death, sex-
19 ual assault, or bodily injury to himself or herself or
20 a member of his or her immediate family, when—

21 “(A) the person engaging in such conduct
22 has knowledge or should have knowledge that
23 the specific person will be placed in reasonable
24 fear of death, sexual assault, or bodily injury to

1 himself or herself or a member of his or her im-
2 mediate family; and

3 “(B) the conduct induces fear in the spe-
4 cific person of death, sexual assault, or bodily
5 injury to himself or herself or a member of his
6 or her immediate family.”.

7 **SEC. 1003. TECHNICAL AMENDMENTS.**

8 (a) INTERSTATE DOMESTIC VIOLENCE.—Section
9 2261(a) of title 18, United States Code, is amended in
10 each of paragraphs (1) and (2) by inserting after “foreign
11 commerce” the following: “or in the special maritime and
12 territorial jurisdiction of the United States”.

13 (b) PROTECTIVE ORDERS.—Section 2262(a) of such
14 title is amended in each of paragraphs (1) and (2) by in-
15 serting after “foreign commerce” the following: “or in the
16 special maritime and territorial jurisdiction of the United
17 States”.

18 (c) FULL FAITH AND CREDIT FOR PROTECTIVE OR-
19 DERS.—Section 2265(a) of such title is amended by in-
20 serting after “the court of another State or Indian tribe”
21 the following: “or of a jurisdiction in the special maritime
22 and territorial jurisdiction of the United States”.

1 **SEC. 1004. TRAVEL AND TRANSPORTATION.**

2 Section 406(h) of title 37, United States Code, is
3 amended by striking “only if a written agreement of the
4 member,”.

5 **Subtitle B—Uniform Code of**
6 **Military Justice**

7 **SEC. 1011. MILITARY SEXUAL ASSAULT.**

8 (a) SEXUAL ASSAULT.—Section 920 of title 10,
9 United States Code (article 120 of the Uniform Code of
10 Military Justice), is amended to read as follows:

11 **“§ 920. Art. 120. Sexual assault**

12 “(a) Any person subject to this chapter who know-
13 ingly causes another person to engage in a sexual act—

14 “(1) by displaying, threatening to use, or using
15 a dangerous weapon, or any object fashioned or uti-
16 lized in such a manner as to lead a victim under the
17 circumstances to reasonably believe the object to be
18 a dangerous weapon;

19 “(2) by force or threat of force against that
20 other person;

21 “(3) by threatening or placing that other per-
22 son in fear that any person will be subjected to
23 death, grievous bodily harm, or kidnapping;

24 “(4) by rendering that other person uncon-
25 scious and thereby engaging in a sexual act with
26 that other person;

1 “(5)(A) by administering to that other person
2 by injection, inhalation, ingestion, transfusion, pos-
3 session or any other means, without his or her
4 knowledge or by threat or deception, a drug, intoxi-
5 cant, or other similar substance; or

6 “(B) with the knowledge that another person so
7 administered such drug, intoxicant, or other similar
8 substance;

9 “(6) during the course of or commission of or
10 attempted commission of any other criminal act;

11 “(7) if the sexual act is nonconsensual and the
12 other person has attained the age of 60 years;

13 “(8) if the sexual act is nonconsensual and the
14 other person is a physically or mentally challenged
15 person;

16 “(9) if the sexual act is nonconsensual and the
17 accused is joined or assisted by another person
18 (other than the accused or the other person) in the
19 sexual act or in physically restraining, assaulting, or
20 sexually assaulting the other person;

21 “(10) if the sexual act is nonconsensual and the
22 other person is also caused by any person to engage
23 in another nonconsensual sexual act as part of the
24 same occurrence; or

1 “(11) if the sexual act is nonconsensual and the
2 accused has previously been convicted of another of-
3 fense (whether under this chapter or under any
4 other Federal or State law) that would constitute
5 sexual assault or aggravated sexual assault;
6 is guilty of aggravated sexual assault and shall be pun-
7 ished as a court-martial may direct.

8 “(b) Any person subject to this chapter who know-
9 ingly—

10 “(1) causes another person to engage in a sex-
11 ual act by threatening or placing that other person
12 in fear (other than by threatening or placing that
13 other person in fear that any person will be sub-
14 jected to death, grievous bodily harm, or kidnap-
15 ping);

16 “(2) engages in a sexual act with another per-
17 son without the consent, knowledge, or permission of
18 that other person; or

19 “(3) engages in a sexual act with another per-
20 son if that other person is—

21 “(A) incapable of consent;

22 “(B) incapable of appraising the nature of
23 the conduct; or

1 “(C) physically incapable of declining par-
2 ticipation in, or communicating unwillingness to
3 engage in, that sexual act;
4 is guilty of sexual assault and shall be punished as a court-
5 martial may direct.

6 “(c)(1) Any person subject to this chapter who know-
7 ingly engages in a sexual act with another person who—

8 “(A) has attained the age of twelve years but
9 has not attained the age of sixteen years; or

10 “(B) is under the custodial, supervisory, or dis-
11 ciplinary authority of the person so engaging;
12 is guilty of sexual assault of a minor and shall be punished
13 as a court-martial may direct.

14 “(2) In a prosecution under this subsection, it need
15 not be proven that the accused knew the age of the other
16 person engaging in the sexual act.

17 “(3) In a prosecution under this subsection, it is a
18 defense, that must be established by a preponderance of
19 the evidence, that the accused reasonably believed that the
20 other person had attained the age of sixteen years.

21 “(4) In a prosecution under this section, it is a de-
22 fense, which the accused must establish by a preponder-
23 ance of the evidence, that the persons engaging in the sex-
24 ual act were at that time married to each other. The fact
25 that the accuser and the other person engaging in the sex-

1 ual act were at any other time married to each other is
2 not a defense.

3 “(d) Any person subject to this chapter who know-
4 ingly engages in a sexual act with another person who is—

5 “(1) in official detention or confinement; or

6 “(2) under the custodial, supervisory, or dis-
7 ciplinary authority of the person so engaging;

8 is guilty of sexual assault of a prisoner and shall be pun-
9 ished as a court-martial may direct.

10 “(e) In this section, the term ‘sexual act’ means—

11 “(1) contact between the penis and the vulva or
12 the penis and the anus, and for purposes of this sub-
13 paragraph contact involving the penis, however
14 slight;

15 “(2) contact between the mouth and the penis,
16 the mouth and the vulva, or the mouth and the
17 anus;

18 “(3) penetration, however slight, of the anal or
19 genital opening of another by a hand or finger or by
20 any object, with an intent to abuse, humiliate, har-
21 ass, degrade, or arouse or gratify the sexual desire
22 of any person;

23 “(4) the intentional touching of the external
24 genitalia, perineum, anus, or pubes of another per-
25 son or the breast of a female person with an intent

1 to abuse, humiliate, harass, degrade, or arouse or
2 gratify the sexual desire of any person; or

3 “(5) the intentional touching of the clothing
4 covering the immediate area of another person’s
5 genitalia, perineum, anus, or pubes of another per-
6 son or the breast of a female person with an intent
7 to abuse, humiliate, harass, degrade, or arouse or
8 gratify the sexual desire of any person.”.

9 (b) CONFORMING AMENDMENT.—Paragraph (4) of
10 section 918 of title 10, United States Code (article 118
11 of the Uniform Code of Military Justice), is amended by
12 striking “rape,” and inserting “aggravated sexual assault,
13 sexual assault of a minor,”.

14 (c) CLERICAL AMENDMENT.—The item relating to
15 section 920 (article 120) in the table of sections at the
16 beginning of subchapter X of chapter 47 of title 10,
17 United States Code, is amended to read as follows:

“920. 120. Sexual assault.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to offenses committed
20 after the date of the enactment of this Act.

21 (e) INTERIM MAXIMUM PUNISHMENTS.—Until the
22 President otherwise provides pursuant to section 856 of
23 title 10, United States Code (article 56 of the Uniform
24 Code of Military Justice), the punishment which a court-
25 martial may direct for an offense under section 920 of

1 such title (article 920 of the Uniform Code of Military
2 Justice) may not exceed the following limits:

3 (1) For aggravated sexual assault, such punish-
4 ment may not exceed dishonorable discharge, for-
5 feiture of pay and allowances, and confinement for
6 life without eligibility for parole.

7 (2) For sexual assault of a minor, such punish-
8 ment may not exceed dishonorable discharge, for-
9 feiture of all pay and allowances, and confinement
10 for 30 years.

11 (3) For sexual assault, such punishment may
12 not exceed dishonorable discharge, forfeiture of all
13 pay and allowances, and confinement for 20 years.

14 (4) For sexual assault of a prisoner, such pun-
15 ishment may not exceed bad-conduct discharge, for-
16 feiture of all pay and allowances, and confinement
17 for 15 years.

18 (f) NO PREEMPTION.—The prosecution or punish-
19 ment of an accused for an offense under section 920 of
20 title 10, United States Code (article 120 of the Uniform
21 Code of Military Justice), does not preclude the prosecu-
22 tion or punishment of that accused for any other offense.

23 **SEC. 1012. STALKING.**

24 (a) STALKING.—Subchapter X of chapter 47 of title
25 10, United States Code, is amended by inserting after sec-

tion 928 (article 128 of the Uniform Code of Military Justice) the following:

“§ 928a. Art. 128a. Stalking

“(a) Any person subject to this chapter who knowingly—

“(1) travels with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that other person in reasonable fear of the death of, or serious bodily injury to, that other person, a member of the immediate family of that other person, or the spouse or intimate partner of that other person; or

“(2) with the intent to kill or injure a person or to place a person in reasonable fear of the death of, or serious bodily injury to, that other person, a member of the immediate family of that other person, or a spouse or intimate partner of that other person, uses mail, telephone or cellular telephone, electronic communication, or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of such a death or serious bodily injury,

is guilty of stalking and shall be punished as a court-martial may direct.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of subchapter X of chapter 47 of title
3 10, United States Code, is amended by inserting after the
4 item relating to section 928 (article 128 of the Uniform
5 Code of Military Justice) the following new item:

“928a. 128a. Stalking.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to offenses committed
8 after the date of the enactment of this Act.

9 (d) INTERIM MAXIMUM PUNISHMENTS.—Until the
10 President otherwise provides pursuant to section 856 of
11 title 10, United States Code (article 56 of the Uniform
12 Code of Military Justice), the punishment which a court-
13 martial may direct for an offense under section 928a of
14 such title (article 128a of the Uniform Code of Military
15 Justice) may not exceed the following limits:

16 (1) For a stalking if the death of the victim re-
17 sults, such punishment may not exceed dishonorable
18 discharge, forfeiture of pay and allowances, and con-
19 finement for life without eligibility for parole.

20 (2) For a stalking if permanent disfigurement
21 or life threatening bodily injury to the victim results,
22 such punishment may be twice that as provided in-
23 cluding dishonorable discharge, forfeiture of pay and
24 allowances, and confinement for 30 years.

1 (3) For a stalking if serious bodily injury to the
2 victim results or if the accused uses a dangerous
3 weapon, such punishment may not exceed dishonor-
4 able discharge, forfeiture of all pay and allowances
5 and confinement for 20 years.

6 (4) For a stalking that involves an assault in-
7 volving domestic violence or family violence under
8 section 928 of title 10, United States Code (article
9 128 of the Uniform Code of Military Justice), such
10 punishment may not exceed dishonorable discharge,
11 forfeiture of all pay and allowances and confinement
12 for 10 years.

13 (e) NO PREEMPTION.—The prosecution or punish-
14 ment of an accused for an offense under section 928a of
15 title 10, United States Code (article 128 of the Uniform
16 Code of Military Justice), does not preclude the prosecu-
17 tion or punishment of that accused for any other offense.

18 **SEC. 1013. DOMESTIC VIOLENCE AND FAMILY VIOLENCE.**

19 (a) ASSAULT.—Section 928(b) of title 10, United
20 States Code (article 128(b) of the Uniform Code of Mili-
21 tary Justice), is amended—

- 22 (1) by striking “or” at the end of paragraph
23 (1);
24 (2) by inserting “or” at the end of paragraph
25 (2); and

1 (3) by inserting after paragraph (2) the fol-
2 lowing new paragraph:

3 “(3) commits an assault involving domestic vio-
4 lence or family violence;”.

