

110TH CONGRESS
2D SESSION

H. CON. RES. 397

Expressing the sense of the Congress regarding sexual assaults and rape
in the military.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2008

Ms. HARMAN (for herself and Mr. TURNER) submitted the following
concurrent resolution; which was referred to the Committee on Armed Services

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding sexual
assaults and rape in the military.

Whereas since 2002, 59,690 female veterans reported being
raped, sexually assaulted, or experiencing another form of
military sexual trauma, constituting almost 20 percent of
the women seen at VA facilities nationwide, according to
the Department of Veterans Affairs' figures;

Whereas 41 percent of female veterans treated at the West
Los Angeles VA Health Center reported being sexually
assaulted while in the military, and 29 percent reported
being raped during their military service;

Whereas reported sexual assaults and rapes rose 73 percent
from 2004 to 2006, according to Department of Defense
figures;

Whereas 2,688 reports of sexual assaults were made in fiscal year 2007, including 1,259 reports of rape, according to the Department of Defense;

Whereas the chain of command took no action in almost half of the cases investigated claiming insufficient evidence and the majority of the remainder were dealt with through nonjudicial punishment or administrative action, which in most cases amounts to little more than a slap on the wrist;

Whereas only 181 of the 2,212—or 8 percent—subjects investigated during fiscal year 2007 were referred to courts martial;

Whereas civilian law enforcement authorities prosecute 40 percent of those arrested for rape, according to the United States Department of Justice and Federal Bureau of Investigation statistics;

Whereas the absence of aggressive prosecutions by the military perpetuates a hostile environment and hinders a victim's willingness to report a sexual assault or rape;

Whereas the military's response was to create the Sexual Assault Prevention and Response Office (SAPRO) in 2005, which serves as the single point of accountability and oversight for the Department of Defense sexual assault policy;

Whereas SAPRO has improved reporting of sexual assault and rape, but still does not track investigations or prosecutions of reported cases; and

Whereas sexual assault and rape are a threat to our national security: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that the
3 Secretary of Defense should develop a comprehensive
4 strategy to increase and encourage investigation and pros-
5 ecution of sexual assault and rape cases in the military
6 that includes the following elements:

7 (1) Require commanders to be held accountable
8 for sexual assaults and rapes that occur in their
9 units and provide justification for disposing of cases
10 through non-judicial punishment and other adminis-
11 trative actions.

12 (2) Develop and enhance existing prevention
13 and response programs by using proven best-practice
14 methods to create a culture that prevents sexual as-
15 sault and rape in the military and encourages more
16 reporting by victims.

17 (3) Conduct more aggressive oversight of exist-
18 ing prevention and response programs, analyze
19 trends, and establish performance metrics to ensure
20 that such programs are effective.

21 (4) Require the Secretary to review current
22 training methods for all military investigations and
23 Judge Advocate staff, and implement any improve-
24 ments that are necessary.

1 (5) Encourage communication and data sharing
2 between SAPRO and other military branches to en-
3 hance coordination and oversight of sexual assault
4 and rape cases as they move through the legal proc-
5 ess.

6 (6) Review the capacity of the legal infrastruc-
7 ture in the military to investigate and prosecute ef-
8 fectively sexual assault cases in the military.

9 (7) Examine any additional barriers (such as
10 staff availability and adequate resources) on military
11 bases and facilities in the United States, abroad,
12 and in theater to conduct effective investigation of
13 sexual assault and rape cases.

14 (8) Review command disposition of cases and
15 identify whether further oversight is required to en-
16 sure that cases reaching non-judicial ends are justi-
17 fied.

18 (9) Classify a military protection order as a
19 standing military order to assure an investigation
20 has occurred and command has completely adju-
21 dicated allegations before the order can be over-
22 turned.

23 (10) Establish a policy that mandates the noti-
24 fication of any military protective order issued on

1 base to local civilian law enforcement to provide the
2 continuity of protection of victims.

3 (11) Ensure that once a servicemember has no-
4 tified her or his command that she or he has been
5 sexually assaulted or raped, the command affords
6 the alleged victim an opportunity for a base transfer
7 should a military protection order be issued.

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