

NDAAs Provisions Regarding Sexual Assault in the Military

FY 2004 – FY 2016

FY 2016 NDAAs [\(PL 114-92, Nov 25, 2015\)](#)

<p>FY 2016 §521</p>	<p>BCMRs</p> <p>Limited Authority for Applications for Correction of Military Records to be Initiated by the Secretary Concerned</p>	<p>Amends 10 U.S.C. 1552 (b) to allow Service Secretaries to initiate BCMR applications.</p> <p>The Secretary concerned may file a request for correction of a military record only if the request is made on behalf of a group of members or former members of the armed forces who were similarly harmed by the same error or injustice.</p> <p>IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §531</p>	<p>ENFORCEMENT OF CRIME VICTIM RIGHTS</p> <p>Enforcement of Certain Crime Victims' Rights by the Court of Criminal Appeals</p>	<p>Amends article 6b UCMJ by adding:</p> <p>(e) Enforcement by Court of Criminal Appeals –</p> <p>(1) If the victim of an offense under this chapter believes that a preliminary hearing ruling under article 32, or a court-martial ruling, violates the victim's rights afforded by a section (article) or rule specified in paragraph (4), the victim may petition the Court of Criminal Appeals (CCA) for a writ of mandamus to require the preliminary hearing officer or the court-martial to comply with the section (article) or rule.</p> <p>(2) If the victim of an offense under this chapter is subject to an order to submit to a deposition, notwithstanding the availability of the victim to testify at the court-martial trying the accused for the offense, the victim may petition the CCA for a writ of mandamus to quash such order.</p> <p>(3) A petition for a writ of mandamus described in this subsection shall be forwarded directly to the CCA, by such means as may be prescribed by the President, and, to the extent practicable, shall have priority over all other proceedings before the court.</p> <p>(4) Paragraph (1) applies with respect to the protections afforded by the following:</p> <p>(A) This section (article) (B) Article 32 (C) MRE 412 – victim's sexual background (D) MRE 513 – psychotherapist-patient privilege (E) MRE 514 – victim advocate-victim privilege (F) MRE 615 – exclusion of witnesses</p> <p>IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §532</p>	<p>SVCs</p> <p>CIVILIAN ACCESS TO SVCs</p> <p>DoD Civilian Employee Access to Special Victims' Counsel</p>	<p>Amends 10 U.S.C. 1044e(a)(2) by adding:</p> <p>(C) A civilian employee of the Department of Defense who is not eligible for military legal assistance under section 1044(a)(7) of this title, but who is the victim of an alleged sex-related offense, and the SecDef or Secretary of the military department concerned waives the condition in such section for the purposes of offering Special Victims' Counsel services to the employee</p> <p>IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §533</p>	<p>SVCs</p> <p>SCOPE INCLUDES IG COMPLAINTS, FOIA</p> <p>Authority of Special Victims' Counsel to Provide Legal Consultation and Assistance in Connection with Various Government Proceedings</p>	<p>Amends Section 1044e(b) of title 10 U.S.C. to add to SVC authority:</p> <p>(9) Legal consultation and assistance in connection with-</p> <p>(A) any complaint against the Government, including an allegation under review by an IG or EO;</p> <p>(B) any request to the Government for information, including FOIA; and</p> <p>(C) any correspondence or other communications with Congress.</p> <p>IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>

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<p>FY 2016 §534</p>	<p>SVCs NOTICE TO VICTIM Timely Notification to Victims of Sex-Related Offenses of the Availability of Assistance from Special Victims' Counsel</p>	<p>Amends 10 U.S.C. 1044e(f) by adding: (3) Subject to such exceptions for exigent circumstances as the SecDef may prescribe, notice of the availability of a Special Victims' Counsel under section 1044e of this title shall be provided to a member of the armed forces or dependent who is the victim of sexual assault before any military criminal investigator or trial counsel interviews, or requests any statement from, the member or dependent regarding the alleged sexual assault. IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §535</p>	<p>SVCs SVC TRAINING & METRICS Additional improvements to Special Victims' Counsel Program</p>	<p>Amends 10 U.S.C. 1044e(d) by adding: <u>(a) Training Time Period and Requirements</u> (2) The SecDef shall (A) develop a policy to standardize the time period within which a SVC receives training; and (B) establish the baseline training requirements for a SVC <u>(b) Improved Administrative Responsibility</u> (3) The SecDef in collaboration with the Secretaries of the military departments shall establish (A) guiding principles for the SVC program, to include ensuring that – (i) SVC are assigned to locations that maximize the opportunity for face-to-face-communication between counsel and clients; and (ii) effective means of communication are available to permit counsel and client interactions when face-to-face communication is not feasible. (B) performance measures and standards to measure the effectiveness of the SVC program and client satisfaction with the program; and (C) processes by which the Secretaries of the military departments will evaluate and monitor the SVC program using such guiding principles and performance measures and standards. IMPLEMENTATION: TBD (JPP Feb 2015 Rept. Recommendations 2-5)</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §536</p>	<p>RESTRICTED REPORTING Enhancement of Confidentiality of Restricted Reporting of Sexual Assault in the Military</p>	<p>Preemption of State Law to Ensure Confidentiality of Reporting – amends 10 U.S.C. 1565b(b) to add: (3) In the case of information disclosed pursuant to paragraph (1), any State law or regulation that would require an individual specified in paragraph (2) to disclose the personally identifiable information of the adult victim or alleged perpetrator of the sexual assault to a State or local law enforcement agency shall not apply, except when reporting is necessary to prevent or mitigate a serious and imminent threat to the health or safety of an individual. IMPLEMENTATION: DoDI 6495.02 encl. 4 ¶1(b) (Updated July 7, 2015) (DoDI not yet updated to reflect this change)</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §537</p>	<p>DEFENSE SA ADVISORY COMMITTEE (DAC-SAAF) Modification of Deadline for Establishment of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces</p>	<p>Amends FY15 NDAA 546(a)(2) to require that the Defense Advisory Committee be established within 90 days of the enactment of the FY16 NDAA IMPLEMENTATION: DAC-SAAF Charter - Established February 18, 2016.</p>	<p>Not later than 90 days after enactment (Feb 23, 2016)</p>