5 (b) ASSAULT INVOLVING DOMESTIC VIOLENCE OR
6 FAMILY VIOLENCE DEFINED.—Such section is further
7 amended by adding at the end the following new sub-
8 section:

9 “(c) In this section, the term ‘assault involving do-
10 mestic violence or family violence’ means—

11 “(1) an assault—

12 “(A) with the intent to kill, injure, harass,
13 or intimidate a spouse, intimate partner, or
14 family member, or any other person related by
15 consanguinity or affinity;

16 “(B) in which the accused intentionally in-
17 flicts bodily harm with or without a weapon
18 upon a spouse, former spouse, intimate partner,
19 or family member, or any other person related
20 by consanguinity or affinity; or

21 “(C) in which the accused places a person
22 in reasonable fear of imminent bodily injury to
23 that person or to another person;

24 “(2) a sexual assault; or

25 “(3) any conduct in which the accused—

1 “(A) places a person in reasonable fear of
2 imminent bodily injury to that person or to an-
3 other;

4 “(B) harasses or intimidates a spouse, inti-
5 mate partner, or family member or person re-
6 lated by consanguinity or affinity, in the course
7 of or as a result of which the accused commits
8 a crime of violence against the spouse, intimate
9 partner, or family member or person related by
10 consanguinity or affinity; or

11 “(C) uses force, coercion, duress, or fraud
12 to facilitate, commit, or attempt to commit a
13 crime of violence against a spouse, former
14 spouse, intimate partner, or family member.”.

15 (c) EFFECTIVE DATE.— The amendments made by
16 this section shall apply with respect to offenses committed
17 after the date of the enactment of this Act.

18 (d) INTERIM MAXIMUM PUNISHMENTS.—Until the
19 President otherwise provides pursuant to section 856 of
20 title 10, United States Code (article 56 of the Uniform
21 Code of Military Justice), the punishment which a court-
22 martial may direct for an offense under subsection (b)(3)
23 of section 928 of such title (article 128 of the Uniform
24 Code of Military Justice) may not exceed the following
25 limits:

1 (1) For an assault involving domestic violence
2 or family violence if the death of the victim results,
3 such punishment may not exceed dishonorable dis-
4 charge, forfeiture of pay and allowances, and con-
5 finement for life without eligibility for parole.

6 (2) For an assault involving domestic violence
7 or family violence if permanent disfigurement or life
8 threatening bodily injury to the victim results, such
9 punishment may be twice that as provided including
10 dishonorable discharge, forfeiture of pay and allow-
11 ances, and confinement for 30 years.

12 (3) For an assault involving domestic violence
13 or family violence if serious bodily injury to the vic-
14 tim results or if the accused uses a dangerous weap-
15 on, such punishment may not exceed dishonorable
16 discharge, forfeiture of all pay and allowances, and
17 confinement for 20 years.

18 (4) For an assault involving domestic violence
19 or family violence, such punishment may not exceed
20 dishonorable discharge, forfeiture of all pay and al-
21 lowances, and confinement for 10 years.

22 (e) NO PREEMPTION.—The prosecution or punish-
23 ment of an accused for an offense under subsection (b)(3)
24 of section 928 of title 10, United States Code (article 128
25 of the Uniform Code of Military Justice), does not pre-

1 clude the prosecution or punishment of that accused for
2 any other offense.

3 **SEC. 1014. PROTECTIVE ORDERS.**

4 (a) ENFORCEMENT OF PROTECTIVE ORDERS.—Sec-
5 tion 892 of title 10, United States Code (article 92 of the
6 Uniform Code of Military Justice), is amended—

7 (1) by inserting “(a)” before “Any person”;

8 (2) by striking “or” at the end of paragraph
9 (2);

10 (3) by inserting “or” at the end of paragraph
11 (3);

12 (4) by inserting after paragraph (3) the fol-
13 lowing new paragraph:

14 “(4) violates or fails to obey a no contact order
15 or protective order;”; and

16 (5) by adding at the end of such section the fol-
17 lowing new subsection:

18 “(b) In this section, the term ‘no contact order or
19 protective order’ includes—

20 “(1) a no contact order issued by a command
21 or supervisor to a member to safeguard a spouse,
22 former spouse, intimate partner, or family member
23 of a member;

24 “(2) a protection order as defined in section
25 2266(5) of title 18; and

1 “(3) a protective order as defined in section
2 1561a of this title.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to offenses committed
5 after the date of the enactment of this Act.

6 (c) NO PREEMPTION.—The prosecution or punish-
7 ment of an accused for an offense under subsection (a)(4)
8 of section 892 of title 10, United States Code (article 92
9 of the Uniform Code of Military Justice), does not pre-
10 clude the prosecution or punishment of that accused for
11 any other offense.

12 **TITLE XI—VICTIM’S RIGHTS AND** 13 **RESTITUTION**

14 **SEC. 1101. MILITARY LAW ENFORCEMENT AND VICTIMS’** 15 **RIGHTS.**

16 (a) IN GENERAL.—As soon after an allegation of a
17 domestic violence, sexual assault, family violence, or stalk-
18 ing offense as possible without interfering with an inves-
19 tigation or arrest, a representative of the military law en-
20 forcement agency that has responsibility for investigating
21 the offense shall provide the victim with a multicopy form
22 that includes the following:

23 (1) A form for the victim to request or waive
24 applicable rights to information to which the victim
25 is entitled, on request, under this section;

1 (2) A means for the victim to designate a lawful
2 representative selected by the victim.

3 (3) Notice to the victim of the following:

4 (A) Victims' rights under section 502(b) of
5 the Victims' Rights and Restitution Act of 1990
6 (42 U.S.C. 10606(b)), to be treated with fair-
7 ness, respect and dignity and to be free of in-
8 timidation, harassment, or abuse during the ju-
9 dicial process.

10 (B) The availability of crisis intervention
11 services and resources and medical services and,
12 when applicable, that medical services arising
13 out of the need to secure evidence may be reim-
14 bursed.

15 (C) The procedures and resources available
16 for the protection of the victim, including mili-
17 tary no contact orders or civilian protection or-
18 ders, Armed Forces Domestic Security Act as
19 defined by Public Law 107–311, and Full Faith
20 and Credit Provisions of the Violence Against
21 Women Act as defined by section 2265 of title
22 18, United States Code.

23 (D) The names and telephone numbers of
24 public and private assistance programs, includ-
25 ing victim compensation programs, transitional

1 compensation programs, and programs that
2 provide counseling, treatment, shelter and sup-
3 port services.

4 (E) The police report number, if available,
5 other identifying information, and the following
6 statement: “If within 30 days you are not noti-
7 fied of an arrest in your case, you may call (the
8 military law enforcement agency’s telephone
9 number) for information on the status of your
10 case.”.

11 (F) Regardless of whether the suspect is
12 an adult or a juvenile, a statement that the vic-
13 tim will be notified by military law enforcement
14 of the arrest of the suspect.

15 (G) If the suspect is an adult and has been
16 arrested, the victim will be informed of the sus-
17 pect’s release, of the scheduled time, place, and
18 date for initial appearances and of the victim’s
19 right to be heard, and to exercise these rights,
20 the victim may contact the custodial agency re-
21 garding the suspect’s status or contact the com-
22 mand regarding any changes.

23 (b) EFFECT OF EMOTIONAL STATUS OF VICTIM.—
24 If at the time of contact with a military law enforcement
25 agency the victim is emotionally unable to request or waive

1 applicable rights, the military law enforcement agency
2 shall designate this on the multicopy form and the entities
3 that are subsequently affected shall presume that the vic-
4 tim invoked the applicable rights to which the victim is
5 entitled, and, on request, the victim may later waive those
6 rights.

7 **SEC. 1102. INCIDENT REPORTS.**

8 (a) IN GENERAL.—Military law enforcement agencies
9 shall provide, without charging a fee, a copy of all incident
10 report face sheets, reports, or both, to a victim of domestic
11 violence, sexual assault, family violence, or stalking, or to
12 the victim’s representative if the victim is deceased.

13 (b) TIME FOR AVAILABILITY OF FACE SHEETS.—A
14 copy of an incident report face sheet shall be made avail-
15 able during regular business hours to a victim or the vic-
16 tim’s representative no later than 48 hours after being re-
17 quested by the victim or the victim’s representative, unless
18 the military law enforcement agency informs the victim
19 or representative of the reasons why, for good cause, the
20 face sheet is not available, in which case the face sheet
21 shall be made available to the victim or representative no
22 later than five working days after the request is made.

23 (c) TIME FOR AVAILABILITY OF INCIDENT RE-
24 PORTS.—A copy of the incident report shall be made avail-
25 able during regular business hours to a victim or the vic-

1 tim's representative no later than five working days after
2 being requested by a victim or representative, unless the
3 military law enforcement agency informs the victim or rep-
4 resentative of the reasons why, for good cause, the inci-
5 dent report is not available, in which case the incident re-
6 port shall be made available to the victim or representative
7 no later than 10 working days after the request is made.

8 (d) IDENTIFICATION.—A person requesting copies
9 under this section shall present military law enforcement
10 with the person's identification, such as a current, valid
11 military identification card, driver's license, State-issued
12 identification card, or passport and, if the person is the
13 victim's representative, a certified copy of the death cer-
14 tificate or other satisfactory evidence of the death of the
15 victim, at the time a request is made. An incident report
16 may not be provided to a victim's representative unless
17 the representative presents such identification.

18 (e) TIME DURATION.—This section applies to re-
19 quests for face sheets or reports made within five years
20 from the date of completion of the incident report.

21 (f) VICTIM'S REPRESENTATIVE DEFINED.—

22 (1) For purposes of this section, the term "vic-
23 tim's representative" means any of the following:

24 (A) The surviving spouse.

1 (B) A surviving child of the decedent who
2 has attained 18 years of age.

3 (C) A surviving parent of the decedent.

4 (D) A surviving adult relative.

5 (E) The public administrator appointed by
6 a probate court, if one has been appointed.

7 (2) A victim's representative does not include
8 any person who has been convicted of murder under
9 State or Federal criminal statutes or the Uniform
10 Code of Military Justice, or any person identified in
11 the incident report as a suspect.

12 **SEC. 1103. VICTIM ADVOCATES AND VICTIMS' RIGHTS.**

13 (a) IN GENERAL.—Any victim making an allegation
14 of sexual assault, domestic violence, family violence, or
15 stalking may have a victim advocate, victim support liai-
16 son, victim counselor, or victim witness liaison present at
17 any interview with the victim.

18 (b) SUPPORT DURING PROCEEDINGS.—In all mili-
19 tary justice proceedings, a victim advocate or victim sup-
20 port liaison, victim counselor, or victim witness liaison,
21 upon the request of the victim, shall be allowed to accom-
22 pany the victim during the proceedings to provide moral
23 and emotional support. The victim advocate, victim coun-
24 selor, victim support liaison, or victim witness liaison shall
25 be allowed to confer orally and in writing with the victim

1 in a reasonable manner. However, the victim advocate
2 shall not provide legal advice or legal counsel to the victim.

3 **SEC. 1104. RESTITUTION.**

4 (a) IN GENERAL.—Chapter 80 of title 10, United
5 States Code, is amended by inserting after section 1561a
6 the following new section:

7 **“§ 1561b. Restitution**

8 “(a) In addition to any other civil, disciplinary, or
9 criminal penalty authorized by law, the convening author-
10 ity shall order restitution for any offense specified in sec-
11 tion 920, 892(4), or 1561a of this title.

12 “(b) SCOPE AND NATURE OF ORDER.—

13 “(1) DIRECTIONS.—The order of restitution
14 under this section shall direct the servicemember to
15 pay the victim the full amount of the victim’s losses
16 as determined by the convening authority pursuant
17 to paragraph (2).

18 “(2) ENFORCEMENT.—An order of restitution
19 under this section shall be issued and enforced in ac-
20 cordance with section 3664 of title 18 in the same
21 manner as an order under section 3663A of that
22 title.

23 “(c) MANDATORY ORDER.—

24 “(1) The issuance of a restitution order under
25 this section is mandatory.

1 “(2) The convening authority may not decline
2 to issue an order under this section because of—

3 “(A) the economic circumstances of the ac-
4 cused; or

5 “(B) the fact that a victim has received, or
6 is entitled to receive, compensation for the vic-
7 tim’s injuries from the proceeds of insurance,
8 transitional compensation, veterans benefits, or
9 any other source.

10 “(d) DEFINITIONS.—In this section:

11 “(1) FULL AMOUNT OF THE VICTIM’S
12 LOSSES.—The term ‘full amount of the victim’s
13 losses’ includes any costs incurred by the victim
14 for—

15 “(A) medical services relating to physical,
16 psychiatric, or psychological care;

17 “(B) physical and occupational therapy or
18 rehabilitation;

19 “(C) necessary transportation, temporary
20 housing, and child care expenses;

21 “(D) lost income;

22 “(E) attorney’s fees, plus any costs in-
23 curred in obtaining a civil protective order; and

24 “(F) any other loss suffered by the victim
25 as a proximate result of the offense or offenses.

