Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

This motion to instruct is well-intentioned but unnecessary. The motion would urge adoption of the Senate-passed level for VA medical research, which is $50 million above the House-passed level.

We all support our veterans and honor their service and sacrifice. We, of course, support the important work the VA is doing for our veterans in fields such as traumatic brain injury and posttraumatic stress disorder. We provided a robust level of funding for this research in the House-passed balance of the bill at a time when our overall funding targets were constrained. In fact, the House bill provided a total of $531 million for VA medical research, an increase of $22 million above what the White House and the VA requested. In addition, the VA still has $71 million in un obligated research funding left over from previous years that could be put to use. So even without the increase, the program level would still be well above the 2011 level.

We all agree that medical research at the VA is undeniably important and we want to do the best that we can for our veterans, particularly those in need of medical assistance. On that, there’s no difference between the ranking minority member and myself and between the members of the subcommittee.

I can reassure the Members that we will work with our House and Senate colleagues to determine the appropriate level for VA research to continue to support and honor the service of our veterans.

While this motion is not necessary, I understand and agree with its intent; and I will work with the ranking member. And with reservations, I will accept the motion at this time.

Mr. DICKS. I would ask for a vote on my motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. McKEON. Madam Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense functions of the Department of Energy to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of Washington. Madam Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Smith of Washington moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1540 be instructed to insist on the amendments contained in title I of title L of division A of the Energy and Water Development Appropriations Act, 2012 (sections 581 through 587 relating to improved sexual assault prevention and response in the Armed Forces).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. SMITH) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Madam Speaker, I yield myself such time as I may consume.

This is a very important provision of the House bill dealing with better combating sexual assault within the military. Now, this is a significant problem that has been documented by many studies and many media reports. I want to particularly congratulate members of my committee, Ms. LORETTA SANCHEZ, Ms. TSONGAS, Ms. SPEIER, and Mrs. SUSAN DAVIS, who have taken a leadership role in this to try to implement policies to control sexual assault within the military. The provisions that we’ve put together in the House bill help move us forward towards addressing that issue, make sure that it takes on the importance it deserves, and empowers the military to make the decisions they need to better protect against sexual assault within the military.

I particularly applaud Ms. TSONGAS. This is her motion to stick to the House provisions in this area. I urge the conference committee to do that going forward.

With that, I reserve the balance of my time.

Mr. McKEON. I reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding. And, Madam Speaker, good afternoon.

Sexual assault in the military continues to be a serious problem. It impacts thousands of service women and men each year.

While I’m pleased with the recent improvements made by the Department of Defense, there remains much more to be done. It is vital that we do all we can to protect the men and women in the military who protect us.

I am very pleased that both the House and Senate passed language improving the military’s response to sexual assault in their respective versions of the National Defense Authorization Act.

Earlier this week, I, along with Representative TURNER and 45 colleagues, sent a letter to the House and Senate Armed Services Committees asking them to strongly consider the House-passed provisions dealing with military sexual assault.

The language contained in the House version makes necessary improvements to protect our service women and men. Specifically, the language strengthens the rights of sexual assault victims by clarifying victim access to legal counsel, and record maintenance and confidentiality, which are critically important. It also ensures expedited unit or station transfer when a servicemember has been victimized.

Imagine being a victim of rape, which one young soldier told me about at a hearing, while serving in the military, and every morning she had to salute her rapist. That’s what the members of our Armed Forces have experienced and will continue to experience if we don’t do something to change that situation.

The House-passed language also speaks to the need for the NDAA to include comprehensive training and education programs for sexual assault prevention within the Department of Defense. The Senate version does not include this protection, which is part of H.R. 1709, the Force Protection and Readiness Act, which I introduced earlier this year.

I am pleased this motion to instruct conferees on the NDAA recognizes the importance of this issue, and I ask the conferees to seriously consider including the strongest possible language to prevent and appropriately respond to incidents of sexual assault in the military.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield the balance of my time to the gentlewoman from Massachusetts (Ms. TSONGAS).

The SPEAKER pro tempore. Without objection, the gentlewoman from Massachusetts will control the balance of the time.

There was no objection.

Ms. TSONGAS. Madam Speaker, I yield myself such time as I may consume.

While one in six women will experience sexual assault in her lifetime, as
many as one in three women leaving military service report that they have experienced some form of military sexual trauma.

By the Pentagon’s own estimate, as few as 13.5 percent of sexual assaults are reported. Additionally, while 40 percent of sexual assault allegations in the civilian world are prosecuted, this number is a staggeringly low 8 percent in the military.

The military has been slow to take the appropriate actions necessary to protect victims of sexual assault. For example, rape victims still do not have the right to a unit or duty location transfer following an assault. This means victims of sexual assault are often forced to live and work alongside their perpetrator, facing repeated stress and trauma due to the constant contact they may have with an assailant who is part of their unit.

As the bounds, this is exactly what happened to Marine Lance Corporal Maria Lauterbach, who accused her assailant of rape, and then spent the next 8 months exposed to the accused rapist, who later murdered her and buried her with the body of her unborn son in his backyard.

Although these events happened in 2007, the Department of Defense has not adopted provisions that would allow victims to escape constant contact with their assailant. We ask men and women in the military to put their lives on the line for our country, and they shouldn’t fear harm from their fellow servicemembers. We simply need to do more to protect them.

In May, this House passed H.R. 1546, which included strong bipartisan provisions that would allow victims of sexual assault the right to transfer units, the right to counsel, the right to privileges between a victim and a victim advocate, and the right to get records of their sexual assault so they can be eligible for veterans’ benefits. These provisions came from a bipartisan bill that I introduced with my good friend Mr. Treanor from Ohio.