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<p>FY 2016 §538</p>	<p><u>SAPR PROGRAMS/POLICY:</u> MALE-SPECIFIC SAPR PLAN Improved DoD Prevention and Response to Sexual Assault in which the Victim is a Male Member of the Armed Forces</p>	<p>(a) The SecDef in collaboration with the Secretaries of the military departments, shall develop a plan to improve DoD prevention and response to sexual assaults in which the victim is a male member of the Armed Forces.</p> <p>(b) Elements – The plan shall include the following:</p> <ol style="list-style-type: none"> (1) SAPR training to more comprehensively and directly address the incidence of male members of the Armed Forces who are sexually assaulted and how certain behavior and activities, such as hazing, can constitute a sexual assault. (2) Methods to evaluate the extent to which differences exist in the medical and mental health-care needs of male and female sexual assault victims, and the care regimen, if any, that will best meet those needs. (3) Data-driven decision making to improve male-victim sexual assault prevention and response efforts. (4) Goals with associated metrics to drive the changes needed to address sexual assaults of male members of the Armed Forces. (5) Information about the sexual victimization of males in communications to members that are used to raise awareness of sexual assault and efforts to prevent and respond to it. (6) Guidance for the department’s medical and mental health providers, and other personnel as appropriate, based on the results of the evaluation described in paragraph (2), that delineates these gender-specific distinctions and the care regimen that is recommended to most effectively meet those needs. <p>IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §539</p>	<p><u>RETALIATION STRATEGY</u> Preventing Retaliation Against Members of the Armed Forces Who Report or Intervene on behalf of the Victim of an Alleged Sex-related Offense</p>	<p>(a) The SecDef shall develop a comprehensive strategy to prevent retaliation carried out by members of the Armed Forces against other members who report or otherwise intervene on behalf of the victim of an alleged sex-related offense.</p> <p>(b) Elements – the comprehensive strategy shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> (1) Bystander intervention programs emphasizing the importance of guarding against retaliation. (2) DoD and military department policies and requirements to ensure protection for victims of alleged sex-related offenses and members who intervene on behalf of victims from retaliation. (3) Additional training for commanders on methods and procedures to combat attitudes and beliefs that result in retaliation. <p>(c) Definitions – for purposes of this section:</p> <ol style="list-style-type: none"> (1) “alleged sex-related offence” has same meaning as 1044e(g) (2) “retaliation” has such meaning as that given the term by SecDef in the development of the strategy required by subsection (a). <p>IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>

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<p>FY 2016 §540</p>	<p><u>SAPR PROGRAMS/POLICY</u> <u>TRAINING</u> SAPR training for Administrators and Instructors of Senior Reserve Officers' Training Corps</p>	<p>The Secretary of a military department shall ensure that the commander of each unit of the Senior Reserve Officers' Training Corps and all Professors of Military Science, senior military instructors, and civilian employees detailed, assigned, or employed as administrators and instructors of the Senior Reserve Officers' Training Corps receive regular SAPR training and education. IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §541</p>	<p><u>RETENTION OF RECORDS/EVIDENCE; INVESTIGATIONS</u> Retention of Case Notes in Investigations of Sex-related Offenses Involving Members of the Army, Navy, Air Force, or Marine Corps</p>	<p>(a) Not later than 180 days after date of enactment of this act, the SecDef shall update DoD records retention policies to ensure that, for all investigations relating to an alleged sex-related offense (as defined in 1044e(g) involving a member of the Army, Navy, Air Force, or Marine Corps, all elements of the case file shall be retained in accordance with §586 of FY12 NDAA</p> <p>(b) Elements – in updating records retention policy, SecDef shall address the following:</p> <ol style="list-style-type: none"> (1) The elements of the case file to be retained must include, at a minimum, the case activity record, case review record, investigative plans, and all case notes made by an investigating agent or agents. (2) All investigative records must be retained for no less than 50 years. (3) No element of the case file may be destroyed until the expiration of the time that investigative records must be kept. (4) Records may be stored digitally or in hard copy, in accordance with existing law or regulations or additionally prescribed policy considered necessary by the Secretary of the military department concerned. <p>(c) The SecDef shall ensure that, to the maximum extent practicable, the policy developed under subsections (a) is implemented uniformly by the military departments. IMPLEMENTATION: TBD</p>	<p>Not later than 180 days after enactment (May 25, 2016)</p>
<p>FY 2016 §542</p>	<p><u>NATIONAL GUARD and RESERVE</u> Comptroller General of the United States Reports on Prevention and Response to Sexual Assault by the Army National Guard and the Army Reserve</p>	<p>(a) Comptroller General of the U.S. shall submit to Congress a report on the preliminary assessment of the extent to which the Army National Guard and the Army Reserve-</p> <ol style="list-style-type: none"> (1) Have in place policies and programs to prevent and respond to incidents of sexual assault involving members of the Army National Guard or the Army reserve, as applicable; (2) Provide medical and mental health care services to members of the ANG or AR, following a sexual assault; and (3) Have identified whether the nature of service in the ANG or AR, poses challenges to the prevention or response to sexual assault. <p>(b) Additional Reports – If after submitting the report required by subsection (a) the Comptroller General makes additional assessments as a result of the review, CG shall submit reports to Congress on such additional assessments. IMPLEMENTATION: TBD</p>	<p>First Report Due: not later than April 1, 2016</p>
<p>FY 2016 §543</p>	<p><u>UCMJ CHANGES PROCESS</u> Improved Implementation of Changes to the Uniform Code of Military Justice</p>	<p>The SecDef shall examine the DoD process for implementing statutory changes to the UCMJ for the purpose of developing options for streamlining such process. The Secretary shall adopt procedures to ensure that legal guidance is published as soon as practicable whenever statutory changes to the UCMJ are implemented. IMPLEMENTATION: TBD (JPP Report (Feb 2015) Recommendation 1)</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>