1 “(2) VICTIM.—The term ‘victim’ means a per-
 2 son harmed as a result of a commission of a crime
 3 under this title, including, in the case of a victim
 4 who is under 18 years of age, incompetent, incapacitated,
 5 or deceased, the legal guardian of the victim
 6 or representative of the victim’s estate, another family
 7 member, or any other person appointed as suitable
 8 by a court, but in no event shall the accused be
 9 named as such a representative or guardian.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of such chapter is amended by inserting
 12 after the item relating to section 1561a the following new
 13 section:

 “1561b. Restitution.”.

14 **SEC. 1105. RECORDS OF MILITARY JUSTICE ACTIONS .**

15 (a) IN GENERAL.—Subchapter XI of chapter 47 of
 16 title 10, United States Code (the Uniform Code of Military
 17 Justice), is amended by adding at the end the following
 18 new section (article):

19 **“§ 940a. Art. 140a. Military justice information: trans-**
 20 **mission to Director of Federal Bureau of**
 21 **Investigation**

22 “Whenever a member of the armed forces is dis-
 23 charged or dismissed from the armed forces or is released
 24 from active duty, the Secretary concerned shall transmit
 25 to the Director of the Federal Bureau of Investigation a

1 copy of records of any disciplinary action taken against
2 the member during that period under this chapter, includ-
3 ing any nonjudicial punishment imposed under section 815
4 of this title (article 15).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of subchapter IX of chapter 47 of title
7 10, United States Code, is amended by adding at the end
8 the following new item:

“940. 140a. Military justice information: transmission to Director of Federal
Bureau of Investigation.”.

9 **SEC. 1106. TECHNICAL AMENDMENTS RELATING TO FATAL-**
10 **ITY REVIEW PANELS.**

11 (a) ARMY.—Section 4061 of title 10, United States
12 Code, is amended—

13 (1) in subsection (a), by inserting “, through
14 the Office of the Victims’ Advocate,” after “Sec-
15 retary of the Army”; and

16 (2) in subsection (c), by inserting “, in con-
17 sultation with the Office of the Victims’ Advocate,”
18 after “Secretary of Defense”.

19 (b) NAVY.—Section 6036 of such title is amended—

20 (1) in subsection (a), by inserting “, through
21 the Office of the Victims’ Advocate,” after “Sec-
22 retary of the Navy”; and

1 (2) in subsection (c), by inserting “, in con-
 2 sultation with the Office of the Victims’ Advocate,”
 3 after “Secretary of Defense”.

4 (c) AIR FORCE.—Section 9061 of such title is amend-
 5 ed—

6 (1) in subsection (a), by inserting “, through
 7 the Office of the Victims’ Advocate,” after “Sec-
 8 retary of the Air Force”; and

9 (2) in subsection (c), by inserting “, in con-
 10 sultation with the Office of the Victims’ Advocate,”
 11 after “Secretary of Defense”.

12 **SEC. 1107. ENHANCED CAPACITY OF THE DEPARTMENT OF**
 13 **DEFENSE FOR VICTIM SERVICES.**

14 (a) AWARDS AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary of Defense,
 16 acting through the Director of the Office of the Vic-
 17 tims’ Advocate, may contract with eligible entities to
 18 enable the design, replication, and implementation of
 19 services for servicemembers, family members, or
 20 partners who experience domestic violence, family vi-
 21 olence, sexual assault, or stalking.

22 (2) ELIGIBLE ENTITIES.—In this section, the
 23 term “eligible entity” means a public or private,
 24 nonprofit or nongovernmental program the primary
 25 purpose of which is to provide services to victims of

1 domestic violence, sexual assault, or stalking. The
2 entity may be—

3 (A) a community-based organization spe-
4 cializing in intervention or violence prevention
5 services for servicemembers, family members, or
6 partners;

7 (B) a nonprofit nongovernmental entity
8 providing services primarily to servicemembers,
9 family members, or partners who are victims of
10 domestic violence, sexual assault, or stalking;

11 (C) a nonprofit nongovernmental entity
12 providing services for veterans; or

13 (D) a nonprofit nongovernmental entity
14 providing services to homeless individuals.

15 (b) USES OF FUNDS.—An entity awarded a contract
16 pursuant to subsection (a) shall—

17 (1) whenever possible, collaborate with existing
18 services in the civilian community to provide appro-
19 priate victim services;

20 (2) provide, when appropriate victim services
21 are not available in the civilian community or are
22 not accessible to servicemembers, family members or
23 partners, services on installations or create services
24 in collaboration with a community based organiza-
25 tion;

1 (3) develop and implement policies in the mili-
2 tary departments regarding appropriate, safe re-
3 sponse to, and identification and referral procedures
4 for, servicemembers, family members or partners
5 who are experiencing domestic violence, family vio-
6 lence, sexual assault or stalking, including proce-
7 dures for handling the requirements of arrest poli-
8 cies, criminal investigation procedures, and court
9 protective orders that ensure the safety of the victim
10 and hold the perpetrator accountable;

11 (4) aid servicemembers, family members, or
12 partners, including legal, medical, or psychological
13 counseling, who are experiencing domestic violence,
14 sexual assault, family violence, or stalking;

15 (5) assist with the improvement of delivery of
16 victim services for the military departments;

17 (6) design or replicate, and implement, pro-
18 grams and services using domestic violence, family
19 violence, sexual assault, and stalking intervention
20 models to respond to the needs of servicemembers,
21 family members, or partners who are victims of do-
22 mestic violence, sexual assault, family violence, or
23 stalking;

24 (7) provide the necessary human resources to
25 respond to the needs of servicemembers, family

1 members, or partners who are experiencing domestic
2 violence, sexual assault, family violence, or stalking,
3 such as a resource person or liaison who is either
4 on-site or on-call and who possesses demonstrated
5 experience as a service provider to victims;

6 (8) provide direct counseling and advocacy for
7 servicemembers, family members, or partners who
8 have experienced domestic violence, sexual assault,
9 family violence, or stalking;

10 (9) include linguistically and culturally appro-
11 priate services or linkages to existing services in the
12 community tailored to the needs of the military com-
13 munity;

14 (10) include counseling and mental health serv-
15 ices;

16 (11) include legal advocacy efforts on behalf of
17 servicemembers, family members, or partners with
18 respect to domestic violence, sexual assault, family
19 violence, or stalking; and

20 (12) not use more than 25 percent of the fund-
21 ing to provide additional services and resources for
22 servicemembers, family members, and partners in-
23 cluding childcare, transportation, education support,
24 and respite care.

25 (c) APPLICATION.—

1 (1) IN GENERAL.—Each eligible entity that de-
2 sires to receive a contract under this section shall
3 submit to the Secretary an application at such time,
4 in such manner, and containing such information as
5 the Secretary may require, consistent with the re-
6 quirements specified in this section.

7 (2) CONTENTS.—An application submitted
8 under paragraph (1) shall—

9 (A) include an outline and description of
10 the activities to be undertaken to intervene and
11 collaborate;

12 (B) identify the members of the organiza-
13 tion who will be responsible for carrying out
14 services;

15 (C) ensure that communities or agencies
16 affected by collaboration and service providers
17 are adequately represented in the development
18 of the application, and follow on activities to be
19 undertaken, and that they have a significant
20 role in evaluating the success of the project;

21 (D) include documentation of any services
22 or advocacy between military entities, domestic
23 violence, family violence, sexual assault or stalk-
24 ing service providers, courts, law enforcement

1 agencies, community-based programs and other
2 entities;

3 (E) provide assurances that services and
4 activities will be provided to all types of staff,
5 will address appropriate practices for investiga-
6 tion, follow-up, screening, intake, assessment,
7 and provision of services addressing the safety
8 needs of victims of domestic violence, sexual as-
9 sault, family violence, or stalking;

10 (F) describe how the collaboration activi-
11 ties will enhance or ensure the safety and secu-
12 rity of servicemembers, families and partners
13 where domestic violence, family violence, sexual
14 assault, or stalking occurs by providing appro-
15 priate resources, protection, and support to vic-
16 tims;

17 (G) outline methods and means partici-
18 pating entities will use to ensure that all serv-
19 ices are provided in a linguistically and cul-
20 turally competent manner and will use commu-
21 nity-based supports and resources; and

22 (H) outline the protocols, policies, and pro-
23 cedures participating entities will develop and
24 adopt to ensure the confidentiality of victims.

1 (3) COLLABORATIVE PARTNERSHIPS.—The eli-
2 gible entity or service provider shall establish a part-
3 nership that—

4 (A) provides appropriate referrals to com-
5 munity based domestic violence programs or
6 sexual assault victim service providers with the
7 capacity to support servicemembers, family
8 members and partners who are victims of do-
9 mestic violence, sexual assault, family violence
10 or stalking; provides legal assistance and advo-
11 cacy for victims of domestic violence, sexual as-
12 sault, family violence or stalking including,
13 where appropriate, assistance in obtaining and
14 entering orders of protection;

15 (B) supports and training to assist mili-
16 tary entities in supporting servicemembers,
17 family members or partners dealing with prob-
18 lems related to domestic violence, sexual as-
19 sault, family violence or stalking;

20 (C) identifies, assesses and responds ap-
21 propriately to domestic violence, sexual assault,
22 family violence, or stalking against
23 servicemembers, family members, or partners;

24 (D) provides appropriate resources in fam-
25 ily court matters to respond to domestic vio-

1 lence, sexual assault, family violence or stalk-
2 ing; and

3 (E) assures that necessary services dealing
4 with physical and mental health of victims are
5 available.

6 The military installation commander must submit
7 proof of collaboration with any existing nonprofit
8 nongovernmental service provider for victims of do-
9 mestic violence, sexual assault, or stalking located in
10 the region.

11 (d) CONSIDERATIONS.—The Secretary, in awarding
12 contracts under this section, shall—

13 (1) ensure that such contracts are awarded on
14 a competitive basis;

15 (2) ensure, to the extent practicable, an equi-
16 table geographic distribution among the regions of
17 the United States and among urban, suburban, and
18 rural areas; and

19 (3) give preference to applicants with strong
20 ties to minority communities and those that dem-
21 onstrate high levels of cultural competence.

22 (e) DURATION OF AWARDS.—A contract awarded
23 under this section shall be for a period of three fiscal
24 years. Such a contract may be renewed.

1 (f) AMOUNT.—Each award under this section shall
2 be in an amount of not less than \$5,000 per year and
3 not more than \$300,000 per year.

4 (g) CONFIDENTIALITY.—

5 (1) NONDISCLOSURE OF CONFIDENTIAL INFOR-
6 MATION OR PRIVATE INFORMATION.—In order to en-
7 sure the safety of victims of domestic violence, sex-
8 ual assault, or stalking and their families, a victim
9 services provider under a contract under this section
10 shall protect the confidentiality and privacy of per-
11 sons receiving services. The victim services provider
12 may not disclose any personally identifying informa-
13 tion or individual information collected in connection
14 with services requested, used, or denied through its
15 programs. The victim services provider may not re-
16 veal individual client information without the in-
17 formed, written, reasonably time-limited consent of
18 the person (or in the case of an unemancipated
19 minor, the minor and the parent or guardian) about
20 whom information is sought, whether for the victim
21 service provider or any other Armed Forces, Tribal,
22 Federal, State, or Territorial program. If release of
23 such information is compelled by statutory or court
24 mandate, the victim services provider shall make
25 reasonable attempts to provide notice to victims af-

1 fected by the disclosure of information. If such per-
2 sonally identifying information is or will be revealed,
3 the victim services provider shall take steps nec-
4 essary to protect the privacy and safety of the per-
5 sons affected by the release of the information. The
6 victim services provider may share non-personally
7 identifying data in the aggregate regarding services
8 to their clients and non-personally identifying demo-
9 graphic information in order to comply with Armed
10 Forces, Tribal, Federal, State or Territorial report-
11 ing, evaluation, or data collection requirements. The
12 victim services provider may share court-generated
13 information contained in secure, governmental reg-
14 istries for protection order enforcement purposes.

15 (2) PERSONALLY IDENTIFYING INFORMA-
16 TION.—In this section, the term “personally identi-
17 fying information” has the meaning given that term
18 in section 1815(c) of title 10, United States Code,
19 as added by section 101.

20 (h) NONSUPPLANTATION.—Any Federal funds re-
21 ceived under this section shall be used to supplement, and
22 not to supplant, non-Federal funds that would otherwise
23 be available for activities funded under this section.

