

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. CISNEROS OF CALIFORNIA

At the end of subtitle F of title V, add the following
new section:

1 **SEC. 5___ . ESTABLISHMENT OF DEPARTMENT OF DEFENSE**
2 **AUTOMATED VICTIM NOTIFICATION SYSTEM.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall establish an automated notification system
6 to ensure that a registered victim receives timely and accu-
7 rate notification of each of the following:

8 (1) Any proceeding of a service clemency and
9 parole board relating to the offense, not later than
10 30 days before the date of such proceeding.

11 (2) Any change in the confinement status of the
12 offender, including release, transfer to a residential
13 reentry center or halfway house, furlough, or escape.

14 (3) Any grant of clemency or parole with re-
15 spect to the offender.

16 (4) The projected release date of the offender,
17 not later than 60 days before such date, including

1 notice of whether the offender has received good
2 time credits for early release.

3 (b) **SYSTEM REQUIREMENTS.**—In establishing the
4 automated notification system required by subsection (a),
5 the Secretary of Defense shall ensure the system incor-
6 porates the notification capabilities available in existing
7 Federal and State automated victim notification plat-
8 forms, including capabilities equivalent to those provided
9 by the Department of Justice Victim Notification System
10 and State-based Victim Information and Notification Ev-
11 eryday programs. At a minimum, the system shall—

12 (1) provide each registered victim with a unique
13 victim identification number and a personal identi-
14 fication number to enable secure access to case and
15 custody information through an internet-accessible
16 portal and a toll-free automated telephone call cen-
17 ter, both available 24 hours a day, 7 days a week,
18 365 days a year;

19 (2) allow a registered victim to elect to receive
20 notifications through any combination of—

21 (A) automated telephone call, with per-
22 sistent retry at regular intervals until receipt is
23 confirmed by entry of the victim's personal
24 identification number, or until a 48-hour
25 threshold is reached, after which a written noti-

1 fication shall be mailed to the victim's address
2 of record;

3 (B) electronic mail;

4 (C) short message service text message;

5 (D) a secure, dedicated mobile application
6 available on commonly used mobile operating
7 systems; or

8 (E) TTY or other accessible format for vic-
9 tims with hearing impairments;

10 (3) make notifications available in English and
11 Spanish, and provide access to live interpretation
12 services in not fewer than 10 additional languages
13 through the toll-free call center;

14 (4) provide each registered victim with the abil-
15 ity to use the internet portal or toll-free call center
16 to—

17 (A) search for and verify the current cus-
18 tody status and facility location of the offender;

19 (B) view the projected release date and
20 any scheduled service clemency and parole
21 board proceedings relating to the offense;

22 (C) update the victim's contact informa-
23 tion; and

24 (D) discontinue participation in the notifi-
25 cation program;

1 (5) continuously poll the military confinement
2 records system for changes in offender custody sta-
3 tus and transmit notifications to registered victims
4 not later than 24 hours after a triggering event de-
5 scribed in subsection (a);

6 (6) generate a confirmation record for each no-
7 tification transmitted, which shall be retained in the
8 confinement record of the offender;

9 (7) be accessible to victims regardless of the
10 military department of the offender or the military
11 correctional facility in which the offender is con-
12 fined;

13 (8) protect the privacy and confidentiality of
14 each registered victim by—

15 (A) encrypting all victim data at rest and
16 in transit using encryption modules validated
17 under Federal Information Processing Standard
18 140–3, or any successor standard, as certified
19 by the National Institute of Standards and
20 Technology;

21 (B) limiting access to victim registration
22 data and notification records to authorized per-
23 sonnel with a demonstrated need to know, and
24 maintaining an audit log of all access to such
25 data;

1 (C) prohibiting the use of victim registra-
2 tion data for any purpose other than providing
3 notifications authorized under this section, and
4 prohibiting disclosure of such data to any per-
5 son or entity not authorized under this section
6 or applicable Federal law; and

7 (D) providing each registered victim with a
8 written privacy notice, at the time of registra-
9 tion and upon any material change to the sys-
10 tem's data practices, describing the categories
11 of information collected, the purposes for which
12 such information is used, the individuals au-
13 thorized to access such information, and the
14 procedures by which a victim may request cor-
15 rection or deletion of their registration data;
16 and

17 (9) be designed, implemented, and operated in
18 a manner consistent with the guidelines for pro-
19 tecting personally identifiable information set forth
20 in National Institute of Standards and Technology
21 Special Publication 800–122, or any successor publi-
22 cation.

23 (c) VERIFICATION BEFORE BOARD PROCEEDINGS.—

24 (1) The Secretary of the military department concerned
25 shall verify, before convening any proceeding of the appli-

1 cable service clemency and parole board, that each reg-
2 istered victim, with respect to the offense at issue has been
3 notified of the proceeding in accordance with subsection
4 (a)(1). A record of such verification shall be included in
5 the official record of the proceeding.

6 (2) If the Board determines that timely notice was
7 not given or that the victim was not adequately informed
8 of the nature of the proceeding, the Board shall continue
9 the hearing for the time necessary to notify the victim of
10 the time, place, and nature of the proceeding.

11 (3) Before making such determination, the Board
12 shall make every effort to permit the fullest attendance
13 possible by the victim and shall consider reasonable alter-
14 natives to the exclusion of the victim from the proceeding.

15 (d) COORDINATION.—In carrying out this section, the
16 Secretary of Defense shall ensure that the system estab-
17 lished under subsection (a) is consistent with—

18 (1) the rights of victims under section 806b of
19 title 10, United States Code (article 6b of the Uni-
20 form Code of Military Justice); and

21 (2) the victim and witness assistance programs
22 established under Department of Defense Instruc-
23 tion 1030.02, or any successor instruction.

24 (e) REPORT.—Not later than one year after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall submit to the Committees on Armed Services of the
2 Senate and the House of Representatives a report on the
3 implementation of this section, including—

4 (1) a description of the automated notification
5 system established under subsection (a), including
6 the delivery channels and languages made available;

7 (2) the number of registered victims enrolled to
8 receive notifications as of the date of the report;

9 (3) the number of notifications transmitted dur-
10 ing the one-year period covered by the report,
11 disaggregated by triggering event type and delivery
12 channel; and

13 (4) any recommended legislative changes to fur-
14 ther strengthen victim notification under section
15 806b of title 10, United States Code (article 6b of
16 the Uniform Code of Military Justice).

17 (f) DEFINITIONS.—In this section:

18 (1) The term “registered victim” means a vic-
19 tim of an offense under chapter 47 of title 10,
20 United States Code (the Uniform Code of Military
21 Justice), who—

22 (A) has a right to receive notices under
23 section 806b(a)(2) of such chapter (article
24 6b(a)(2)); and

1 (B) informed the Department of Defense
2 of their desire to receive such notices—

3 (i) by submitting Department of De-
4 fense form 2705 (or a successor form); or

5 (ii) through another method deter-
6 mined appropriate by the Secretary of De-
7 fense.

8 (2) The term “service clemency and parole
9 board” means a clemency and parole board estab-
10 lished by the Secretary of a military department
11 pursuant to sections 952 and 954 of title 10, United
12 States Code.