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<p>FY 2016 §544</p>	<p><u>SPECIAL VICTIMS COUNSEL</u> Modification of Rule 104 of the Rules for Courts-Martial to Establish Certain Prohibitions Concerning Evaluations of Special Victims' Counsel</p>	<p>Modifies R.C.M. 104(b) Prohibits the giving of a less favorable rating or evaluation to any member of the Armed Forces serving as a Special Victims' Counsel because of the zeal with which such counsel represented a victim. IMPLEMENTATION: R.C.M. 104(b)(1)(B) as amended by Proposed EO (Oct 19, 2015)</p>	<p>Not later than 180 days after enactment (May 25, 2016)</p>
<p>FY 2016 §545</p>	<p><u>MRE 304</u> Modification of Rule 304 of the Military Rules of Evidence relating to the corroboration of a confession or admission</p>	<p>To the extent the President considers practicable, the President shall modify Rule 304(b) of the M.R.E. to conform to the rules governing the admissibility of the corroboration of admissions and confessions in the trial of criminal cases in the U.S. District courts. IMPLEMENTATION: R.C.M. 304(c) as amended by Proposed EO (Oct 19, 2015) Annex Section 2(a)</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY 2016 §592</p>	<p><u>DISCHARGES</u> Extension of Semiannual Reports on the Involuntary Separation of members of the Armed Forces</p>	<p>Amends FY13 NDAA 525(a) to extend reporting requirements to each calendar year from 2013 to 2017 IMPLEMENTATION: TBD</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
<p>FY2016 Senate NDAA Provisions – NOT ENACTED</p>			
<p>S. FY16 §548</p>	<p>NOT INCLUDED IN FINAL FY16 NDAA <u>ACCESS TO INFORMATION/RECORDS</u> Right of Victims of Offenses Under the UCMJ to Timely Disclosure of Certain Materials and Information in Connection with Prosecution of Offenses.</p>	<p>Amends article 6b(a) of UCMJ, adding: (3) The right to the timely disclosure by trial counsel to the victim (or SVC) of the following: a. Any charges and specifications related to the offense b. Any motions filed by trial counsel or defense counsel in connection with the court-martial of the offense, unless otherwise protected from disclosure c. All statements by the accused related to the offense d. Any statement by the victim in connection with the offense that is in the possession of the government e. Any portions relating to the victim in any report of an investigation of the offense that is in the possession of the government. f. In the event that the SJA advises pursuant to article 34 that any charge or specification in connection with the offense not be referred for trial, the advice making such recommendation, with such advice to be so provided before the convening authority acts on the advice. (JPP Report (Feb 2015) Recommendation 6)</p>	<p>The conferees encourage the Secretary of Defense to adopt an electronic system with capabilities similar to those of the Public Access to Court Electronic Records (PACER) system to provide Special Victims' Counsel, victims, and the general public with court-martial docketing information and case filings.</p>

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FY 2015 NDAA [\(PL 113-291, Dec 19, 2014\)](#)

<p>FY 2015 §521(a)</p>	<p>BCMRs Enhancement of Participation of Mental Health Professionals in Boards for Correction of Military Records (BCMR)</p>	<p>Amends 10 U.S.C. 1552 adding subsection (g):</p> <p>Any medical advisory opinion issued to a board for correction of military records with respect to a member or former member of the armed forces as experiencing a mental health disorder shall include the opinion of a clinical psychologist or psychiatrist if the request for correction of records concerned relates to a mental health disorder.</p> <p>IMPLEMENTATION: (NOT UPDATED) DODD 1332.41 - Boards for Correction of Military Records (BCMRs) and Discharge Review Boards (DRBs) (Mar 8, 2004, Cert. Current as of Apr 23, 2007); AR 15-185 - Army Board for Correction of Military Records (Mar 31, 2006); AFI 36-2603 - AF Board for Correction of Military Records (Mar 5, 2012); SECNAVINST 5420.193 - NAVPERSCOMINST 5420.1 (Oct 15, 2004)</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §521(b)</p>	<p>BCMRs Enhancement of Participation of Mental Health Professionals in Boards for Review of Discharge or Dismissal</p>	<p>Amends 10 U.S.C. 1553 adding subsection (e):</p> <p>In the case of a former member of the armed forces who was diagnosed while serving in the armed forces as experiencing a mental health disorder, a board for review of discharge or dismissal shall include a member who is a clinical psychologist or psychiatrist, or a physician with special training on mental health disorders.</p> <p>IMPLEMENTATION: See FY 2015 §521(a)</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §531</p>	<p>Technical Revisions and Clarifications for certain FY14 NDAA Provisions</p>	<ol style="list-style-type: none"> 1. Explicit authority for convening authority to take action on findings of a court-martial with respect to a qualifying offense. 2. Clarification of requirement for explanation in writing for modification to findings of a court-martial by convening authority. 3. Clarification regarding victim submission of matters for consideration by convening authority during clemency phase of courts-martial 4. Restoration of waiver of Article 32 Hearings by the accused. 5. Defense counsel interview of victim – requires DC to request through SVC or other victim counsel (rather than through trial counsel). 6. Clarification of definition of forcible sodomy – replaces “force” with “unlawful force.” 7. Clarification of scope of “prospective member” for purposes of inappropriate and prohibited relationships - to include a person “who is pursuing or has recently pursued becoming a member of the Armed Forces.” 8. Clarification of authority to appoint individuals to assume rights of certain victims – strikes requirement for judge to “designate a legal guardian...” and replaces with “designate a representative.” <p>IMPLEMENTATION: R.C.M. 801(a)(6) as revised by EO 13696 (Jun 17, 2015) Section 1(t)</p> <ol style="list-style-type: none"> 9. Revision of effective dates for new Article 32 – applies to all preliminary hearings conducted on or after Dec 26, 2014. 10. Transition rule for amendments related to Article 60 – new amendment applies to findings and sentence of a court-martial that includes both an offense committed before the effective date and an offense committed after the effective date. New amendment does not apply to findings and sentence of a court-martial where convening authority has taken action within 30 days of the enactment of FY15NDAA. <p>IMPLEMENTATION: R.C.M. 1107 as amended by EO 13696 (Jun 17, 2015) Section 1(ii)</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>