1 (i) REPORTS.—An entity receiving an award under
2 this section shall submit to the Secretary every 18 months
3 a report that describes, at a minimum—

4 (1) how the funds under the award were used;

5 (2) the extent to which servicemembers, fami-
6 lies, and partners were served;

7 (3) the adequacy of staff training and services
8 to ensure that needs of servicemembers, family
9 members, and partners, including transportation,
10 and location; and

11 (4) the existence of continuing barriers the enti-
12 ty faces to more fully addressing the needs of
13 servicemembers, family members, and partners.

14 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for fiscal years 2005
16 through 2009 for Operation and Maintenance, Defense-
17 Wide, the amount of \$25,000,000 to carry out this sec-
18 tion.

19 (k) AVAILABILITY.—Funds available under this sec-
20 tion shall remain available until expended. Of the amounts
21 appropriated to carry out this section for any fiscal year,
22 the Secretary—

23 (1) may not use more than 5 percent for ad-
24 ministration, monitoring, and evaluation of contracts
25 made available under this section; and

1 (2) shall use not less than 5 percent to provide
2 technical assistance for programs funded under this
3 section.

4 **TITLE XII—COUNSELING AND**
5 **TREATMENT PROGRAMS OF**
6 **DEPARTMENT OF VETERANS**
7 **AFFAIRS**

8 **SEC. 1201. PERMANENT AUTHORITY FOR COUNSELING AND**
9 **TREATMENT OF VETERANS FOR SEXUAL**
10 **TRAUMA.**

11 Section 1720D of title 38, United States Code, is
12 amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “During
15 the period through December 31, 2004, the
16 Secretary” and inserting “The Secretary”; and

17 (B) in paragraph (2), by striking “, during
18 the period through December 31, 2004”; and

19 (2) in subsection (b)—

20 (A) in paragraph (1), by striking “estab-
21 lishment and”; and

22 (B) in paragraph (2), by striking “estab-
23 lishing a program” and inserting “operating a
24 program.”.

1 **SEC. 1202. AUTHORITY TO OPERATE ADDITIONAL DEPART-**
 2 **MENT OF VETERANS AFFAIRS CENTERS FOR**
 3 **MENTAL ILLNESS RESEARCH, EDUCATION,**
 4 **AND CLINICAL ACTIVITIES.**

5 Section 7320(b)(3) of title 38, United States Code,
 6 is amended by striking “five centers” and inserting “15
 7 centers”.

8 **SEC. 1203. IMPROVEMENT OF PROGRAM FOR PROVISION**
 9 **OF SPECIALIZED MENTAL HEALTH SERVICES**
 10 **TO VETERANS.**

11 (a) INCREASE IN FUNDING.—Subsection (c) of sec-
 12 tion 116 of the Veterans Millennium Health Care and
 13 Benefits Act (38 U.S.C. 1712A note) is amended—

14 (1) in paragraph (1), by striking
 15 “\$15,000,000” and inserting “\$30,000,000 in each
 16 of fiscal years 2005, 2006, and 2007”;

17 (2) in paragraph (2), by striking
 18 “\$15,000,000” and inserting “\$30,000,000”; and

19 (3) in paragraph (3)—

20 (A) by inserting “(A)” after “(3)”; and

21 (B) by adding at the end the following new
 22 subparagraph:

23 “(B) For purposes of this paragraph, in fiscal
 24 years 2005, 2006, and 2007, the fiscal year used to
 25 determine the baseline amount shall be fiscal year
 26 2003.”.

1 (b) ALLOCATION OF FUNDS.—Subsection (d) of such
2 section is amended—

3 (1) by striking “The Secretary” and inserting
4 “(1) In each of fiscal years 2005, 2006, and 2007,
5 the Secretary”; and

6 (2) by adding at the end the following new
7 paragraphs:

8 “(2) In allocating funds to facilities in a fiscal year
9 under paragraph (1), the Secretary shall ensure that—

10 “(A) not less than \$10,000,000 is allocated by
11 direct grants to programs that are identified by the
12 Mental Health Strategic Health Care Group and the
13 Committee on Care of Severely Chronically Mentally
14 Ill Veterans;

15 “(B) not less than \$5,000,000 is allocated for
16 programs on post-traumatic stress disorder;

17 “(C) not less than \$5,000,000 is allocated for
18 programs on substance abuse disorder; and

19 “(D) not less than \$5,000,000 is allocated for
20 programs to address military sexual trauma experi-
21 enced by Reservists and National Guard members
22 formerly called to active duty.

23 “(3) The Secretary shall provide that the funds to
24 be allocated under this section during each of fiscal years
25 2005, 2006, and 2007 are funds for a special purpose pro-

1 gram for which funds are not allocated through the Vet-
 2 erans Equitable Resource Allocation system.”.

3 **SEC. 1204. ENHANCEMENT OF READJUSTMENT COUN-**
 4 **SELING SERVICES FOR RESERVE COMPO-**
 5 **NENT MEMBERS.**

6 (a) ELIGIBILITY.—Section 1720D of title 38, United
 7 States Code, is amended—

8 (1) in subsection (a)(1)—

9 (A) by inserting “or reservists or guard
 10 members formerly called to active duty” after
 11 “veterans”; and

12 (B) by inserting “or reservist or guard
 13 member formerly called to active duty” after
 14 “veteran”;

15 (2) in subsection (b)(1), by inserting “or reserv-
 16 ists or guard members formerly called to active
 17 duty” after “veteran”; and

18 (3) in subsection (c)—

19 (A) by inserting “or reservists or guard
 20 members formerly called to active duty” after
 21 “veterans”; and

22 (B) in paragraph (3), by inserting “or re-
 23 servists or guard members” after “service”.

24 (b) PERIOD OF ELIGIBILITY.—Subsection (a) of such
 25 section is amended by adding at the end the following new

1 section: “To be eligible to receive counseling under this
 2 subsection, a reservist or guard member must seek such
 3 counseling from the Secretary within five years after the
 4 date of discharge or release from active military, naval,
 5 or air service.”.

6 **TITLE XIII—ENHANCEMENT OF** 7 **TREATMENT SERVICES FOR** 8 **PERPETRATORS**

9 **SEC. 1301. ENHANCED CAPACITY OF THE DEPARTMENT OF** 10 **DEFENSE FOR TREATMENT SERVICES FOR** 11 **OFFENDERS.**

12 (a) AWARDS AUTHORIZED.—

13 (1) IN GENERAL.—The Secretary of Defense,
 14 acting through the Undersecretary of Defense for
 15 Personnel and Readiness, may contract with eligible
 16 entities to enable the design, replication, and imple-
 17 mentation of treatment services for members of the
 18 Armed Forces who perpetrate domestic violence, sex-
 19 ual assault, or stalking.

20 (2) DEFINITIONS.—In this section:

21 (A) ELIGIBLE ENTITIES.—The term “eligi-
 22 ble entity” means a public or private, nonprofit
 23 or nongovernmental program the primary pur-
 24 pose of which is to provide treatment services to

perpetrators of domestic violence, sexual assault, or stalking. The entity may be—

(i) a community-based organization specializing in treatment and prevention services for military servicemembers or family members;

(ii) a nonprofit nongovernmental entity providing services primarily to perpetrators of domestic violence, sexual assault, family violence, or stalking; or

(iii) a nonprofit nongovernmental entity providing treatment services for veterans.

(B) BATTERERS PROGRAM.—The term “batterers program” means a program approved or certified by a State that is operated by a public or not-for-profit organization for the purpose of providing battering prevention and educational services the goal of which is to help clients end abusive behaviors. Components of such a program shall include—

(i) an educational instruction and group discussion model to provide information about domestic violence, the illegality of domestic violence, and the responsibility

1 for and alternative choices to abusive be-
2 havior;

3 (ii) a long-term group that helps end
4 the violent behavior of its participants; and

5 (iii) formal linkages to the local crimi-
6 nal justice systems and to area domestic
7 violence services.

8 (C) CLIENT.—The term “client” means a
9 person who is referred to a batterers program
10 by the Family Advocacy Program, by a criminal
11 court of the jurisdiction, or by a State, local, or
12 private organization or a person who is self-re-
13 ferred, and who is accepted by the batterer pro-
14 gram.

15 (b) USES OF FUNDS.—An entity awarded a contract
16 pursuant to subsection (a) shall—

17 (1) whenever possible, collaborate with existing
18 services in the civilian community to provide appro-
19 priate treatment services;

20 (2) when appropriate treatment services are not
21 available in the civilian community or are not acces-
22 sible to servicemembers or family members, provide
23 services on installations or create services in collabo-
24 ration with a community-based organization;

1 (3) develop and implement policies in the mili-
2 tary departments regarding appropriate identifica-
3 tion and referral procedures for servicemembers or
4 family members who are perpetrating domestic vio-
5 lence, sexual assault, family violence, or stalking, in-
6 cluding procedures for handling the requirements of
7 arrest policies, criminal investigation procedures,
8 and court protective orders that ensure the safety of
9 the victim and hold the perpetrator accountable;

10 (4) aid servicemembers or family members, in-
11 cluding legal, medical, or psychological counseling,
12 who are perpetrating domestic violence, sexual as-
13 sault, family violence, or stalking;

14 (5) assist with the improvement of delivery of
15 treatment services for the military departments;

16 (6) design or replicate, and implement, pro-
17 grams and services using domestic violence, sexual
18 assault, family violence, and stalking intervention
19 models to respond to the needs of servicemembers or
20 family members who are perpetrators of domestic vi-
21 olence, sexual assault, or stalking;

22 (7) provide the necessary human resources to
23 respond to the needs of servicemembers or family
24 members who are perpetrating family violence, do-
25 mestic violence, sexual assault, or stalking, such as

1 a resource person or liaison who is either on-site or
2 on-call and who possesses demonstrated experience
3 as a service provider to perpetrators;

4 (8) provide direct counseling and advocacy for
5 servicemembers or family members who have per-
6 petrated domestic violence, sexual assault, family vi-
7 olence, or stalking;

8 (9) include linguistically and culturally appro-
9 priate services or linkages to existing services in the
10 community tailored to the needs of the military com-
11 munity; and

12 (10) include counseling and mental health serv-
13 ices.

14 (c) APPLICATION.—

15 (1) IN GENERAL.—An eligible entity that de-
16 sires to receive a contract under this section shall
17 submit to the Secretary an application at such time,
18 in such manner, and containing such information as
19 the Secretary may require, consistent with the re-
20 quirements specified in this section.

21 (2) CONTENTS.—An application submitted
22 under paragraph (1) shall include—

23 (A) the population to be served;

24 (B) the program objectives;

1 (C) the implementation plan for prevention
2 and educational programs provided, including
3 the educational instruction, group model, and
4 the long-term group;

5 (D) the reporting procedures designed to
6 advise the referring agency of the client's at-
7 tendance and participation in the program;

8 (E) the annual budget of the program, in-
9 cluding information relative to any already es-
10 tablished programs and an assurance that fund-
11 ing under this section will not serve to sub-
12 stitute for any other funding ordinarily and
13 customarily received by such organization in the
14 provision of the programs;

15 (F) the formal and established or proposed
16 linkages to area domestic violence programs
17 and to the local criminal justice system of the
18 judiciary, probation, and police departments
19 and the county or state attorney;

20 (G) the existing community education com-
21 ponents of the program;

22 (H) any other services proposed to be pro-
23 vided; and

24 (I) any other information considered nec-
25 essary by the Secretary.

1 (3) CONSIDERATIONS.—The Secretary, in
2 awarding contracts under this section, shall—

3 (A) ensure that such contracts are award-
4 ed on a competitive basis;

5 (B) ensure, to the extent practicable, an
6 equitable geographic distribution among the re-
7 gions of the United States and among urban,
8 suburban, and rural areas;

9 (C) give preference to applicants with
10 strong ties to minority communities and those
11 that demonstrate high levels of cultural com-
12 petence;

13 (D) ensure that planning, cooperation, and
14 coordination with an existing domestic violence
15 program, criminal justice system, and appro-
16 priate officials and services;

17 (E) ensure that the program will not pro-
18 vide couple counseling or mediation; and

19 (F) ensure that the batterers program
20 shall have policies regarding—

21 (i) referrals for those for whom a
22 batterers program is not appropriate;

23 (ii) suicide and homicide threats by
24 clients; and

1 (iii) confidentiality, in accordance with
2 standards prescribed by the Secretary.

