

110TH CONGRESS
2D SESSION

S. CON. RES. 97

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2008

Mrs. CLINTON submitted the following concurrent resolution; which was
referred to the Committee on Armed Services

CONCURRENT RESOLUTION

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

Whereas, since 2002, 59,690 female veterans have reported
being raped or sexually assaulted or experiencing another
form of sexual trauma while in the military;

Whereas, according to the Department of Veterans Affairs,
female veterans reporting rape, sexual assault, or other
sexual trauma constitute almost 20 percent of the women
seen at facilities of the Department nationwide;

Whereas 41 percent of female veterans treated at the West
Los Angeles Medical Center of the Department of Vet-
erans Affairs reported being sexually assaulted while in
the military and 29 percent of such veterans reported
being raped while in the military;

Whereas the number of reported sexual assaults and rapes in the military increased by 73 percent from 2004 to 2006, according to the Department of Defense;

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

Whereas the military chain of command took no action in almost half of the cases of sexual assault in the military investigated by military authorities, claiming insufficient evidence, and the majority of the cases in which some action was taken were resolved 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 subjects, or 8 percent, investigated by the military for sexual assault during fiscal year 2007 were referred to courts martial;

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

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, in 2005, the Department of Defense created the Sexual Assault Prevention and Response Office, which serves as the single point of accountability and oversight for the policies of the Department relating to sexual assault;

Whereas the Sexual Assault Prevention and Response Office 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 in the military are a threat to the national security of the United States: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
 2 *concurring)*, That it is the sense of Congress that the Sec-
 3 retary of Defense should develop a comprehensive strategy
 4 to increase and encourage investigation and prosecution
 5 of sexual assault and rape cases in the military that in-
 6 cludes—

7 (1) requiring commanders to be held account-
 8 able for sexual assaults and rapes that occur in the
 9 units under their command and to provide justifica-
 10 tion for disposing of cases through nonjudicial pun-
 11 ishment and other administrative actions;

12 (2) developing and enhancing existing preven-
 13 tion and response programs by using proven best-
 14 practice methods to create a culture that prevents
 15 sexual assault and rape in the military and encour-
 16 ages more reporting of sexual assaults and rapes by
 17 victims;

18 (3) conducting more aggressive oversight of ex-
 19 isting prevention and response programs, estab-
 20 lishing performance metrics to ensure that such pro-

grams are effective, and analyzing trends in the prevention and reporting of sexual assaults and rapes;

(4) reviewing current training methods for all personnel involved in military investigations of sexual assault and rape cases, and for judge advocate staff, and implementing any improvements that are necessary;

(5) encouraging communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces and the Department of Defense to enhance coordination and oversight of sexual assault and rape cases as those cases move through the legal process;

(6) reviewing the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively sexual assault cases in the military;

(7) examining any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of sexual assault and rape cases;

1 (8) reviewing command disposition of cases and
2 identifying whether additional oversight is required
3 to ensure that the resolution of cases through non-
4 judicial means is justified;

5 (9) classifying a military protection order as a
6 standing military order to ensure that an investiga-
7 tion has occurred and appropriate command authori-
8 ties have completely adjudicated allegations before
9 the order can be overturned;

10 (10) establishing a policy that mandates the no-
11 tification of any military protective order issued at
12 a military installation to local civilian law enforce-
13 ment agencies to provide the continuity of protection
14 to victims; and

15 (11) ensuring that once a member of the Armed
16 Forces has notified the member's command that the
17 member has been sexually assaulted or raped, the
18 command affords the member an opportunity for
19 transfer if a military protection order is issued.

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