

# Congress of the United States

Washington, DC 20515

November 22, 2005

The Honorable Francis J. Harvey  
Secretary of the U.S. Army  
The Pentagon  
Washington, D.C. 20310

Dear Secretary Harvey,

We are writing to you to officially comment and express our strong concerns about the notice in the Federal Register on October 25, 2005, indicating that the Sexual Assault Data Management System Files would be added to the Army's existing records systems. While we applaud the Army's attempts to better understand the problem of sexual assault among its ranks, we are unclear why personal identifying information would be needed and are very concerned about the ramifications of gathering and storing this data. We believe that this system would violate the privacy rights of victims, as well as deter them from reporting crimes and seeking necessary treatment.

We have serious concerns about the implications for the confidentiality of victims of sexual assault, who all too frequently are fearful of reporting these crimes. For example, this system would store personal identifying information about alleged assailants and sexual assault survivors including names, Social Security numbers, birth dates, and medical information. These survivors, who have just endured a terrible and life-altering attack, should not then have to worry that their most personal and intimate information might be shared.

We also are concerned about the exemptions that would allow certain information to be excluded from the database. These exemptions may prevent an alleged assailant with a higher rank or security clearance from having his or her information related to the assault included in the database. Additionally, because administrative responses, such as letters of reprimand, are subject to Privacy Act protections, this information also may be excluded from the database.

As you know, the Defense Incident-Based Reporting System (DIBRS), once fully operational, will contain data on a wide array of crimes, including rape and sexual assault, without including personal identifying information. Through DIBRS, the Department of Defense (DoD) will have an aggregate accounting of the crimes that are occurring and what actions are being taken while maintaining the confidentiality of the victims. Additionally, DIBRS will report to the National Incident-Based Reporting System (NIBRS) which is maintained by the Department of Justice.

Unfortunately, the implementation of DIBRS is long overdue. In 1988, Congress enacted the Uniform Federal Crime Reporting Act (P.L. 100-690) which required federal agencies and departments, including the DoD, to report crime data to the Justice Department. In 1996, the Under Secretary of Defense for Personnel and Readiness issued Directive 7730.47, concerning the creation of DIBRS. However, seventeen years have passed since the passage of the Uniform

Federal Crime Reporting Act and DIBRS has yet to be completed.

Therefore, we strongly urge you to refrain from collecting and storing any personal identifying information or medical treatment records as part of this database and instead we urge you to focus on working with the Department of Defense to complete DIBRS so that the military will have a system of collecting crime statistics that will not violate basic privacy rights and allow our brave servicemen and women who survive a sexual assault to focus on getting the necessary treatment.

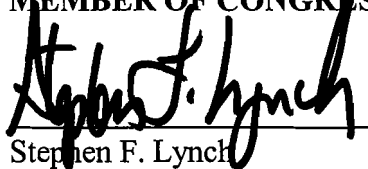
Sincerely,



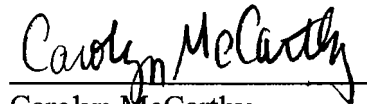
Carolyn B. Maloney  
MEMBER OF CONGRESS



Louise M. Slaughter  
MEMBER OF CONGRESS



Stephen F. Lynch  
MEMBER OF CONGRESS



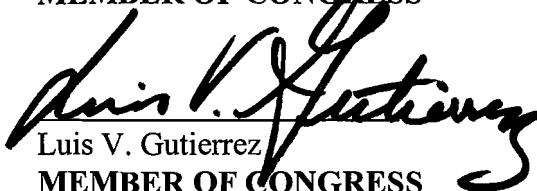
Carolyn McCarthy  
MEMBER OF CONGRESS



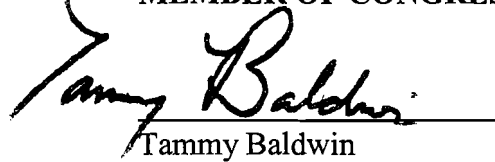
Barbara Lee  
MEMBER OF CONGRESS



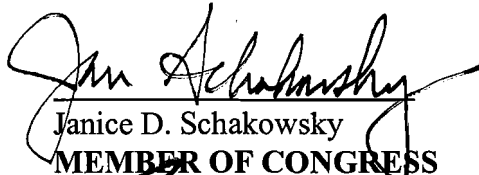
Peter DeFazio  
MEMBER OF CONGRESS




Luis V. Gutierrez  
MEMBER OF CONGRESS



Tammy Baldwin  
MEMBER OF CONGRESS



Janice D. Schakowsky  
MEMBER OF CONGRESS



James P. McGovern  
MEMBER OF CONGRESS



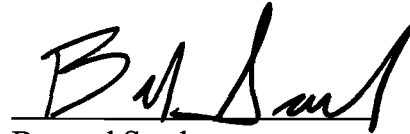
Mairi R. Owens  
MEMBER OF CONGRESS



Betty McCollum  
MEMBER OF CONGRESS



Fortney Pete Stark  
**MEMBER OF CONGRESS**



Bernard Sanders  
**MEMBER OF CONGRESS**



Rush D. Holt  
**MEMBER OF CONGRESS**

List of Signers:

The Honorable Carolyn B. Maloney  
The Honorable Louise M. Slaughter  
The Honorable Stephen F. Lynch  
The Honorable Carolyn McCarthy  
The Honorable Barbara Lee  
The Honorable Peter DeFazio  
The Honorable Luis V. Gutierrez  
The Honorable Tammy Baldwin  
The Honorable Janice D. Schakowsky  
The Honorable James P. McGovern  
The Honorable Major R. Owens  
The Honorable Betty McCollum  
The Honorable Fortney Pete Stark  
The Honorable Bernard Sanders  
The Honorable Rush D. Holt