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<p>FY 2015 §532</p>	<p>DEPOSITIONS Ordering Depositions Under the UCMJ</p>	<p>Amends Article 49 UCMJ as follows:</p> <p>At any time after charges have been signed (per Art. 30) depositions may be ordered before referral by convening authority (CA), or after referral by CA or military judge.</p> <p>Deposition may be requested by any “party.”</p> <p>Requesting party must demonstrate “exceptional circumstances” and that it is “in the interest of justice” to take deposition.</p> <p>If deposition is requested before charges referred, CA may designate commissioned officers as counsel for the Government and counsel for the accused to take depositions of any witness.</p> <p>IMPLEMENTATION: R.C.M. 702 (Depositions) Sections (a), (c)(2), (c)(3)(A), and (d)(1) revised by EO 13696 (Jun 17, 2015), Section 1(m)-(p).</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §533</p>	<p>SVCs NATIONAL GUARD AND RESERVE Access to Special Victims’ Counsel</p>	<p>A member of the reserve component who is the victim of an alleged sex-related offense and who is not otherwise eligible for military legal assistance under 10 U.S.C. section 1044, shall be deemed eligible for the assistance of an SVC when offense occurs while on active duty, full-time NG duty, inactive-duty training, or when circumstances of alleged offense have a nexus to the military service of the victim.</p> <p>IMPLEMENTATION: Army Directive 2014-09, “Reserve Component Eligibility for the Special Victims’ Counsel Program (May, 7 2014); AF, Navy, MC, CG Policies</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §534(b)</p>	<p>CRIME VICTIMS RIGHTS: Victim Preference for Civilian vs. Military Court</p>	<p>SecDef shall establish a process to ensure consultation with the victim to determine victim’s preference for prosecution by court-martial or by civilian court.</p> <ul style="list-style-type: none"> • Preference of the victim is not binding but should be considered by the convening authority in the determination of whether to refer charges. • If victim expresses preference for prosecution in civilian court, CA shall ensure that the civilian authority with jurisdiction over the offense is notified of the victim’s preference for civilian prosecution. • Following notification of civilian authority of the victim’s preference, the CA is responsible for notifying the victim if the CA learns of any decision by the civilian authority to prosecute or not prosecute in civilian court. <p>IMPLEMENTATION: SECDEF Memorandum (Apr 30, 2015); R.C.M. 306(b)(2) added by Proposed EO (Oct 19, 2015) Annex Section 1(f). ALNAV 061/15 “New Requirement to Consider a Victim’s Preference for Prosecution by Court-Martial or Civilian Court (Jul 31, 2015); AFG 2015-01; Army, CG Policies</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §534(c)</p>	<p>CRIME VICTIMS RIGHTS: RIGHT TO BE HEARD Enhancement of Victims’ Rights to be Heard Through Counsel</p>	<p>Directs MCM to be modified to provide that when a victim of an alleged sex-related offense has a right to be heard, the victim may exercise that right through counsel including through a SVC.</p> <p>IMPLEMENTATION: R.C.M. 305 (i)(2)(A)(iv); R.C.M. 906(b)(8); M.R.E. 412(c)(2); 513(e)(2); (514)(c), (e)(2) as revised by EO 13696 (Jun 17, 2015) Section 1(e). Service Policies</p>	<p>Effective 180 days after enactment (Jun 19, 2015)</p>

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<p>FY 2015 §534(d)</p>	<p><u>CRIME VICTIMS RIGHTS;</u> NOTICE Victims’ Rights to Notice of Proceedings</p>	<p>Service Secretaries shall establish policies and procedures designed to ensure that any counsel of the victim of an alleged sex-related offense is provided prompt and adequate notice of the scheduling of ANY hearing, trial, or other proceeding in connection with the prosecution of such offense.</p> <p>IMPLEMENTATION: R.C.M. 405(i)(2)(A), 806(b)(2) as amended by Proposed EO (Oct 19, 2015) Annex Section 1(g),(l); Army: Policy Memorandum 14-09 (Oct 1, 2014); Marine Corps: Practice Advisory 4-14 (Nov 5, 2014); Air Force, Navy, CG Policies</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §535</p>	<p><u>CRIME VICTIMS RIGHTS;</u> ENFORCEMENT Enforcement of Crime Victims’ Rights</p>	<p>Amends Article 6b UCMJ by adding: If victim believes that a court-martial ruling violates victim’s rights afforded by MRE 412 or 513, victim may petition the Court of Criminal Appeals for a writ of mandamus to require the court-martial to comply with the MRE.</p> <p>IMPLEMENTATION: EO (JPP Report (Feb 2015) Recommendation 8)</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §536</p>	<p><u>GOOD CHARACTER DEFENSE; MRE 404</u> Modification of MRE Relating to Admissibility of General Military Character Toward Probability of Innocence</p>	<p>Directs amendment of M.R.E. 404(a) to provide that the general military character of an accused is not admissible for the purpose of showing the probability of innocence for a sex-related offense under Articles 120-123a, 125-127, 129-132, 80 or 81, or any other UCMJ offense where evidence of general military character is not relevant to an element of the offense charged.</p> <p>IMPLEMENTATION: M.R.E. 404(a)(2)(A) as revised by EO 13696 (June 17, 2015) Section2(a).</p>	<p>Effective 180 days after enactment (Jun 19, 2015)</p>
<p>FY 2015 §537</p>	<p><u>MENTAL HEALTH ISSUES; MRE 513</u> Modification of MRE 513 – Psychotherapist/Patient Privilege</p>	<p>MRE 513 shall be modified as follows:</p> <ul style="list-style-type: none"> - To include communications with other licensed mental health professionals within the communications covered by the privilege. - Eliminates the “when constitutionally required” exception (MRE 513(d)(8)) - Requires party seeking production or admission of protected records or communications to show a “specific factual basis” demonstrating a “reasonable likelihood” that the records or communications would yield evidence admissible under an exception to the privilege. - Requesting party must demonstrate by a “preponderance of the evidence” that 1) the requested information meets one of the enumerated exceptions to the privilege, 2) that the information is not “merely cumulative” of other information available, and 3) that the party made “reasonable efforts” to obtain the same or substantially similar information through non-privileged sources. - Military judge may conduct an in camera review of records only when: 1) the moving party has met its burden and 2) an examination of the information is necessary to rule on the production or admissibility of protected records or communications. - Any production or disclosure permitted by the military judge must be “narrowly tailored” to only the specific records or communications, or portions thereof that meet the requirements for one of the enumerated exceptions to the privilege and are included in the stated purpose for which such records or communications are sought. <p>IMPLEMENTATION: M.R.E. 513 as revised by EO 13696 (Jun 17, 2015) Section 2(c)-(i). (JPP Report (Feb 2015) Recommendation 11)</p>	<p>Effective 180 days after enactment (Jun 19, 2015)</p>