3 (d) TREATMENT STANDARDS.—The treatment pro-
4 gram must meet the following minimum standards:

5 (1) All treatment must be based upon a full,
6 complete clinical intake, including—

7 (A) current and past violence history;

8 (B) a lethality risk assessment;

9 (C) a complete diagnostic evaluation;

10 (D) a substance abuse assessment;

11 (E) criminal history;

12 (F) assessment of cultural issues, learning
13 disabilities, literacy, and special needs; and

14 (G) a treatment plan that adequately and
15 appropriately addresses treatment needs of the
16 individual.

17 (2) To facilitate communication necessary for
18 periodic safety checks and monitoring, the program
19 must require the perpetrator to sign the following
20 releases:

21 (A) A release for the program to inform
22 the victim and victims' advocate that the perpe-
23 trator is in treatment with the plan to provide
24 information, for safety purposes, to the victim

1 and victims' advocate, community, and legal ad-
2 vocates.

3 (B) A release to prior and current treat-
4 ment agencies to provide information on the
5 perpetrator to the program.

6 (C) A release for the program to provide
7 information on the perpetrator to relevant legal
8 entities, including lawyers, courts, parole, pro-
9 bation, protective services, and child welfare
10 services.

11 (D) A release for the program to provide
12 information on the perpetrator to relevant mili-
13 tary entities, including command, Family Advo-
14 cacy Program, victim advocate, judge advocate,
15 law enforcement, and criminal investigators.

16 (3) Treatment must be for a minimum treat-
17 ment period established by the Secretary by regula-
18 tion.

19 (4) Satisfactory completion of treatment must
20 be contingent upon the perpetrator meeting specific
21 criteria, defined by the Secretary, not just upon the
22 end of a certain period of time or attendance of the
23 perpetrator at a certain number of sessions.

24 (5) The program must have a policy and proce-
25 dures for dealing with recidivism.

1 (6) The program must have a policy and proce-
2 dures for dealing with noncompliance.

3 (7) All evaluation and treatment services must
4 be provided by, and under the supervision of, quali-
5 fied personnel.

6 (e) RULES AND REGULATIONS.—The Secretary may
7 adopt rules and regulations to implement this section.

8 (f) DURATION OF AWARDS.—A contract awarded
9 under this section shall be for a period of three fiscal
10 years. Such a contract may be renewed.

11 (g) AMOUNT.—Each award under this section shall
12 be in an amount of not less than \$5,000 per year and
13 not more than \$300,000 per year.

14 (h) NONSUPPLANTATION.—Any Federal funds re-
15 ceived under this section shall be used to supplement, and
16 not to supplant, non-Federal funds that would otherwise
17 be available for activities funded under this section.

18 (i) MATCHING FUNDS.—Nonprofit, nongovernmental
19 treatment programs, receiving funds under this section
20 shall not be required to provide matching funds as a condi-
21 tion of receiving an award.

22 (j) REPORTS.—An entity receiving an award under
23 this section shall submit to the Secretary every 18 months
24 a report that describes, at a minimum—

25 (1) how the funds under the award were used;

1 (2) the extent to which military personnel or
2 families were served;

3 (3) the adequacy of staff training and services
4 to ensure that needs of servicemembers or family
5 members, including transportation, and location;

6 (4) the existence of continuing barriers the enti-
7 ty faces to more fully addressing the needs of
8 servicemembers or family members;

9 (5) pertinent and appropriate factors con-
10 cerning clients including age, education, income, em-
11 ployment, marital status, number of children and
12 their ages, any substance abuse, and personal his-
13 tory of family violence;

14 (6) the total number of clients referred to the
15 program, and the referral source;

16 (7) total number of persons determined to be
17 inappropriate for services and reasons therefor;

18 (8) the number of clients enrolled in the pro-
19 gram, the number completing the program, the num-
20 ber failing to complete the program, and reasons
21 therefor;

22 (9) the number of classes or group meetings;
23 and

24 (10) such other factors as the Secretary con-
25 siders necessary and appropriate.

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated for fiscal years 2005
3 through 2009 for Operation and Maintenance, Defense-
4 Wide, the amount of \$10,000,000 to carry out this sec-
5 tion.

6 (l) AVAILABILITY.—Funds available under this sec-
7 tion shall remain available until expended. Of the amounts
8 appropriated to carry out this section for any fiscal year,
9 the Secretary —

10 (1) may not use more than 5 percent for ad-
11 ministration, monitoring, and evaluation of contracts
12 made available under this section; and

13 (2) shall use not less than 5 percent to provide
14 technical assistance for programs funded under this
15 section.

16 **TITLE XIV—PREVENTION AND**
17 **INTERVENTION TRAINING IN**
18 **THE DEPARTMENT OF DE-**
19 **FENSE**

20 **SEC. 1401. PREVENTION AND INTERVENTION TRAINING**
21 **AWARDS.**

22 (a) AWARDS AUTHORIZED.—

23 (1) IN GENERAL.—The Secretary of Defense,
24 acting through the Director of the Office of the Vic-
25 tims' Advocate, shall award contracts under this sec-

1 tion to eligible entities for the purposes of providing
2 training and technical assistance to the Department
3 of Defense relative to prevention of domestic vio-
4 lence, sexual assault, family violence, and stalking.

5 (2) DEFINITIONS.—In this section, the term
6 “eligible entity” means an organization that is—

7 (A) a public or nonprofit private organiza-
8 tion having demonstrated expertise in preven-
9 tion, intervention, developing community col-
10 laboration, and system response to domestic vi-
11 olence, sexual assault, family violence, and
12 stalking; or

13 (B) a community-based organization expe-
14 rienced in providing services to servicemembers,
15 family members, or partners who experience do-
16 mestic violence, sexual assault, family violence,
17 or stalking.

18 (b) USES OF FUNDS.—An entity awarded a contract
19 pursuant to subsection (a) shall—

20 (1) provide training in the dynamics of domes-
21 tic violence, sexual assault, family violence, and
22 stalking, including safety, risk assessment, potential
23 lethality, and appropriate interventions;

24 (2) provide education programs for
25 servicemembers, family members, or partners that

1 are linguistically and culturally appropriate and are
2 designed to meet any unique needs of the population
3 by adapting and implementing existing curricula;

4 (3) provide media center materials and edu-
5 cational materials to the population that address the
6 needs and concerns of servicemembers, family mem-
7 bers, or partners who experience domestic violence,
8 sexual assault, or stalking and the impact of the vio-
9 lence by identifying, adapting, and disseminating ap-
10 propriate existing materials; and

11 (4) conduct evaluations to assess the impact of
12 programs and policies assisted under this section in
13 order to enhance the development of those programs.

14 (c) APPLICATION.—

15 (1) IN GENERAL.—An eligible entity that de-
16 sires to receive a contract under this section shall
17 submit to the Secretary an application at such time,
18 in such manner, and containing such information as
19 the Secretary may require, consistent with the re-
20 quirements described in this section.

21 (2) CONTENT.—An application submitted pur-
22 suant to paragraph (1) shall—

23 (A) outline and describe how training and
24 other activities will be undertaken to promote
25 prevention, intervention, and collaboration;

1 (B) identify the members of the organiza-
2 tion who will be responsible for carrying out the
3 training;

4 (C) ensure that communities or agencies
5 affected by the training are adequately rep-
6 resented in the development of the application,
7 training, and follow on activities to be under-
8 taken and that they have a significant role in
9 evaluating the success of the project;

10 (D) include documentation of any history
11 of training between military entities, domestic
12 violence, sexual assault, or stalking service pro-
13 viders, courts, law enforcement agencies, com-
14 munity-based programs, and other entities;

15 (E) provide assurances that training and
16 other activities will be provided to all types of
17 staff, will address appropriate practices for in-
18 vestigation, follow-up, screening, intake, assess-
19 ment, and provision of services addressing the
20 safety needs of victims of domestic violence,
21 sexual assault, family violence, or stalking;

22 (F) describe how the training and activities
23 will enhance or ensure the safety and security
24 of servicemembers, families, and partners where
25 both domestic violence and sexual assault oc-

1 curs by providing appropriate resources, protec-
2 tion, and support to victims;

3 (G) outline methods and means partici-
4 pating entities will use to ensure that all serv-
5 ices are provided in a linguistically and cul-
6 turally competent manner and will use commu-
7 nity-based supports and resources; and

8 (H) outline the protocols, policies, and pro-
9 cedures participating entities will develop and
10 adopt to ensure the confidentiality of victims.

11 (d) CONSIDERATIONS.—The Secretary, in awarding
12 contracts under this section, shall—

13 (1) ensure that contracts are awarded on a
14 competitive basis;

15 (2) ensure, to the extent practicable, an equi-
16 table geographic distribution among the regions of
17 the United States and among urban, suburban, and
18 rural areas; and

19 (3) give preference to applicants with strong
20 ties to minority communities and those that dem-
21 onstrate high levels of cultural competence.

22 (e) DURATION OF AWARDS.—The Secretary shall
23 make the awards under this section for a period of one
24 year. The awards may be renewed.

1 (f) AWARD AMOUNTS.—Each award under this sec-
2 tion shall be in an amount of not less than \$2,500 per
3 year and not more than \$20,000 per year.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated for fiscal years 2005
6 through 2009 for Operation and Maintenance, Defense-
7 Wide, the amount of \$200,000 to carry out this section.

8 (h) AVAILABILITY.—Funds available under this sec-
9 tion shall remain available until expended. Of the amounts
10 appropriated to carry out this section for any fiscal year,
11 the Secretary—

12 (1) may not use more than 5 percent for ad-
13 ministration, monitoring, and evaluation of contracts
14 made available under this section; and

15 (2) shall use not less than 5 percent to provide
16 technical assistance for programs funded under this
17 section.

18 (i) MATCHING FUNDS.—A nonprofit, nongovern-
19 mental victim services program receiving funds under this
20 section shall not be required to provide matching funds
21 as a condition of receiving grant awards.

22 (j) REPORTS.—An entity receiving funds under this
23 section shall submit to the Secretary a report that de-
24 scribes, at a minimum—

1 (1) how the funds under the program were
2 used, including the extent to which military per-
3 sonnel, family members, or partners were served;

4 (2) the adequacy of staff training and services
5 to ensure that the needs of servicemembers, family
6 members, or partners, including transportation and
7 location; and

8 (3) the existence of continuing barriers the enti-
9 ty faces to more fully addressing the needs of
10 servicemembers, family members, or partners.

11 (k) AVAILABILITY.—Funds available under this sec-
12 tion shall remain available until expended. Of the amounts
13 appropriated to carry out this section for any fiscal year,
14 the Secretary—

15 (1) may not use more than 3 percent for eval-
16 uation, monitoring, site visits, conferences, and other
17 administrative costs associated with conducting ac-
18 tivities under this section;

19 (2) shall use not less than 20 percent for pro-
20 grams addressing domestic violence and sexual as-
21 sault that are operated by, or in partnership with,
22 civilian victim services; and

23 (3) shall use not less than 10 percent for tech-
24 nical assistance and training to be provided by orga-
25 nizations having demonstrated expertise in devel-

1 oping collaborative community and system responses
2 to domestic violence, sexual assault, and stalking.
3 Technical assistance and training under paragraph (3)
4 may be offered to the elements of the Armed Forces, in-
5 stallations, or commands in the process of developing com-
6 munity responses, whether they are receiving funds under
7 this section or not.

8 **TITLE XV—RESEARCH ON PREV-**
9 **ALENCE, NEEDS ASSESS-**
10 **MENT, SERVICES, AND AC-**
11 **COUNTABILITY**

12 **SEC. 1501. RESEARCH ON SEXUAL ASSAULT IN THE ARMED**
13 **FORCES.**

14 (a) IN GENERAL.—The Secretary of Defense, in con-
15 junction with the Bureau of Justice Statistics of the De-
16 partment of Justice, shall carry out a comprehensive 36-
17 month research study that involves the collection and anal-
18 ysis of data on the prevalence and nature of sexual assault
19 in the Armed Forces. The research study shall include the
20 identification of the common characteristics of—

- 21 (1) both victims and perpetrators of sexual as-
22 sault; and
23 (2) the situations and environments in which
24 sexual assault occurs.

1 (b) CONSIDERATIONS.—In carrying out subsection
2 (a), the Secretary shall consider—

3 (1) a definition of sexual assault that encom-
4 passes behavior based patterns for the purposes of
5 the research study;

6 (2) how the Secretary should collect information
7 about sexual assault;

8 (3) how the Secretary should collect information
9 beyond self-reports of sexual assault;

10 (4) how the Secretary should adjust the data in
11 order to account for differences between service
12 branches, installations, deployed, training, and non-
13 deployed units, and individual respondents; and

14 (5) the categorization of branches, installations,
15 and units.

