

109TH CONGRESS
2^D SESSION

H. R. 5735

To require the implementation of the Defense Incident-Based Reporting System.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mrs. MALONEY (for herself and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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 require the implementation of the Defense Incident-Based Reporting System.

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

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) Subsection (c)(2) of the Uniform Federal
6 Crime Reporting Act of 1988 (28 U.S.C. 534 note)
7 provides that “all departments and agencies within
8 the Federal government (including the Department
9 of Defense) . . . shall report details about crime

1 within their respective jurisdiction to the Attorney
2 General . . .”.

3 (2) The Department of Defense is required to
4 collect crime data under the Victims’ Rights and
5 Restitution Act of 1990 (Public Law 101–647, 104
6 Stat 4820) and the Brady Handgun Violence Pre-
7 vention Act (Public Law 103–159, 107 Stat. 1536).

8 (3) Department of Defense Directive 7730.47,
9 dated October 15, 1996, establishes the guidelines
10 for the Defense Incident-Based Reporting System
11 (hereinafter in this section referred to as “DIBRS”).

12 (4) Department of Defense Manual 7730.47–M,
13 dated July 25, 2003, establishes the procedures for
14 DIBRS data submission.

15 (5) When fully implemented, DIBRS will report
16 to the National Incident-Based Reporting System,
17 which collects data on certain reported crime inci-
18 dents and is maintained by the Department of Jus-
19 tice.

20 (6) The Department of Defense indicated that
21 the target deadline for full implementation of
22 DIBRS was June 2005; however, DIBRS is now ex-
23 pected to be fully implemented by June 2007.

1 **SEC. 2. DEFENSE INCIDENT-BASED REPORTING SYSTEM IM-**
2 **PLEMENTATION.**

3 (a) **INCLUDING CERTAIN CRIMES AND INCIDENTS.—**

4 In implementing the DIBRS system, the Secretary of De-
5 fense (hereinafter in this section referred to as the “Sec-
6 retary”) shall require submission and compilation of infor-
7 mation on any occurrence of rape, assault with the intent
8 to rape, domestic violence, sexual harassment, kidnapping,
9 murder, or arson involving a member of the Armed
10 Forces. Nothing in this section shall limit the type of in-
11 formation required to be collected or reported under any
12 other provision of law.

13 (b) **IMPLEMENTATION AND CERTIFICATION.—**

14 (1) **IMPLEMENTATION.—**The Secretary shall
15 fully implement the DIBRS system before January
16 1, 2007.

17 (2) **CERTIFICATION.—**The Secretary shall cer-
18 tify in writing when the DIBRS system is fully im-
19 plemented. The Attorney General shall certify in
20 writing when the DIBRS system starts reporting to
21 the National Incident-Based Reporting System. The
22 Secretary and the Attorney General shall each sub-
23 mit a certification under this paragraph to—

24 (A) the Speaker of the House of Rep-
25 resentatives;

1 (B) the minority leader of the House of
2 Representatives;

3 (C) the majority leader of the Senate;

4 (D) the minority leader of the Senate;

5 (E) the Committee on Armed Services of
6 the House of Representatives; and

7 (F) the Committee on Armed Services of
8 the Senate.

9 (3) FAILURE TO CERTIFY.—The annual rate of
10 basic pay for the Secretary for fiscal year 2007 shall
11 be reduced by \$1,000, but not below zero, for each
12 day after December 31, 2006, that the Secretary or
13 the Attorney General has not submitted the certifi-
14 cation specified in paragraph (2).

15 (4) DIBRS.—In this section, the term “DIBRS
16 system” means the system used by the Department
17 of Defense to comply with subsection (a), the Uni-
18 form Federal Crime Reporting Act of 1988, the Vic-
19 tims’ Rights and Restitution Act of 1990, and the
20 Brady Handgun Violence Prevention Act of 1994.

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