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<p>FY 2015 §538</p>	<p><u>RETENTION OF RECORDS/EVIDENCE</u> Modification of Retention of Evidence in Sexual Assault Cases to Permit Return of Personal Property</p>	<p>Amends section 586 of FY12 NDAA to add: Personal property retained as evidence in connection with an incident of sexual assault involving a member of the Armed Forces, may be returned to the rightful owner of such property after the conclusion of all legal, adverse action, and administrative proceedings related to such incident. IMPLEMENTATION: Not sure if R.C.M. revised</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §539(a)</p>	<p><u>SANES/SAFEs</u> Personnel Requirements for Sexual Assault Forensic Examiners (SAFEs) for the Armed Forces</p>	<p>Requires Sexual Assault Forensic Examiners (SAFEs) for the Armed Forces and civilian employees to be 1) a physician; 2) a nurse practitioner; 3) a nurse midwife; 4) a physician assistant; or 5) a registered nurse. Independent duty corpsmen or equivalent may be assigned to duty as a SAFE if assignment of others not practicable.</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §539(b)</p>	<p><u>SANES/SAFEs</u> Training Requirements for Sexual Assault Forensic Examiners (SAFEs) for the Armed Forces</p>	<p>SecDef shall establish, maintain, and update when appropriate, a training and certification program for SAFEs that shall apply uniformly to all SAFEs under the jurisdiction of the Service Secretaries. Required elements for training: SANE-A certification or equivalent; o training and clinical experience similar to that required for certification. Training must incorporate best practices and standards. After effective date, an individual may not be assigned to duty as a SAFE for the Armed Forces unless all training required is completed.</p>	<p>Effective 1 Year after Enactment (Dec 19, 2015)</p>
<p>FY 2015 §539(c)</p>	<p><u>SANES/SAFEs</u> Report on Training and Qualifications of Sexual Assault Forensic Examiners (SAFEs)</p>	<p>SecDef shall prepare a report on the adequacy of the training and qualifications of each member of the Armed Forces and civilian employees assigned responsibilities of a SAFE. Required elements: 1) an assessment of the adequacy of the training and certifications required; 2) such improvements as the SecDef considers appropriate in the process used to assign members and employees to positions including responsibility for SAFEs; 3) such improvements as the SecDef considers appropriate for training and certifying SAFEs SecDef shall submit report to the SASC and HASC within 120 days.</p>	<p>Report Due 120 Days (Apr 19, 2015)</p>
<p>FY 2015 §539(d)</p>	<p><u>SANES/SAFEs</u> Sexual Assault Nurse Examiner (SANE) term to be replaced by Sexual Assault Forensic Examiner (SAFE)</p>	<p>Amends section 1725 of FY14NDAA to replace the term “sexual assault nurse examiner” with “Sexual Assault Forensic Examiner.”</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §540</p>	<p><u>MILITARY JUDGES</u> Modification of Terms of Judges</p>	<p>Amends Article 142(b)(2) of the UCMJ to modify U.S. Court of Criminal Appeals for the Armed Forces judges’ terms by three months.</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>

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<p>FY 2015 §541</p>	<p><u>FOUNDING AND DISPOSITION DECISIONS</u> Secretary Review of Additional Decisions not to Refer Charges</p>	<p>Amends section 1744(c) of the FY14 NDAA by providing two instances where the Service Secretaries shall review decisions not to refer charges: 1) in cases where SJA recommends referral and CA does not refer charges; and 2) in cases not referred by convening authority where the chief prosecutor of the Service, at the request of the detailed counsel for the Government, requests review of the decision by the Service Secretary.</p> <p>IMPLEMENTATION: Army Directive 2014-19, "Implementation of §1744 of FY 2014 NDAA – Review of Decisions not to Refer Charges of Certain Sex-Related Offenses for Trial by Courts-Martial (Jun 27, 2014); ALNAV 052/14 (Jun 24, 2014); Air Force and CG Policies</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §542</p>	<p><u>SAPRO ANNUAL REPORT</u> Added SAPR Annual Reporting Requirement</p>	<p>Amends section 1631 of the FY11 NDAA by adding the following reporting requirements:</p> <p>An analysis of the disposition of the most serious offenses occurring during sexual assaults committed by members of the Armed Force during the year covered by the report, as identified in unrestricted reports of sexual assault by any members of the Armed Forces, including the numbers of reports identifying offenses that were disposed of by each of the following:</p> <ol style="list-style-type: none"> 1. Conviction by court-martial, including a separate statement of the most serious charge preferred and the most serious charge for which convicted; 2. Acquittal of all charges at court-martial 3. Non-judicial punishment under Article 15 UCMJ 4. Administrative Action, including by each type of administrative action imposed. 5. Dismissal of all charges, including by reason for dismissal and by stage of the proceedings in which dismissal occurred. <p>IMPLEMENTATION: Fiscal Year 2014 Annual Report on Sexual Assault in the Military, Appendix D - FY 2014 Aggregate Data Matrices</p>	<p>Data must be included in Mar 15, 2015 SAPRO Report</p>
<p>FY 2015 §543</p>	<p><u>RESTRICTED REPORTING</u> Limited Use by MCIOs of Certain Information on Sexual Assaults from Restricted Reports</p>	<p>SecDef shall submit to SASC and HASC a plan that will allow an individual who files a restricted report to elect to permit a MCIO, on a confidential basis, and without affecting the restricted nature of the report, to access certain information in the report, including identifying information of the alleged perpetrator if available, for the purpose of identifying individuals who are suspected of perpetrating multiple sexual assaults.</p> <p>Required plan elements: 1) an explanation of how the MCIO would use, maintain, and protect information in the restricted report; 2) an explanation of how the identity of an individual who elects to provide access to such information will be protected; 3) a timeline for implementation of the plan during the one-year period beginning on the date of the submission of the plan to the SASC and HASC</p> <p>IMPLEMENTATION: DoD Plan Allowing Restricted Reporting Victims to Disclose Suspect or Incident Information for the Purpose of Identifying Serial Offenders – CATCH Plan (Dec 2015)</p>	<p>1 Year for Plan (Dec 19, 2015) 2 Years for Implementation (Dec 19, 2016)</p>
<p>FY 2015 §544</p>	<p><u>DOMESTIC VIOLENCE REPORTING</u> Improved DoD Reporting and Collection of Domestic Violence Incidents Data</p>	<p>SecDef shall develop a comprehensive management plan to address deficiencies in the reporting of information on incidents of domestic violence involving members of the Armed Forces for inclusion in the DoD database on domestic violence incidents required by section 1562 of 10 U.S.C. to ensure that the database provides an accurate count of domestic violence incidents and any consequent disciplinary action.</p> <p>IMPLEMENTATION: DoD Comprehensive Management Plan for Domestic Violence Data (November 2015); NAVADMIN 004/16 "Domestic Violence Incident Count – Consequent Command Actions (Jan 2016)</p>	<p>Effective 1 Year after Enactment (Dec 19, 2015)</p>
<p>FY 2015 §545</p>	<p><u>JUDICIAL</u></p>	<p>Adds to JPP duties enumerated in section 576(a)(2) of the FY13 NDAA:</p>	<p>JPP Reports due Annually from 2015</p>

