

Revised

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**AMENDMENT TO H.R. 4200, AS REPORTED
OFFERED BY MS. SLAUGHTER OF NEW YORK**

Rep. Capito, Rep. Solis,
and Rep. Brown-White

At the end of title V (page 200, after line 24), insert
the following new section:

**1 SEC. 598. DEPARTMENT OF DEFENSE POLICY AND PROCE-
2 DURES ON PREVENTION AND RESPONSE TO
3 SEXUAL ASSAULTS INVOLVING MEMBERS OF
4 THE ARMED FORCES.**

5 (a) COMPREHENSIVE POLICY ON PREVENTION AND
6 RESPONSE TO SEXUAL ASSAULTS.—(1) Not later than
7 January 1, 2005, the Secretary of Defense shall develop
8 a comprehensive policy for the Department of Defense on
9 the prevention of and response to sexual assaults involving
10 members of the Armed Forces.

11 (2) The policy shall be based on the recommendations
12 of the Department of Defense Task Force on Care for Vic-
13 tims of Sexual Assaults and on such other matters as the
14 Secretary considers appropriate.

15 (b) ELEMENTS OF COMPREHENSIVE POLICY.—The
16 policy developed under subsection (a) shall address the fol-
17 lowing matters:

18 (1) Prevention measures.

19 (2) Education and training on prevention and
20 response.



1 (3) Investigation of complaints by command
2 and law enforcement personnel.

3 (4) Medical treatment of victims.

4 (5) Confidential reporting of incidents.

5 (6) Victim advocacy and intervention.

6 (7) Oversight by commanders of administrative
7 and disciplinary actions in response to substantiated
8 incidents of sexual assault.

9 (8) Disposition of victims of sexual assault, in-
10 cluding review by appropriate authority of adminis-
11 trative separation actions involving victims of sexual
12 assault.

13 (9) Disposition of members of the Armed
14 Forces accused of sexual assault.

15 (10) Liaison and collaboration with civilian
16 agencies on the provision of services to victims of
17 sexual assault.

18 (11) Uniform collection of data on the incidence
19 of sexual assaults and on disciplinary actions taken
20 in substantiated cases of sexual assault.

21 (c) REPORT ON IMPROVEMENT OF CAPABILITY TO
22 RESPOND TO SEXUAL ASSAULTS.—Not later than March
23 1, 2005, the Secretary of Defense shall submit to Congress
24 a proposal for such legislation as the Secretary considers
25 necessary to enhance the capability of the Department of



1 Defense to address matters relating to sexual assaults in-
2 volving members of the Armed Forces.

3 (d) APPLICATION OF COMPREHENSIVE POLICY TO
4 MILITARY DEPARTMENTS.—The Secretary shall ensure
5 that, to the maximum extent practicable, the policy devel-
6 oped under subsection (a) is implemented uniformly by the
7 military departments.

8 (e) POLICIES AND PROCEDURES OF MILITARY DE-
9 PARTMENTS.—(1) Not later than March 1, 2005, the Sec-
10 retaries of the military departments shall prescribe regula-
11 tions, or modify current regulations, on the policies and
12 procedures of the military departments on the prevention
13 of and response to sexual assaults involving members of
14 the Armed Forces in order—

15 (A) to conform such policies and procedures to
16 the policy developed under subsection (a); and

17 (B) to ensure that such policies and procedures
18 include the elements specified in paragraph (2).

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

21 (A) A program to promote awareness of the in-
22 cidence of sexual assaults involving members of the
23 Armed Forces.

24 (B) A program to provide victim advocacy and
25 intervention for members of the Armed Force con-



1 cerned who are victims of sexual assault, which pro-
2 gram shall make available, at home stations and in
3 deployed locations, trained advocates who are readily
4 available to intervene on behalf of such victims.

5 (C) Procedures for members of the Armed
6 Force concerned to follow in the case of an incident
7 of sexual assault involving a member of such Armed
8 Force, including—

9 (i) specification of the person or persons to
10 whom the alleged offense should be reported;

11 (ii) specification of any other person whom
12 the victim should contact;

13 (iii) procedures for the preservation of evi-
14 dence; and

15 (iv) procedures for confidential reporting
16 and for contacting victim advocates.

17 (D) Procedures for disciplinary action in cases
18 of sexual assault by members of the Armed Force
19 concerned.

20 (E) Other sanctions authorized to be imposed
21 in substantiated cases of sexual assault, whether
22 forcible or nonforcible, by members of the Armed
23 Force concerned.

24 (F) Training on the policies and procedures for
25 all members of the Armed Force concerned, includ-



1 ing specific training for members of the Armed
2 Force concerned who process allegations of sexual
3 assault against members of such Armed Force.

4 (G) Any other matters that the Secretary of
5 Defense considers appropriate.

6 (f) ANNUAL ASSESSMENT OF POLICIES AND PROCE-
7 DURES.—Not later than January 15, 2006, and each year
8 thereafter, each Secretary of a military department shall
9 conduct an assessment of the implementation during the
10 preceding fiscal year of the policies and procedures of such
11 department on the prevention of and response to sexual
12 assaults involving members of the Armed Forces in order
13 to determine the effectiveness of such policies and proce-
14 dures during such fiscal year in providing an appropriate
15 response to such sexual assaults.

16 (g) ANNUAL REPORTS.—(1) Not later than April 1,
17 2005, and January 15 of each year thereafter, each Sec-
18 retary of a military department shall submit to the Sec-
19 retary of Defense a report on the sexual assaults involving
20 members of the Armed Force concerned during the pre-
21 ceding year.

22 (2) Each report on an Armed Force under paragraph
23 (1) shall contain the following:

24 (A) The number of sexual assaults against
25 members of the Armed Force, and the number of



1 sexual assaults by members of the Armed Force,
2 that were reported to military officials during the
3 year covered by such report, and the number of the
4 cases so reported cases that were substantiated.

5 (B) A synopsis of and the disciplinary action
6 taken in each substantiated case.

7 (C) The policies, procedures, and processes im-
8 plemented by the Secretary concerned during the
9 year covered by such report in response to incidents
10 of sexual assault involving members of the Armed
11 Force concerned.

12 (D) A plan for the actions that are to be taken
13 in the year following the year covered by such report
14 on the prevention of and response to sexual assault
15 involving members of the Armed Forces concerned.

16 (3) Each report under paragraph (1) in 2006, 2007,
17 and 2008 shall also include the assessment conducted by
18 the Secretary concerned under subsection (f).

19 (4) The Secretary of Defense shall transmit to the
20 Committees on Armed Services of the Senate and the
21 House of Representatives each report submitted to the
22 Secretary under this subsection, together with the com-
23 ments of the Secretary on each such report. The Secretary
24 shall transmit the report on 2004 not later than May 1,
25 2005, and shall transmit the report on any year after



1 2004 not later than March 15 of the year following such
2 year.

3 (h) ~~SEXUAL ASSAULT DEFINED.~~ In this section, the
4 term "sexual assault" includes rape, acquaintance rape,
5 sexual assault, and other criminal sexual offenses.

REQUIREMENT TO DEVELOP DEFINITION
OF SEXUAL ASSAULT. — Prior to developing
policies and programs on the prevention of and
response to Sexual assaults, the Department
of Defense, in consultation with the
Service Secretaries, shall develop a definition
of sexual assault that is uniform for
all the Armed Forces, including but not
limited to rape, acquaintance rape,
Sexual assault, and other criminal offenses.

