

108TH CONGRESS  
2D SESSION

# H. R. 5328

To provide additional funding to prevent sexual assaults in the military.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mrs. MALONEY (for herself, Mrs. TAUSCHER, Ms. WATSON, and Mr. TOWNS)  
introduced the following bill; which was referred to the Committee on  
Armed Services

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## A BILL

To provide additional funding to prevent sexual assaults in  
the military.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Preventing Sexual As-  
5       saults in the Military Act of 2004”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) At least eighteen studies have been con-  
9       ducted since 1988 regarding the instances of sexual  
10      assault and rape in the Armed Forces.

1           (2) A May 2003 survey of Air Force Academy  
2           cadets showed that 80.8 percent of females who said  
3           that they had been victims of sexual assault did not  
4           report the incident.

5           (3) According to the April 2004 Department of  
6           Defense's Task Force Report on Care for Victims of  
7           Sexual Assault, in 2002 and 2003, there were a  
8           total of 1913 alleged cases of sexual assault with  
9           uniformed service member victims reported.

10          (4) The April 2004 Report states that 99 per-  
11          cent of alleged service member offenders were male.

12          (5) The April 2004 Report states that "existing  
13          policies and programs aimed at preventing sexual as-  
14          sault are inconsistent and incomplete."

15          (6) The April 2004 Report states that "training  
16          and education designed to prevent sexual assault is  
17          limited and varies from location to location."

18          (7) The April 2004 Report states that many  
19          victims do not report their assaults for several rea-  
20          sons, including fear that the chain of command will  
21          not believe them; embarrassment; fear of being stig-  
22          matized; and fear of retaliation from the offender.

23          (8) The April 2004 Report states that the "vic-  
24          tim's privacy needs must be positively assured."

1           (9) The April 2004 Report states that “a sys-  
2       tem to coordinate and track victim support services  
3       for effective case management does not exist at all  
4       installations.”.

5           (10) The April 2004 Report states that “there  
6       is a backlog of DNA evidence waiting for processing  
7       at the United States Army Criminal Investigation  
8       Laboratory (USACIL) and this can significantly  
9       delay investigations and prosecutions.”.

10 **SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.**

11       (a) **ELIMINATION OF DNA EVIDENCE BACKLOGS.—**  
12       There are authorized to be appropriated to the Secretary  
13       of Defense for each of fiscal years 2005, 2006, and 2007  
14       such funds as may be necessary to eliminate the backlog  
15       in processing of DNA evidence at any military DNA lab-  
16       oratories, including the United States Army Criminal In-  
17       vestigation Laboratory (USACIL).

18       (b) **TIMELY TESTING OF CRIME SCENE DNA SAM-**  
19       **PLES.—**There are authorized to be appropriated to the  
20       Secretary of Defense for each of fiscal years 2005, 2006,  
21       and 2007 such funds as may be necessary to ensure that  
22       DNA testing and analysis of samples from crimes, includ-  
23       ing sexual assault and other serious violent crimes, are  
24       carried out in a timely manner.

1       (c) DISTRIBUTION OF DNA EVIDENCE KITS.—There  
2 are authorized to be appropriated to the Secretary of De-  
3 fense for each of fiscal years 2005, 2006, and 2007 such  
4 funds as may be necessary to distribute a sufficient  
5 amount of DNA evidence kits to each military academy,  
6 domestic military base, overseas military base, and theater  
7 of operations.

8       (d) ON-DUTY SANE OR SAFE PERSONNEL.—There  
9 are authorized to be appropriated to the Secretary of De-  
10 fense for each of fiscal years 2005, 2006, and 2007 such  
11 funds as may be necessary to ensure that at least one mili-  
12 tary medical personnel member, who is trained as a Sexual  
13 Assault Nurse Examiner (SANE) or Sexual Assault Fo-  
14 rensic Examiner (SAFE), is on duty at all times in the  
15 health care facility at each military academy, domestic  
16 military base, overseas military base, and theater of oper-  
17 ations, except in a case in which a memorandum of under-  
18 standing between the military installation and a local civil-  
19 ian hospital ensures that a nonmilitary person trained as  
20 a SANE or SAFE is on duty at all times.

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