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	<p><u>PROCEEDINGS PANEL</u></p> <p>Additional Duties for Judicial Proceedings Panel</p>	<p>(1) Conduct a review and assessment regarding the impact of the use of any mental health records of the victim of an offense under the UCMJ, by the accused during the preliminary hearing conducted under Article 32 and during court-martial proceedings, as compared to the use of similar records in civilian criminal legal proceedings.</p> <p>(2) Conduct a review and assessment regarding the establishment of a privilege under the MRE against the disclosure of communications between: 1) users of and personnel staffing the DoD SAFE Helpline; and 2) users of and personnel staffing of the DoD SAFE HelpRoom. IMPLEMENTATION: M.R.E. 514(a)-(c) as amended by EO 13696 (June 17, 2015) Section 2(j)-(n).</p> <p>JPP shall include the results of the reviews in “one of the reports required” by 576(c)(2)(B) of the FY13 NDAA.</p> <p>IMPLEMENTATION: JPP Report on Restitution Compensation (Feb 1, 2016); JPP Report on Article 120 (Feb 4, 2016); JPP Report on Retaliation (Feb 11, 2016)</p>	<p>Through Sept. 30, 2017</p>
<p><u>FY 2015</u> §546</p>	<p><u>DEFENSE ADVISORY COMMITTEE (DAC- SAAF)</u></p> <p>Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces</p>	<p>The SecDef shall establish and maintain within DoD, an advisory committee (AC) to be known as the “Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.”</p> <p>Advisory Committee shall be established not later than 30 days before the termination date of the independent panel established by SecDef under section 576(a)(2) of the FY13 NDAA, known as the Judicial Proceedings Panel.</p> <p><u>Membership:</u> Not more than 20 members, appointed by SecDef, who have experience with the investigation, prosecution, and defense of sexual assault offenses. Members may include Federal and State prosecutors, judges, law professors, and private attorneys. Members of the Armed Forces serving on active duty may not serve as a member of the Advisory Committee.</p> <p><u>Duties:</u> The AC shall advise the SecDef on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.</p> <p>The AC shall review, on an ongoing basis, cases involving allegations of sexual misconduct as a basis for provision of advice to SecDef.</p> <p><u>Annual Reports:</u> Not later than March 30 each year, the AC shall submit to SecDef and the SASC and HASC, a report describing the results of the activities of the AC during the preceding year.</p> <p><u>Termination:</u> AC shall terminate 5 years after the date of establishment of the AC. SecDef may continue the AC after termination date if SecDef determines that continuation is advisable and appropriate.</p> <p>If SecDef determines to continue the AC, he/she shall submit to the President, SASC and HASC a report describing the reasons for that determination and specifying the new termination date for the AC.</p> <p>IMPLEMENTATION: Modified by FY16 §537</p>	<p>Begins 30 Days before termination of JPP (Aug. 31, 2017)</p> <p>Terminates: 5 Years (Aug 31, 2022)</p>

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<p>FY 2015 §547</p>	<p><u>BCMRs</u> Confidential Review of Characterization of Terms of Discharge of Sexual Assault Victims</p>	<p>Service Secretaries shall each establish a confidential process, utilizing boards for the correction of military records, by which an individual who was a victim of a sex-related offense (Art. 120(a),(b), 125, 80) during service may challenge the terms or characterization of the discharge or separation on the grounds that the terms or characterization were adversely affected by the individual being the victim of such an offense.</p> <p>Service Secretaries shall instruct boards for the correction of military records to give due consideration to the psychological and physical aspects of the individual's experience in connection with the sex-related offense; and to determine what bearing such experience may have had on the circumstances surrounding the individual's discharge or separation from the Armed Forces.</p> <p>Documents considered and decisions rendered pursuant to this provision shall not be made available to the public, except with the consent of the individual concerned.</p> <p>IMPLEMENTATION: Army Directive 2015-29 Confidential Review of Characterization of Terms of Discharge of Members of the Army Who are Victims of Sexual Offenses (Aug 6, 2015); AF, Navy, MC, CG policies.</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §552</p>	<p><u>SERVICE ACADEMIES</u> Applicability of SAPR related Military Justice Enhancements to Military Service Academies</p>	<p>Service Secretaries shall ensure that the FY14 NDAA sexual assault provisions from title XVII, subtitle D, and amendments apply to the Military Service Academies and the Coast Guard Academy.</p> <p>IMPLEMENTATION: Academy Policies</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>

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FY 2014 NDAAs <small>(PL 113-66, Dec 26, 2013)</small>			
FY 2014 §1701(a)	<u>CRIME VICTIMS RIGHTS</u> Crime Victims' Rights in UCMJ	<p>Statutorily incorporates the Crime Victims' Rights Act (CVRA) into the UCMJ (Art 6b). Requires SecDef to establish enforcement mechanisms including mechanisms for application for such rights and for consideration and disposition of applications for such rights. Must also include designation of an authority in each Service to receive and investigate complaints and disciplinary sanctions for "willful or wanton" failure to comply with rights.</p> <p>IMPLEMENTATION: Partially addressed through EO 13696 (Jun 17, 2015). Will be completed by OGC in further Executive Orders.</p>	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1701(b)	<u>CRIME VICTIMS RIGHTS</u> Crime Victims' Rights in MCM Regulations	<p>SecDef must recommend regulations for MCM to President within one year to implement Art 6b.</p> <p>IMPLEMENTATION: R.C.M. 305, 405, 702, 801(a), 806(b), 906(b), 1001(a), 1001A, 1107, M.R.E. 412, 513, 514, 615(e), as revised by EO 13696 (Jun 17, 2015), Section 1(e)-(h),(k),(m),(t),(u),(v),(x),(z),(bb),(ll), Section 2(b),(e),(g),(i)-(q). R.C.M. 305(i)(2)(A)(v), 405(i)(2)(A), 705(d)(3), 806(b)(2), 910(f)(4)(C) as amended by Proposed EO (Oct 19, 2015) Annex Section 1(d),(g),(i),(l)(t); ALNAV 049/14 (Jun 24, 2014).</p>	Effective 1 Year after Enactment (Dec 26, 2014)
FY 2014 §1702(a)	<u>ARTICLE 32</u> Article 32 Revision	<p>Complete revision of Article 32 to become a "preliminary hearing," with four purposes: (1) probable cause determination; (2) jurisdiction determination; (3) consider form of charges; and (4) recommend disposition of case. Grants victim the right to refuse to testify and mandates that the hearing be recorded by a "suitable recording device."</p> <p>IMPLEMENTATION: R.C.M. 405 as revised by EO 13696 (Jun 17, 2015), Section 1(k).</p>	Effective 1 Year after Enactment (Dec 26, 2014)
FY 2014 §1702(b)	<u>CLEMENCY</u> Article 60 Revision	<p>Elimination of unlimited command prerogative and discretion to take post-trial action. Prohibits convening authority from disapproving findings of guilty to all but minor offenses.</p> <p>IMPLEMENTATION: R.C.M. 1107, 1108 as revised by EO 13696 (Jun 17, 2015), Section 1(ii)-(ww). R.C.M. 1107(c)-(e) as amended by Proposed EO (Oct 19, 2015) Annex Section 1(y)-(aa)</p>	Effective 180 days after Enactment (Jun 26, 2014)
FY 2014 §1703	<u>STATUTE OF LIMITATIONS</u> Elimination of Five-Year Statute of Limitations for Additional Offenses Involving Sex-Related Crimes	<p>Amends Article 43 UCMJ to remove the statute of limitations for sexual assault (Art 120(b)) and sexual assault of a child (120b(b)).</p> <p>IMPLEMENTATION:</p>	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1704	<u>CRIME VICTIMS RIGHTS</u> Defense Counsel Interview of Victim of Alleged Sex-Related Offense	<p>Amends Article 46 UCMJ to require defense counsel to make requests to interview sexual assault victims through trial counsel. At request of the victim, requires that either trial counsel, victim's counsel, or victim advocate to be present during defense interview.</p> <p>IMPLEMENTATION: R.C.M. 701 (Discovery) section (e) (Access to witnesses and evidence)– R.C.M. has not been updated.</p>	Effective Immediately Upon Passage (Dec 26, 2013)