16 (c) SOLICITATION OF VIEWS.—The Secretary shall
17 solicit views from representatives of the following:

18 (1) The National Institute of Justice.

19 (2) The Office of Violence Against Women.

20 (3) The Centers for Disease Control and Pre-
21 vention and Women's Health Office.

22 (4) The Army, the Navy, the Air Force, the
23 Marine Corps, and the Coast Guard.

24 (5) Retired military personnel.

25 (6) Victim advocates.

1 (7) Sex offender behavior specialists.

2 (8) Researchers.

3 (9) Other experts in the area of sexual assault.

4 (d) SAMPLING TECHNIQUES.—The research study
5 under this section shall be conducted with random sam-
6 ples, or other scientifically appropriate samples, of men
7 and women who are actively serving in each of the Armed
8 Forces. The selection shall include enough men and
9 women so the data that are collected are representative
10 of men and women in each branch and comparisons can
11 be made across several broad subgroup categories, such
12 as age, race, rank, and length of service in the Armed
13 Forces.

14 (e) SURVEYS.—In carrying out the research study
15 under subsection (a), the Secretary shall, in addition to
16 such other methods as the Secretary considers appro-
17 priate, use surveys of current or former military personnel
18 from all services. In addition to the samples of military
19 personnel, surveys shall be conducted with a probability-
20 based comparison sample of men and women who are de-
21 mographically similar to the survey population. The data
22 collected from the military and non-military samples shall
23 be weighted to adjust for possible differences between the
24 samples and the frames from which they were sampled

1 and to compensate for any observed differential non-
2 response among sample members.

3 (f) PROTECTION OF HUMAN SUBJECTS.—The Sec-
4 retary shall ensure the confidentiality of each survey par-
5 ticipant. The Secretary shall adopt protocols for the pro-
6 tection of human subjects in consultation with the Na-
7 tional Institute of Justice and the Centers for Disease
8 Control and Prevention.

9 (g) PARTICIPATION IN SURVEY.—All military instal-
10 lations that receive a request from the Secretary shall par-
11 ticipate in the survey and provide access to any military
12 personnel serving on the installation.

13 (h) DATA ANALYSIS AND REPORTING.—Once data
14 have been collected and weighted, appropriate analyses
15 shall be conducted in an effort to generate findings that
16 will help policy makers understand the extent and nature
17 of sexual assault within the Armed Forces, prevention
18 strategies, and needs of the victims of sexual assault. The
19 report shall include the following:

20 (1) The incidence and prevalence of sexual as-
21 sault involving members of the Armed Forces.

22 (2) A discussion of the legal, judicial, non-
23 judicial, and rehabilitative responses to sexual as-
24 sault and how those responses vary across the serv-
25 ices.

1 (3) The extent to which such responses are ef-
2 fective at ensuring victim safety, requiring offender
3 accountability, and imposing sanctions on the of-
4 fender.

5 (4) A review of the availability, accessibility,
6 and effectiveness at increasing victim safety within
7 the existing prevention and intervention programs
8 available to military personnel, families, and part-
9 ners.

10 (5) Recommendations for a comprehensive De-
11 partment of Defense strategy to prevent and inter-
12 vene in cases of sexual assault, to include rec-
13 ommendations on improvements in administrative,
14 criminal, health care, and social service responses to
15 sexual assault and recommendations for the im-
16 provement of data collection, reporting, professional
17 training, and judicial outcomes to sexual assault.

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated \$4,000,000 to conduct
20 the research study beginning in fiscal year 2005 and end-
21 ing in fiscal year 2008.

1 **SEC. 1502. RESEARCH ON INSTITUTIONAL PROCEDURES**
2 **FOR REPORTING SEXUAL ASSAULTS IN THE**
3 **ARMED FORCES.**

4 (a) STUDY REQUIRED.—The Secretary of Defense, in
5 consultation with the Attorney General, shall provide for
6 a study to examine procedures undertaken after a military
7 official receives a report of sexual assault.

8 (b) MATTERS TO BE INCLUDED.—The study re-
9 quired by subsection (a) shall include an analysis of—

10 (1) the existence and publication of the Armed
11 Forces definition of sexual assault;

12 (2) the existence and publication of the Armed
13 Forces policy for sexual assaults;

14 (3) the individuals to whom reports of sexual
15 assault are given most often and—

16 (A) how those individuals are trained to re-
17 spond to such reports; and

18 (B) the extent to which those individuals
19 are trained;

20 (4) the reporting options that are articulated to
21 the victim or victims of sexual assault regarding—

22 (A) on base or post reporting and proce-
23 dure options; and

24 (B) off base or post reporting and proce-
25 dure options;

1 (5) the resources available for victims' safety,
2 support, medical health, and confidentiality, includ-
3 ing—

4 (A) how well the resources are articulated,
5 both specifically to the victim of sexual assault
6 and generally to the military community at
7 large; and

8 (B) the security of the resources in terms
9 of confidentiality or reputation;

10 (6) policies and practices that may prevent or
11 discourage the report of military sexual assaults to
12 local crime authorities or that may otherwise ob-
13 struct justice or interfere with the prosecution of
14 perpetrators of military sexual assaults;

15 (7) policies and procedures found successful in
16 aiding the report and any ensuing investigation or
17 prosecution of a military sexual assault;

18 (8) the on base or post procedures for inves-
19 tigating and disciplining the perpetrator of a sexual
20 assault, including—

21 (A) the format for collecting evidence; and

22 (B) the format of the investigation and
23 disciplinary proceeding, including the command
24 or command representative responsible for run-
25 ning the disciplinary procedure and the persons

1 allowed to attend the disciplinary procedure;
2 and

3 (9) the types of punishment for offenders, in-
4 cluding—

5 (A) whether the case is directed outside
6 the military for punishment; and

7 (B) how the military disciplines perpetra-
8 tors.

9 (c) REPORT TO CONGRESS.—The Secretary shall
10 submit to Congress a report on the study required by sub-
11 section (a) not later than October 1, 2005.

12 (d) MILITARY SEXUAL ASSAULT DEFINED.—For
13 purposes of this section, the term “military sexual as-
14 sault” means—

15 (1) sexual assault occurring at a military instal-
16 lation; and

17 (2) sexual assault (regardless of where occur-
18 ring) that is committed by or against a member of
19 the Armed Forces or an officer or employee of the
20 Department of Defense or a contractor for the De-
21 partment of Defense.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$1,000,000 for fiscal year 2005.

1 **SEC. 1503. RESEARCH ON DOMESTIC VIOLENCE ASSOCI-**
2 **ATED WITH THE ARMED FORCES.**

3 (a) STUDY REQUIRED.—The Secretary of Defense, in
4 conjunction with the National Institute of Justice of the
5 Department of Justice and the Centers for Disease Con-
6 trol and Prevention of the Department of Health and
7 Human Services, shall carry out a comprehensive, 24-
8 month research study that involves the collection and anal-
9 ysis of data on the prevalence and nature of intimate part-
10 ner violence in the Armed Forces. The research study shall
11 include the identification of—

12 (1) the common characteristics of victims and
13 perpetrators of domestic violence;

14 (2) the situations and environments in which
15 domestic violence occurs; and

16 (3) the affect of deployments, duty stations,
17 combat service, and veteran and active duty status
18 on domestic violence.

19 (b) MATTERS TO BE INCLUDED.—In carrying out
20 subsection (a), the Secretary shall consider—

21 (1) how domestic violence should be defined for
22 the purposes of the research study;

23 (2) how the Department should collect informa-
24 tion about domestic violence;

25 (3) how the Department should collect informa-
26 tion beyond self-reports of domestic violence;

1 (4) how the Department should adjust the data
2 in order to account for differences among the serv-
3 ices, different installations, and individual respond-
4 ents; and

5 (5) the categorization of deployments, combat
6 experience, active duty, reserve, guard, veteran sta-
7 tus, military bases or branches.

8 (c) SOLICITATION OF VIEWS.—In carrying out sub-
9 section (a), the Secretary shall consult with representa-
10 tives of the following:

11 (1) The National Institute of Justice.

12 (2) The Bureau of Justice Statistics.

13 (3) The Office of Violence Against Women of
14 the Department of Justice.

15 (4) The Centers for Disease Control and Pre-
16 vention of the Department of Health and Human
17 Services.

18 (5) The Army, the Navy, the Air Force, the
19 Marine Corps, and the Coast Guard.

20 (6) Victim advocates.

21 (7) Researchers.

22 (8) Other experts in the area of domestic vio-
23 lence.

24 (d) SAMPLING TECHNIQUES.—The research study
25 under subsection (a) shall be conducted with random sam-

1 ples, or other scientifically appropriate samples, of men
2 and women who are actively serving in each branch of the
3 military and family members. The selection shall include
4 enough men and women so the data that are collected are
5 representative of men and women in each branch and com-
6 parisons can be made across several broad subgroup cat-
7 egories, such as age, race, rank, and tenure in the mili-
8 tary.

9 (e) SURVEYS.—In carrying out the research study
10 under subsection (a), the Secretary shall, in addition to
11 such other methods as the Secretary considers appro-
12 priate, use surveys of current or former military personnel
13 and families, or both current and former members and
14 families, from all branches of the Armed Forces. In addi-
15 tion to the samples of military personnel, surveys shall be
16 conducted with a probability-based comparison sample of
17 family members. Surveys shall also be conducted with a
18 probability-based comparison sample who are demographi-
19 cally similar to the survey population. The data collected
20 from the military and non-military samples shall be
21 weighted to adjust for possible differences between the
22 samples and the frames from which they were sampled
23 and to compensate for any observed differential non-
24 response among sample members.

1 (f) PROTECTION OF HUMAN SUBJECTS.—The Sec-
2 retary shall ensure the confidentiality of each survey par-
3 ticipant. The Department shall adopt protection of human
4 subject protocols in consultation with the National Insti-
5 tute of Justice and the Centers for Disease Control and
6 Prevention.

7 (g) PARTICIPATION IN SURVEY.—All military instal-
8 lations that receive a request from the Department shall
9 participate in the survey and provide access to any mili-
10 tary personnel serving on the installation.

11 (h) DATA ANALYSIS AND REPORTING.—Once data
12 have been collected and weighted, appropriate analyses
13 shall be conducted in an effort to generate findings that
14 will help policy makers understand the extent and nature
15 of domestic violence within the Armed Forces, prevention,
16 intervention and response, and needs of victims of domes-
17 tic violence. The report shall include the following:

18 (1) The incidence and prevalence of domestic
19 violence involving members of the Armed Forces.

20 (2) A discussion of the legal, judicial, non-
21 judicial, and rehabilitative responses to domestic vio-
22 lence and how they vary across the services.

23 (3) The extent to which such responses are ef-
24 fective at ensuring victim safety, requiring offender

1 accountability, and imposing sanctions on the of-
2 fender.

3 (4) A review of the availability, accessibility,
4 and effectiveness at increasing victim safety within
5 the existing prevention and intervention programs
6 available to military personnel and families.

7 (5) Recommendations for a comprehensive De-
8 partment of Defense strategy to prevent and inter-
9 vene in cases of domestic violence, to include rec-
10 ommendations on improvements in administrative,
11 criminal, health care, and social service responses to
12 sexual assault and recommendations for the im-
13 provement of data collection, reporting, professional
14 training, and judicial outcomes to domestic violence.

15 (i) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated \$3,000,000 to conduct
17 the research study beginning in fiscal year 2005 and end-
18 ing in fiscal year 2007.

19 **SEC. 1504. RESEARCH ON INSTITUTIONAL PROCEDURES**
20 **FOR REPORTING DOMESTIC VIOLENCE IN**
21 **THE ARMED FORCES.**

22 (a) STUDY REQUIRED.—The Secretary of Defense, in
23 consultation with the Attorney General, shall provide for
24 a study to examine procedures undertaken after a military

1 official receives a report of domestic violence, family vio-
2 lence, or intimate partner violence.

