

Calendar No. 395

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-238 }

IMPROVE DATA ON SEXUAL VIOLENCE ACT

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2349

TO DIRECT THE DIRECTOR OF THE OFFICE OF MANAGEMENT
AND BUDGET TO ESTABLISH AN INTERAGENCY WORKING
GROUP TO STUDY FEDERAL EFFORTS TO COLLECT DATA ON
SEXUAL VIOLENCE AND TO MAKE RECOMMENDATIONS ON THE
HARMONIZATION OF SUCH EFFORTS, AND FOR OTHER PURPOSES



MAY 7, 2018.—Ordered to be printed

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MAY 7, 2018.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2349]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2349), to direct the Director of the Office of Management and Budget to establish an interagency working group to study Federal efforts to collect data on sexual violence and to make recommendations on the harmonization of such efforts, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

S. 2349, the Improve Data on Sexual Violence Act, requires the Office of Management and Budget (OMB) to create an interagency working group to improve Federal communication and data collection on sexual violence, with the goal of having standardized terms and statistics.

II. BACKGROUND AND THE NEED FOR LEGISLATION

In 2016, the Government Accountability Office (GAO) released a report that identified variations in how agencies collect information on sexual violence and recommended that OMB create an inter-agency working group to better harmonize efforts to collect sexual violence data.¹ GAO found that the Centers for Disease Control and Prevention (CDC), the Department of Defense (DOD), the Department of Education (ED), the Department of Health and Human Services (HHS), and the Department of Justice (DOJ) all collect sexual violence data.² These agencies combined have 10 different data collection efforts and 23 different overlapping terms for various acts of sexual violence.³ These data collections do not contain any information regarding what types of acts of violence are included for each term, furthering public confusion and fragmentation.⁴ These recommendations were also included in the 2017 Duplication Report,⁵ which is an annual report on fragmentation, overlap, and duplication in the Federal government.⁶

Three specific Federal datasets on sexual violence illustrate the inconsistencies in the data. In 2010, the CDC reported that there were approximately 1.9 million rape victims,⁷ the Bureau of Justice Statistics reported 243,800 “rape/sexual assault” victims,⁸ and the FBI reported 84,767 “forcible rape/rape offenses.”⁹ While the disparity in the reported numbers is concerning, the discordant terms and definitions reveal that the policymakers are lacking accurate and comprehensive information necessary to determine how to most effectively combat the challenges associated with sexual violence.

S. 2349 addresses the issue of differing definitions across Federal agencies. S. 2349 implements GAO’s recommendation by requiring that OMB establish an interagency working group with representatives from CDC, DOD, ED, HHS, and DOJ. The group’s purpose is to define and document what constitutes different acts of sexual violence. Within two years of the enactment of this bill, the group will publish a report and submit it to Congress. Shortly following submission of the report, the working group will dissolve.

III. LEGISLATIVE HISTORY

Ranking Member Claire McCaskill (D–MO) and Chairman Ron Johnson (R–WI) introduced S. 2349, the Improve Data on Sexual

¹U.S. Gov’t Accountability Off., GAO–16–546, *Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences Across Federal Data Collection Efforts* (July 2016), available at <https://www.gao.gov/assets/680/678511.pdf>.

²*Id.* at 8, 13.

³*Id.* at 2.

⁴*Id.*

⁵U.S. Gov’t Accountability Off., GAO–17–491SP, 2017 Annual report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits 61 (April 26, 2017), available at <https://www.gao.gov/assets/690/684304.pdf>.

⁶Pub. L. 111–139, title II, § 21.

⁷Matthew J. Breiding, *et al.*, Ctrs. for Disease Control and Prevention, Nat’l Ctr. for Inj. Prevention and Control, Division of Violence Prevention, National Intimate Partner and Sexual Violence Survey, United States (2011), available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm>.

⁸Jennifer L. Truman, Ph.D. & Michael Planty, Ph.D., U.S. Dep’t of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2010* (Sept. 2011), available at <https://www.bjs.gov/content/pub/pdf/cv10.pdf>.

⁹Unif. Crime Reporting Program, Fed. Bureau of Investigation, *Crime in the United States (2010)*, available at <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/violent-crime/rapemain>.

Violence Act, on January 29, 2018. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2349 at a business meeting on February 14, 2018. The bill was favorably reported *en bloc* by voice vote. Senators present for the vote were Johnson, Portman, Paul, Lankford, Enzi, Hoeven, Daines, McCaskill Heitkamp, Peters, Hassan, Harris, and Jones.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes that the bill may be cited as the “Improve Data on Sexual Violence Act.”

Section 2. Interagency working group to study Federal efforts to collect data on sexual violence

Subsection (a) requires that OMB create an interagency working group to harmonize Federal efforts on sexual violence data within 180 days of enactment.

Subsection (b) lists the agencies that shall be in the working group: CDC, DOD, ED, HHS, and DOJ.

Subsection (c) explains the obligations of the working group. The working group is to consider what activities constitute different acts of sexual violence, whether reports that use the same words for violent sexual acts are collecting the same data on these acts, if the context which leads up to a violent sexual act should impact how the act is recorded for the reports, whether the data is collected in a manner that is easy to understand, and ensure that agencies take steps to avoid duplicative counting of sexual violence acts.

Subsection (d) explains that the working group is required to provide a report to Congress no later than two years of enactment on its activities to harmonize Federal efforts to collect data on sexual violence, and the actions Federal agencies should implement to synchronize Federal records.

Subsection (e) states that the working group must dissolve 30 days after the report is submitted to Congress.

Subsection (f) provides definitions for “harmonize” and “sexual violence.”

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MARCH 1, 2018.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2349, the Improve Data on Sexual Violence Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL.

Enclosure.

S. 2349—Improve Data on Sexual Violence Act

S. 2349 would direct the Office of Management and Budget to establish a working group to study federal efforts to collect data on sexual violence and to recommend ways for agencies to coordinate such work. The working group would have members from the Centers for Disease Control and Prevention and the Departments of Defense, Education, Health and Human Services, and Justice. The group would report its findings to the Congress within two years and terminate 30 days after the report is issued.

Using information about the costs of similar working groups and activities, CBO estimates that implementing S. 2349 would cost around \$300,000 over the 2018–2020 period, assuming the availability of appropriated funds. CBO estimates each of the five agencies would devote about two month’s effort to this working group by a senior employee at a cost of \$20,000 per month, and one junior employee at half of that cost.

Enacting S. 2349 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 2349 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 2349 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would not make changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.