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<p>FY 2014 §1705</p>	<p><u>MANDATORY MINIMUMS; GCM JURISDICTION FOR SEXUAL ASSAULT</u> Mandatory Discharge or Dismissal and Jurisdiction Limited to General Courts-Martial for Sex-Related Offenses</p>	<p>(a) Amends Article 56, UCMJ: Requires mandatory discharge or dismissal if convicted of the offenses of rape (120(a)), sexual assault (120(b)), rape of a child (120b(a)) or sexual assault of a child (120b(b)), forcible sodomy (125), or attempts to commit these offenses.</p> <p>(b) Limits jurisdiction for these offenses to trial by general courts-martial.</p> <p>IMPLEMENTATION: R.C.M. 201(f)(1)(D), (f)(2)(D), 1301(c), as revised by EO 13696 (Jun 17, 2015) Section 1(b),(c); ALNAV 050/14 (Jun 24, 2014)</p>	<p>Effective 180 days After Enactment (Jun 26, 2014)</p>
<p>FY 2014 §1706(a)</p>	<p><u>CRIME VICTIMS RIGHTS; CLEMENCY</u> Victim Participation in Clemency</p>	<p>Amends Article 60 UCMJ, in any case in which findings and sentence have been adjudged for an offense that involved a victim, the victim must be provided an opportunity to submit matters for consideration by the convening authority before he or she takes action. Victim submission must be made within 10 days after victim given an authenticated record of trial and if applicable the date victim given the recommendation of the SJA.</p> <p>IMPLEMENTATION: R.C.M. 1105A, 1107(b)(3)(A), 1306(a), as revised by EO 13669 (Jun 18, 2014) Section 1(o),(t),(v); R.C.M.; 1107(b)(3)(A)(iv), as revised by EO 13696 (Jun 17, 2015) Section 1(l); ALNAV 049/14 (Jun 24, 2014)</p>	<p>Effective 180 days After Enactment (Jun 26, 2014)</p>
<p>FY 2014 §1706(b)</p>	<p><u>CRIME VICTIMS RIGHTS</u> Limitations on Consideration of Victim's Character</p>	<p>Convening authority may not consider any submitted matters relating to the character of a victim unless admitted as evidence at trial.</p> <p>IMPLEMENTATION: R.C.M. 1107(b)(3) as amended by EO 13669 (Jun 18, 2014), Section 1(u), Section 3 Appendix 21; R.C.M. 1107, 1108 as revised by EO 13696 (Jun 17, 2015); ALNAV 051/14 (Jun 24, 2014)</p>	<p>Effective 180 days After Enactment (Jun 26, 2014)</p>
<p>FY 2014 §1707</p>	<p><u>ARTICLE 125</u> Repeal of the Offense of Consensual Sodomy under the UCMJ</p>	<p>Revision of Article 125 UCMJ, to omit consensual sodomy.</p>	<p>Effective Immediately Upon Passage (Dec 26, 2013)</p>
<p>FY 2014 §1708</p>	<p><u>FOUNDING AND DISPOSITION DECISIONS</u> Elimination of Good Character Consideration of the Accused</p>	<p>Modification of Rule 306 of the MCM to eliminate consideration by a commander of character and military service of the accused in deciding initial case disposition.</p> <p>IMPLEMENTATION: R.C.M 306(b) discussion, as revised by EO 13669 (June 18, 2014) Section2(a); ALNAV 051/14 (Jun 24, 2014)</p>	<p>Effective 180 days After Enactment (Jun 26, 2014)</p>
<p>FY 2014 §1709</p>	<p><u>RETALIATION</u> Prohibition on Retaliation Against Service Members for Reporting a Criminal Offense</p>	<p>Services are directed to prescribe regulations prohibiting retaliation against any victim or other Service member who reports a criminal offense. The regulation must state that any such retaliation is punishable under Art. 92 UCMJ</p> <p>IMPLEMENTATION: ALNAV 030/14 (Apr 25, 2014), Army Directive 2014-20 (Jun 19, 2014); AFI 36-2909 AFGM2014-01 (Jun 19, 2015);</p>	<p>Effective 120 days after Enactment (Apr 26, 2014)</p>
<p>FY 2014 §1709(c)</p>	<p><u>RETALIATION</u> Report on Separate Punitive Article for Retaliation</p>	<p>Requires SecDef to submit report to SASC and HASC setting forth recommendations regarding whether chapter 47 of 10 U.S.C. should be amended to add a new punitive article to prohibit retaliation against an alleged victim or other Service member who reports a criminal offense.</p> <p>IMPLEMENTATION: Report on Prohibiting Retaliation Against an Alleged Victim or Other Member of the Armed Forces Who Reports a Criminal Offense (June 2014)</p>	<p>Report due 180 days After Enactment (June 26, 2014)</p>
<p>FY 2014 §1711</p>	<p><u>PRIOR CONVICTIONS</u> Prohibition on Service in the Armed Forces by Individuals Who Have Been Convicted of Sexual</p>	<p>(Repeals FY13 § 523). Prohibition on commissioning or enlisting a person who has been convicted under federal or state law of rape, sexual assault, forcible sodomy, incest, or attempts to commit these offenses.</p> <p>IMPLEMENTATION: Army Directive 2013-21 (Nov 7, 2013)</p>	<p>Effective Immediately Upon Passage (Dec 26, 2013)</p>