3 (b) MATTERS TO BE INCLUDED.—The study re-
4 quired by subsection (a) shall include an analysis of—

5 (1) the existence and publication of the Depart-
6 ment of Defense definitions of domestic violence,
7 family violence, and intimate partner violence;

8 (2) the existence and publication of the Depart-
9 ment of Defense policy with respect to domestic vio-
10 lence, family violence, and intimate partner violence;

11 (3) the individuals to whom reports of domestic
12 violence, family violence, and intimate partner vio-
13 lence are given most often and—

14 (A) how those individuals are trained to re-
15 spond to such reports; and

16 (B) the extent to which those individuals
17 are trained;

18 (4) the reporting options that are articulated to
19 the victim or victims of domestic violence, family vio-
20 lence, or intimate partner violence regarding—

21 (A) on base or post reporting and proce-
22 dure options; and

23 (B) off base or post reporting and proce-
24 dure options;

1 (5) the resources available for victims' safety,
2 support, medical health, and confidentiality, includ-
3 ing—

4 (A) how well the resources are articulated,
5 both specifically to the victim of domestic vio-
6 lence, family violence, or intimate partner vio-
7 lence and generally to the military community
8 at large; and

9 (B) the security of the resources in terms
10 of confidentiality or reputation;

11 (6) policies and practices that may prevent or
12 discourage the report of domestic violence, family vi-
13 olence or intimate partner violence involving Armed
14 Forces personnel to local crime authorities, or that
15 may otherwise obstruct justice or interfere with the
16 prosecution of perpetrators of domestic violence,
17 family violence, or intimate partner violence involv-
18 ing Armed Forces personnel;

19 (7) policies and procedures found successful in
20 aiding the report and any ensuing investigation or
21 prosecution of a domestic violence, family violence,
22 or intimate partner violence involving Armed Forces
23 personnel;

24 (8) the on base or post procedures for inves-
25 tigating and disciplining the perpetrator of a domes-

1 tic violence, family violence, or intimate partner vio-
2 lence, including—

3 (A) the format for collecting evidence; and

4 (B) the format of the investigation and
5 disciplinary proceeding, including the command
6 or command representative responsible for run-
7 ning the disciplinary procedure and the persons
8 allowed to attend the disciplinary procedure;
9 and

10 (9) types of punishment for offenders, includ-
11 ing—

12 (A) whether the case is directed outside
13 the military for punishment; and

14 (B) how the military disciplines perpetra-
15 tors.

16 (c) REPORT TO CONGRESS.—A report of the study
17 required by subsection (a) shall be submitted to Congress
18 not later than October 1, 2005.

19 (d) DEFINITIONS.—For purposes of this section, the
20 terms “domestic violence”, “family violence”, and “inti-
21 mate partner violence” mean an incidence of such vio-
22 lence—

23 (1) that occurs at a military installation; or

24 (2) regardless of where occurring, that is com-
25 mitted by or against a member of the Armed Forces

1 or an officer or employee of the Department of De-
2 fense.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$1,000,000 for fiscal year 2005.

6 **SEC. 1505. RESEARCH ON DATING VIOLENCE ASSOCIATED**
7 **WITH THE ARMED FORCES.**

8 (a) STUDY REQUIRED.—The National Institute of
9 Justice of the Department of Justice (referred to in this
10 section as the “Institute”) shall carry out a comprehen-
11 sive, 12-month research study that involves the collection
12 and analysis of data on the prevalence and nature of inti-
13 mate partner violence, including dating violence and vio-
14 lence among former spouses or partners who are cohab-
15 iting with or have cohabited with members of the Armed
16 Forces.

17 (b) MATTERS TO BE INCLUDED.—The research
18 study shall include the identification of the common char-
19 acteristics of—

20 (1) both victims and perpetrators of intimate
21 partner violence;

22 (2) the situations and environments in which
23 intimate partner violence occurs; and

1 (3) the effect of deployments, duty stations,
2 combat service, veteran, reserve or active duty or
3 combat status.

4 (c) CONSIDERATIONS.—In carrying out subsection
5 (a), the Institute shall consider—

6 (1) how intimate partner violence should be de-
7 fined for the purposes of the research study;

8 (2) how the Institute should collect information
9 about intimate partner violence in the Armed
10 Forces;

11 (3) how the Institute should collect information
12 beyond self-reports of intimate partner violence;

13 (4) how the Institute should adjust the data in
14 order to account for differences between the services,
15 installations, and individual respondents; and

16 (5) the categorization of deployments, combat,
17 active duty, reserve, guard, veteran status, service
18 branches or installations.

19 (d) SOLICITATION OF VIEWS.—In carrying out sub-
20 section (a), the Institute shall consult with representatives
21 of the following:

22 (1) The Department of Defense.

23 (2) The Bureau of Justice Statistics of the De-
24 partment of Justice.

1 (3) The Centers for Disease Control and Pre-
2 vention of the Department of Health and Human
3 Services.

4 (4) The Army, the Navy, the Air Force, the
5 Marine Corps, and the Coast Guard.

6 (5) Victim advocates.

7 (6) Researchers.

8 (7) Other experts in the area of intimate part-
9 ner violence.

10 (e) SAMPLING TECHNIQUES.—The research study
11 under subsection (a) shall be conducted with random sam-
12 ples, or other scientifically appropriate samples, of men
13 and women who are actively serving in each branch of the
14 Armed Forces and family members. The selection shall in-
15 clude enough men and women so the data that are col-
16 lected are representative of men and women in each
17 branch and comparisons can be made across several broad
18 subgroup categories, such as age, race, rank and tenure
19 in the military.

20 (f) SURVEYS.—In carrying out the research study
21 under subsection (a), the Institute shall, in addition to
22 such other methods as the Institute considers appropriate,
23 use surveys of current and/or former military personnel
24 and families from all branches of the military. In addition
25 to the samples of military personnel, surveys shall also be

1 conducted with a probability-based comparison sample
2 who are demographically similar to the survey population.
3 The data collected from the military and non-military
4 samples shall be weighted to adjust for possible differences
5 between the samples and the frames from which they were
6 sampled, and to compensate for any observed differential
7 nonresponse among sample members.

8 (g) PROTECTION OF HUMAN SUBJECTS.—The Insti-
9 tute shall ensure the confidentiality of each survey partici-
10 pant. The Institute shall adopt protection of human sub-
11 ject protocols.

12 (h) PARTICIPATION IN SURVEY.—All military instal-
13 lations that receive a request from the Institute shall par-
14 ticipate in the survey and provide access to any military
15 personnel serving on the installation.

16 (i) DATA ANALYSIS AND REPORTING.—Once data
17 have been collected and weighted, appropriate analyses
18 shall be conducted in an effort to generate findings that
19 will help policy makers understand the extent and nature
20 of intimate violence within the Armed Forces, prevention,
21 intervention and response, and needs of victims of inti-
22 mate partner violence. The report shall contain the fol-
23 lowing:

1 (1) The incidence and prevalence of intimate
2 partner violence involving members of the Armed
3 Forces.

4 (2) A discussion of the prevention and interven-
5 tion available to intimate partners of members of the
6 Armed Forces.

7 (3) A discussion of the legal, judicial, non-
8 judicial, and rehabilitative responses to intimate
9 partner violence and how those responses vary
10 across the services.

11 (4) The extent to which such responses are ef-
12 fective at ensuring victim safety, requiring offender
13 accountability, and imposing sanctions on the of-
14 fender.

15 (5) A review of the availability, accessibility,
16 and effectiveness at increasing victim safety within
17 the existing prevention and intervention programs
18 available to victim/active duty member or victim/ci-
19 vilian.

20 (6) Recommendations for a comprehensive De-
21 partment of Defense strategy to prevent and inter-
22 vene in cases of intimate partner violence, to include
23 recommendations on improvements in administra-
24 tive, criminal, health care, and social service re-
25 sponses to intimate partner violence and rec-

1 ommendations for the improvement of data collec-
2 tion, reporting, professional training, and judicial
3 outcomes to intimate partner violence.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated \$300,000 to conduct the
6 research study commencing in fiscal year 2005.

7 **SEC. 1506. RESEARCH ON SEXUAL VIOLENCE PER-**
8 **PETRATED UPON CIVILIANS.**

9 (a) STUDY REQUIRED.—The Bureau of Justice Sta-
10 tistics of the Department of Justice (referred to in this
11 section as the “Bureau”) shall carry out a comprehensive,
12 24-month research study that involves the collection and
13 analysis of data on the prevalence and nature of sexual
14 assault in the Armed Forces. The research study shall in-
15 clude the identification of the common characteristics of—

16 (1) both civilian victims and perpetrators of
17 sexual assault; and

18 (2) the situations and environments in which
19 sexual assault occurs.

20 (b) CONSIDERATIONS.—In carrying out subsection
21 (a), the Bureau shall consider—

22 (1) a definition of sexual assault which encom-
23 passes behavioral based patterns for the purposes of
24 the research study;

1 (2) how the Bureau should collect information
2 about sexual assault;

3 (3) how the Bureau should collect information
4 beyond self-reports of sexual assault;

5 (4) how the Bureau should adjust the data in
6 order to account for differences between service
7 branches, installations, deployed, training and non-
8 deployed units and individual respondents; and

9 (5) the categorization of branches, installations
10 and units.

11 (c) SOLICITATION OF VIEWS.—In carrying out sub-
12 section (a), the Bureau shall solicit views from representa-
13 tives of the following:

14 (1) The National Institute of Justice.

15 (2) The Office of Violence Against Women.

16 (3) The Centers for Disease Control and Pre-
17 vention and the Women's Health Office, Department
18 of Health and Human Services.

19 (4) The Army, the Navy, the Air Force, the
20 Marine Corps, and the Coast Guard.

21 (5) Retired military personnel.

22 (6) Victim advocates.

23 (7) Sex offender behavior specialists.

24 (8) Researchers.

25 (9) Other experts in the area of sexual assault.

1 (d) SAMPLING TECHNIQUES.—The research study
2 under subsection (a) shall be conducted with random sam-
3 ples, or other scientifically appropriate samples, of men
4 and women. The selection shall include enough men and
5 women so the data that are collected are representative
6 of men and women and comparisons can be made across
7 several broad subgroup categories, such as age, race, sta-
8 tus and rank.

9 (e) SURVEYS.—In carrying out the research study
10 under subsection (a), the Bureau shall, in addition to such
11 other methods as the Bureau considers appropriate, use
12 surveys of the general population. In addition to the sam-
13 ples of civilians associated with military personnel, surveys
14 shall be conducted with a probability-based comparison
15 sample of men and women who are demographically simi-
16 lar to the survey population. The data collected from the
17 military and nonmilitary samples shall be weighted to ad-
18 just for possible differences between the samples and the
19 frames from which they were sampled, and to compensate
20 for any observed differential nonresponse among sample
21 members.

22 (f) PROTECTION OF HUMAN SUBJECTS.—The Bu-
23 reau shall ensure the confidentiality of each survey partici-
24 pant. The Bureau shall adopt protocols for the protection
25 of human subjects.

1 (g) PARTICIPATION IN SURVEY.—All military instal-
2 lations that receive a request from the Bureau shall par-
3 ticipate in the survey and provide access to any military
4 personnel or civilians serving on the installation.

5 (h) DATA ANALYSIS AND REPORTING.—Once data
6 have been collected and weighted, appropriate analyses
7 shall be conducted in an effort to generate findings that
8 will help policy makers understand the extent and nature
9 of sexual assault within the Armed Forces, prevention
10 strategies, and needs of the victims of sexual assault. The
11 report shall include the following:

12 (1) The incidence and prevalence of sexual as-
13 sault involving members of the Armed Forces.

14 (2) A discussion of the legal, judicial, non-
15 judicial, and rehabilitative responses to sexual as-
16 sault involving civilian victims and how they vary
17 across the services.

18 (3) The extent to which such responses are ef-
19 fective at ensuring victim safety, requiring offender
20 accountability, and imposing sanctions on the of-
21 fender.

22 (4) A review of the availability, accessibility,
23 and effectiveness at increasing victim safety within
24 the existing prevention and intervention programs

1 available to civilian victims of sexual assault per-
2 petrated by members of the Armed Forces.

3 (5) Recommendations for a comprehensive
4 strategy to prevent and intervene in cases of sexual
5 assault, to include recommendations on improve-
6 ments in administrative, criminal, health care, and
7 social service responses to sexual assault and rec-
8 ommendations for the improvement of data collec-
9 tion, reporting, professional training, and judicial
10 outcomes to sexual assault.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$2,000,000 to conduct
13 the research study commencing in fiscal year 2005 and
14 ending fiscal year 2006.

15 **SEC. 1507. RESEARCH ON CHILD MALTREATMENT, ABUSE,**
16 **AND HOMICIDE IN THE ARMED FORCES.**

17 (a) STUDY REQUIRED.—The Secretary of Health and
18 Human Services, acting through the Administration for
19 Families and Children of the Department of Health and
20 Human Services, shall carry out a comprehensive, 24-
21 month research study that involves the collection and anal-
22 ysis of data on the prevalence and nature of child mal-
23 treatment, abuse, and homicide in the Armed Forces. The
24 research study shall include the identification of the com-
25 mon characteristics of—

1 (1) both victims and perpetrators of child mal-
2 treatment, abuse, or homicide associated with the
3 Armed Forces; and

4 (2) the situations and environments in which
5 child maltreatment, abuse, or homicide occurs.