Our language stipulates that confidential communications cannot be used by the defense attorney against a victim during court proceedings, and they remain actually confidential. These provisions will encourage more victims to come forward and get the help they need to heal, and will encourage more victims to participate in the legal process of prosecuting perpetrators of sexual assault, both of which are critical to maintaining readiness and unit cohesion in the military.

These provisions also establish full-time sexual assault response coordinators and victim advocates and ensure they are trained to do the job and able to properly serve victims of sexual assault. The 2009 Defense Task Force Report on Sexual Assault in the Military Services found that current victim advocates and sexual assault response coordinators are unprepared for the duties of the position.

In the words of a current unit victim advocate, ‘I would truly be unprepared if a sexual assault were to occur and my services were needed. It is my opinion that active duty victim advocates are not prepared to deal with sexual assaults and could potentially deter individuals from coming forward.’

Having full-time SARC and VAs with extensive training and certification will ensure that they are truly a valuable resource to their unit and to victims who come forward.

This language also improves the retention of sexual assault records and guarantees that sexual assaults will have lifetime access to these records for a variety of purposes, such as being considered for veterans benefits and given priority consideration for counseling at Veterans Affairs.

Currently, survivors of sexual assault have to jump through multiple bureaucratic hurdles to prove that their symptoms are connected to an incident of sexual assault in the military in order to be prioritized for mental health counseling and eligibility for benefits. Servicemembers find that it difficult to obtain documentation proving their sexual assault once they have left the services because many of these documents are destroyed at DOD after only a few years. This language ensures that the documents are maintained.

This language also requires DOD to prepare a record of all court proceedings in which a charge of sexual assault is adjudicated and provide a copy to the victim. Because victims of sexual assaults serving as witnesses rather than active participant in trials where their case is litigated, they often do not understand the outcome of their case. These records are prepared where convictions result, but when charges are dismissed, or when a perpetrator is found innocent, the victim has no reliable way to understand what happened and why his or her case was dismissed.

Making sure victims understand the outcome of their case is important to providing closure for victims and making sure they are an active, respected participant in the legal process.

It will help to alleviate much of the mistrust that servicemembers and victims of sexual assault in the military harbor when it comes to how a sexual assault case will be handled if they make a report.

Similar provisions were included in the Senate’s version of the defense authorization, but these provisions do not clearly spell out a victim’s right to counsel and do not provide for a comprehensive education and training program.

Yesterday a bipartisan group of 47 Members, led by Ms. Slaughter and Mr. Turner, sent a letter to the chairman and ranking member of both the House and Senate Armed Services Committees in support of the House’s language. That letter only instructs our conferees to insist on the House language, language that will protect our servicewomen.

I urge my colleagues on both sides of the aisle to support the motion to instruct conferees.

With that, Madam Speaker, I reserve the balance of my time.

Mr. Mckeon. I continue to reserve the balance of my time.

Ms. Tsongas. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California who has taken such an interest in this very grave issue and played an important leadership role, Congresswoman Speier.

Ms. Speier. I thank Ms. Tsongas and the ranking member, Mr. Smith, for bringing this motion. Thank you, Madam Speaker, for the opportunity to say a few words here.

This is a cancer that is eating up our military. For 25 years, we have debated and discussed and reported on it, and yet the numbers are staggering. By DOD’s own estimates, 19,000 men and women in the military each and every year are sexually assaulted or raped. Only 13 percent actually report these sexual assaults and rapes, and 90 percent of them are involuntarily honorably discharged.

There is a message in the military: Shut up, take an aspirin, go to bed, sleep it off. These very modest elements are really very important, but if we’re really going to deal with this issue, if we’re truly going to say that you are no longer going to be more likely to be a victim of violence in the military by a fellow officer than by the enemy, if we’re really going to be able to change that construct, then we’re going to have to take the reporting of these crimes away from the chain of command and put it in a separate office where we will have experts, both military and civilian, that will be able to prosecute these cases and actually investigate them.

Right now there’s a huge conflict of interest. I spoke on the floor this morning about Petty Officer De Roche who was raped by two officers in Thailand when they were on port of call. She was raped twice by each of these men. She then went to report it and was told to leave it alone. She was then put in a medical hold for 24 hours, for days. And then what happened, she was eventually allowed to leave the ship and be put in another service setting.

But do you know what happened to those two assailants, both of whom admitted that they had raped her? The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. Tsongas. I yield the gentlewoman an additional minute.

Ms. Speier. One of them had 6 months of reduction of pay; one of them got demoted, one of them did not; but neither of them served any time for having admitted that they had raped her. They got what was called non-judicial punishment.

I urge my colleagues on both sides of the aisle to support the motion to instruct conferees.
What we need to do is create an independent authority that will have the expertise, which a unit commander is not going to have, regarding sexual assault and rape and have investigators who have, again, the expertise to look at these cases so that the unit commanders and the base commanders are not overwhelmed by the various issues surrounding this very, very serious subject.

Ms. TSONGAS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Washington. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on the motion to permit closed conference meetings on H.R. 1540 and the motion to instruct on H.R. 2550.

The vote was taken by electronic device, and there were ayes 421, noes 2, not voting 10, as follows:

[Roll No. 892]

AYES—421

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December 7, 2011

CONGRESSIONAL RECORD—HOUSE

H8207

Gonzalez Goodlatte Gosar Gowdy Graham Graves (GA) Graves (MO) Green, Al Green, Gene Griffin (AR) Griffin (VA) Guajardo Gutierrez

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