6 (b) CONSIDERATIONS.—In carrying out subsection
7 (a), the Secretary shall consider—

8 (1) a definition of child maltreatment, abuse
9 and homicide which encompasses the definition pro-
10 vided in section 3(1) of the Child Abuse Prevention
11 and Treatment Act (42 U.S.C. 5102);

12 (2) how the Secretary should collect information
13 about child maltreatment, abuse, and homicide;

14 (3) how the Secretary should collect information
15 beyond self-reports of child maltreatment, abuse,
16 and homicide;

17 (4) a review of the data collected by the States;

18 (5) how the Secretary should adjust the data in
19 order to account for differences between service
20 branches, installations, deployed, training and non-
21 deployed units and individual respondents; and

22 (6) the categorization of branches, installations,
23 and units.

1 (c) SOLICITATION OF VIEWS.—In carrying out sub-
2 section (a), the Secretary shall solicit views from rep-
3 resentatives of the following:

4 (1) The Department of Defense.

5 (2) The National Institute of Justice.

6 (3) The Centers for Disease Control and Pre-
7 vention.

8 (4) The Army, the Navy, the Air Force, the
9 Marine Corps, and the Coast Guard.

10 (5) Retired military personnel.

11 (6) Victim advocates.

12 (7) Child maltreatment and prevention special-
13 ists.

14 (8) Researchers.

15 (9) Other experts in the area of child abuse and
16 homicide.

17 (d) SAMPLING TECHNIQUES.—The research study
18 under subsection (a) shall be conducted with random sam-
19 ples, or other scientifically appropriate samples. The selec-
20 tion shall include data collected across several broad sub-
21 group categories, such as age, race, status, and rank in
22 the Armed Forces.

23 (e) SURVEYS.—In carrying out the research study
24 under subsection (a), the Secretary shall, in addition to
25 such other methods as the Secretary considers appro-

1 priate, use surveys of the general population. In addition
2 to the samples of civilians associated with military per-
3 sonnel, surveys shall be conducted with a probability-based
4 comparison sample of men and women who are demo-
5 graphically similar to the survey population. The data col-
6 lected from the military and nonmilitary samples shall be
7 weighted to adjust for possible differences between the
8 samples and the frames from which they were sampled,
9 and to compensate for any observed differential non-
10 response among sample members.

11 (f) PROTECTION OF HUMAN SUBJECTS.—The Sec-
12 retary shall ensure the confidentiality of each survey par-
13 ticipant. The Secretary shall adopt protocols for the pro-
14 tection of human subjects.

15 (g) PARTICIPATION IN SURVEY.—All military instal-
16 lations that receive a request from the Secretary shall par-
17 ticipate in the survey and provide access to any military
18 personnel or civilians serving on the installation.

19 (h) DATA ANALYSIS AND REPORTING.—Once data
20 have been collected and weighted, appropriate analyses
21 shall be conducted in an effort to generate findings that
22 will help policy makers understand the extent and nature
23 of child maltreatment, abuse and homicide within the
24 Armed Forces, prevention strategies, and needs of the vic-

1 tims of child maltreatment, abuse, and homicide. The re-
2 port shall include the following:

3 (1) The incidence and prevalence of child mal-
4 treatment, abuse, and homicide involving members
5 of the Armed Forces.

6 (2) A discussion of the legal, judicial, non-
7 judicial, and rehabilitative responses to child mal-
8 treatment, abuse, and homicide and how they vary
9 across the services.

10 (3) The extent to which such responses are ef-
11 fective at ensuring victim safety, requiring offender
12 accountability, and imposing sanctions on the of-
13 fender.

14 (4) A review of the availability, accessibility,
15 and effectiveness at increasing victim safety within
16 the existing prevention and intervention programs
17 available to victims of child maltreatment, abuse,
18 and homicide within the Armed Forces.

19 (5) Recommendations for a comprehensive
20 strategy to prevent and intervene in cases of child
21 maltreatment, abuse, and homicide, to include rec-
22 ommendations on improvements in administrative,
23 criminal, health care, and social service responses to
24 child maltreatment, abuse, and homicide and rec-
25 ommendations for the improvement of data collec-

1 tion, reporting, professional training, and judicial
2 outcomes to child maltreatment, abuse, and homi-
3 cide.

4 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$2,000,000 to conduct the
6 research study under this section beginning in fiscal year
7 2005 and ending in fiscal year 2007.

8 **TITLE XVI—SUMMIT ON SEXUAL**
9 **ASSAULT AND DOMESTIC VIO-**
10 **LENCE**

11 **SEC. 1601. PURPOSES.**

12 It is the purpose of this title to—

13 (1) recognize that military leadership,
14 servicemembers, family members and partners pos-
15 sess an important opportunity to demonstrate the
16 core values of the military institutions, including
17 honor, duty, courage, self-respect and respect for
18 others, tolerance, nondiscrimination, gender equality,
19 and non-violence;

20 (2) convene an Armed Forces summit of leader-
21 ship, command, servicemembers, service providers,
22 advocates, survivors, political community, criminal
23 justice professionals, counselors, and educators to
24 develop a strategic plan to deter acts of domestic vi-
25 olence, sexual assault and stalking committed by or

1 against servicemembers, family members and part-
2 ners in the Armed Forces;

3 (3) find ways that the military community can
4 contribute to a campaign to prevent domestic vio-
5 lence, sexual assault, and stalking; and

6 (4) create a military-civilian partnership to ac-
7 complish the goals of this title.

8 **SEC. 1602. ESTABLISHMENT.**

9 Not later than one year after the date of the enact-
10 ment of this Act, the Secretary of Defense, acting through
11 the Director of the Office of the Victims' Advocate of the
12 Department of Defense, shall convene a summit dealing
13 with issues of domestic violence, sexual assault, and stalk-
14 ing associated with the Armed Forces.

15 **SEC. 1603. ELIGIBLE PARTICIPANTS.**

16 The Secretary shall provide for participants in the
17 summit under this title to include the following:

18 (1) Representatives from a broad cross-section
19 of military authorities, including leadership, com-
20 mands, services, departments, and programs.

21 (2) Representatives of Federal, State, national,
22 and local governments, including the Department of
23 Justice, the Violence Against Women Office, the Na-
24 tional Institute of Justice, the Department of Health
25 and Human Services, the Administration on Chil-

1 dren, Youth and Families, and Indian tribes or trib-
2 al organizations.

3 (3) Members of Congress.

4 (4) Representatives of national, State, and local
5 law enforcement organizations.

6 (5) Criminal justice professionals, including
7 prosecutors, investigators, attorneys, and advocates.

8 (6) Representatives of national and State coal-
9 tions dedicated to policy and social change to ad-
10 dress domestic violence, sexual assault, and stalking.

11 (7) Representatives of nonprofit, private or non-
12 governmental service providers.

13 (8) Public and private organizations working in
14 the field of domestic violence, sexual assault, and
15 stalking.

16 (9) Individuals with demonstrated expertise and
17 experience in addressing the intersection between do-
18 mestic violence, sexual assault, and stalking.

19 (10) Individuals with demonstrated expertise
20 and experience in addressing the issues confronting
21 the Armed Forces relative to domestic violence, sex-
22 ual assault, and stalking.

23 (11) Survivors of domestic violence, sexual as-
24 sault, or stalking, including members of the Armed

1 Forces on active duty, family members of such mem-
2 bers, veterans, and family members of veterans.

3 (12) Representatives of academic, research, and
4 education facilities with demonstrated expertise and
5 experience in domestic violence, sexual assault, and
6 stalking.

7 (13) Representatives of the Department of Vet-
8 erans Affairs including counselors, social workers,
9 psychologists and therapists assigned to the Sexual
10 Trauma Counseling Centers or Women's Wellness
11 Programs.

12 (14) Advocates, counselors, and therapists en-
13 gaged in providing services to victims associated
14 with the Armed Forces.

15 **SEC. 1604. SUMMIT ACTIVITIES.**

16 The summit activities shall include a discussion of,
17 and compiling of recommendations and strategy for, a
18 strategic plan that seeks to—

19 (1) involve more leadership, command, and
20 servicemembers in prevention and other activities de-
21 signed to end domestic violence, sexual assault, and
22 stalking;

23 (2) encourage the military departments to im-
24 plement adequate policies for intervening in inci-

1 dents of domestic violence, sexual assault, and stalk-
2 ing;

3 (3) encourage the military departments to de-
4 velop policies, directives, and statutes to hold per-
5 petrators accountable; and

6 (4) encourage the military departments to en-
7 hance the care and support of victims, including con-
8 fidentiality of communications and privacy.

9 **SEC. 1605. AUTHORIZATION OF APPROPRIATIONS.**

10 For the purposes of carrying out this title, there are
11 authorized to be appropriated \$200,000. The Secretary of
12 Defense is encouraged to seek financial support from the
13 Department of Justice and the Department of Health and
14 Human Services to assist in carrying out the goals of this
15 title.

16 **TITLE XVII—CONFERENCE ON**
17 **SEXUAL ASSAULT AND DO-**
18 **MESTIC VIOLENCE**

19 **SEC. 1701. ESTABLISHMENT.**

20 Not later than one year after the date of the enact-
21 ment of this Act, the Secretary of Defense, acting through
22 the Director of the Office of the Victims' Advocate of the
23 Department of Defense, shall convene a national con-
24 ference to present the results and recommendations of the
25 following:

1 (1) The Department of Defense Task Force on
2 the Care of Sexual Assault Victims.

3 (2) The Department of Defense Task Force on
4 Domestic Violence.

5 (3) The Department of Defense Task Force of
6 Sexual Harassment and Misconduct at the Military
7 Academies.

8 **SEC. 1702. CONFERENCE PARTICIPANTS.**

9 The Secretary shall provide for participants in the
10 conference under this title to include the following:

11 (1) Representatives from a broad cross-section
12 of military authorities including leadership, com-
13 mands, services, departments and programs.

14 (2) Representatives of Federal, State, national
15 and local governments including the Department of
16 Justice, the Violence Against Women Office, the Na-
17 tional Institute of Justice, the Department of Health
18 and Human Services, the Administration on Chil-
19 dren, Youth and Families, and Indian tribes or trib-
20 al organizations.

21 (3) Representatives of national, State, and local
22 law enforcement.

23 (4) Criminal justice professionals, including
24 prosecutors, investigators, attorneys, and advocates.

1 (5) Representatives of national and State coalitions dedicated to policy and social change to address domestic violence, sexual assault, and stalking.

2 (6) Representatives of nonprofit, private, or nongovernmental service providers.

3 (7) Public and private organizations working in the field of domestic violence, sexual assault, and stalking.

4 (8) Individuals with demonstrated expertise and experience in addressing the intersection between domestic violence, sexual assault, and stalking.

5 (9) Individuals with demonstrated expertise and experience in addressing the issues confronting the Armed Forces relative to domestic violence, sexual assault, and stalking.

6 (10) Survivors of domestic violence, sexual assault, and stalking, including members of the Armed Forces on active duty, family members of such members, veterans, and family members of veterans.

7 (11) Representatives of academic, research, and education facilities with demonstrated expertise and experience in domestic violence, sexual assault, and stalking.

8 (12) Representatives of the Department of Veterans Affairs, including counselors, social workers,

1 psychologists, and therapists assigned to the Sexual
2 Trauma Counseling Centers or Women's Wellness
3 Programs.

4 (13) Advocates, counselors, and therapists en-
5 gaged in providing services to victims associated
6 with the Armed Forces.

7 **SEC. 1703. CONFERENCE ACTIVITIES.**

8 The conference shall—

9 (1) provide leadership, command, family advo-
10 cacy, military criminal investigators, law enforce-
11 ment, and security forces with the tools they need to
12 begin implementing programs that directly address
13 domestic violence, sexual assault, and stalking;

14 (2) implement statutory and regulatory direc-
15 tives; and

16 (3) foster a zero tolerance policy within the
17 military departments.

18 **SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

19 For the purposes of carrying out this title, there is
20 authorized to be appropriated \$700,000 to the Depart-
21 ment of Defense. The Secretary of Defense is encouraged
22 to seek financial support from the Department of Justice
23 and the Department of Health and Human Services to
24 assist in carrying out the goals of this title.

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