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FY 2014 §1712	<u>EXPEDITED TRANSFER</u> Extending Expedited Transfer to Members of the U.S. Coast Guard	Extends requirement to allow requests for expedited transfers for victims of sexual assault in the U.S. Coast Guard. IMPLEMENTATION: CG Expedited Transfer policy	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1713	<u>EXPEDITED TRANSFER</u> Temporary Administrative Reassignment or Removal of a Service Member Accused of committing a Sex-Related Offense	SecDef may provide guidance for commanders regarding their authority to reassign members alleged to have committed offenses under Arts 120, 120a, 120b, 120c, 125 and attempts to commit such offenses. IMPLEMENTATION: Aug 14, 2013 SecDef Memorandum, SecDef directed Services to implement a policy allowing administrative reassignment or transfer of alleged offenders of sexual assault by Jan 1, 2014; DoDI 6495.02 , encl 5 ¶6(b)(8)(b) (Updated July 7, 2015)	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1714	<u>RETALIATION</u> Protected Communications and Prohibition of Retaliatory Personnel Actions	Expands prohibited retaliatory personnel actions to include making or threatening to make a significant change in the duties or responsibilities of a member not commensurate with the member's grade. No person may take or threaten to take unfavorable personnel action as a reprisal against a member for making or preparing or being perceived as making a communication to a Member of Congress, an IG, law enforcement, any person in chain-of-command or a court martial. IMPLEMENTATION: DoDD 7050.06 (April 17, 2015)	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1715	<u>RETALIATION</u> IG Investigations of Retaliatory Actions Made Against Members Because of Communications Regarding Sexual Misconduct	Expands investigations IG must conduct to include retaliatory actions made against members whose communications were made to personnel or agencies regarding rape, sexual assault, or other sexual misconduct and sexual harassment. IMPLEMENTATION: DoDD 7050.06 (April 17, 2015)	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1716	<u>SPECIAL VICTIMS COUNSEL</u> Special Victims' Counsel Availability for Victims of Sex-Related Offenses	(a) PURPOSE - SecDef shall designate legal counsel for the purpose of providing legal assistance to an individual eligible for military legal assistance who is the victim of an alleged sex-related offense whether restricted or unrestricted. ADMINISTRATIVE RESPONSIBILITY.—(1) Consistent with the regulations prescribed under subsection (h), the TJAGs are responsible for the establishment and supervision of individuals designated as SVC. (2) The Secretary of Defense (and, in the case of the Coast Guard, SecHS) shall conduct a periodic evaluation of the SVC programs operated under this section. IMPLEMENTATION: Navy JAGINST 5810.3 , Victims' Legal Counsel Manual (Jul 10, 2015)	Effective 180 days after enactment (June 26, 2014)
FY 2014 §1716(c)	<u>SPECIAL VICTIMS COUNSEL</u> Special Victims' Counsel Implementation Report	Requires SecDef and SecHS to submit report to SASC, HASC, RSP and JSC describing how the Armed Forces will implement the requirements for the SVC Program IMPLEMENTATION: Report on Implementation of Section 1716 of the National Defense Authorization Act for Fiscal Year 2014 (April 4, 2014)	Report due in 90 days (March 26, 2014)
FY 2014 §1722	<u>RESPONSE SYSTEMS PANEL</u> Advancement of Deadline for Report of Response Systems Panel	Advances the deadline for the RSP report from 18 months to 12 months at the request of SecDef. IMPLEMENTATION: Report of the Response Systems to Adult Sexual Assault Crimes Panel (June 2014)	Report due June 27, 2014

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<p>FY 2014 §1723</p>	<p><u>RETENTION RECORDS/EVIDENCE</u> Retention of Forms for Restricted and Unrestricted Reports of Sexual Assault</p>	<p>Amends FY13 section 577(a) by mandating a 50-year retention of forms regardless of whether the victim requests retention or not. IMPLEMENTATION: USD(P&R) Memorandum, “Fifty-Year Retention of Forms Related to Reports of Sexual Assault”, (Jul 23, 2014); DoDI 6495.02 ¶4(u) (Mar 28, 2013, inc. Ch 2, Jul 7, 2015)</p>	<p>Effective Immediately Upon Passage (Dec 26, 2013)</p>
<p>FY 2014 §1724</p>	<p><u>NATIONAL GUARD & RESERVES</u> Timely Access to SARCs by Members of the National Guard and Reserves</p>	<p>Requires “timely access” to a SARC by a member of the National Guard or Reserves who is a victim of a sexual assault during performance of duties or if assailant is a member of the National Guard or Reserves. IMPLEMENTATION: DoDI 6495.02 ¶2(a)(2) (Mar 28, 2013, inc. Ch 2, Jul 7, 2015)</p>	<p>Effective Immediately Upon Passage (Dec 26, 2013)</p>
<p>FY 2014 §1725</p>	<p><u>SANES/SAFEs</u> Qualifications and Selection of DoD SAPR Personnel and Required Availability of SANES</p>	<p>Amends FY11 section 1602(e)(2) to expand SecDef requirement to establish minimum standards to include SAPR Program Manager and SANE as well as part-time VAs. Requires the assignment of a SANE to all MTFs with 24/7 emergency departments and for a SANE to be available to a patient of all other MTFs.</p>	<p>Effective 120 days After Enactment (April 26, 2014)</p>
<p>FY 2014 §1725(c)</p>	<p><u>SAPR POLICY/PROGRAMS</u> Report on Training, Qualifications, and experience of SAPR Personnel</p>	<p>SecDef required to submit report to HASC and SASC on the review of the adequacy of the training, qualifications, and experience of each member of the Armed Forces and civilian employee of DoD who is assigned to a position that includes responsibility for SAPR functions IMPLEMENTATION: Report: “Department of Defense Selection of Sexual Assault Prevention and Response Personnel”(July 2014)</p>	<p>Report due 120 days After Enactment (April 26, 2014)</p>
<p>FY 2014 §1726</p>	<p><u>SAPR PROGRAMS AND POLICY</u> Additional Responsibilities of SAPRO for DoD SAPR Program</p>	<p>Requires SAPRO to develop metrics to measure effectiveness of, and compliance with training and awareness objectives of the Services on SAPR and to collect and maintain such data. IMPLEMENTATION: DoD Sexual Assault Prevention and Response Strategic Plan (Apr 30, 2013); DoD Sexual Assault Prevention and Response Strategic Plan (Jan 26, 2015)</p>	<p>Effective Immediately Upon Passage (Dec 26, 2013)</p>
<p>FY 2014 §1731</p>	<p><u>RESPONSE SYSTEMS PANEL/ JUDICIAL PROCEEDINGS PANEL</u> Additional Duties for Response Systems Panel and Judicial Proceedings Panel</p>	<p>(b) Additional duties for the <u>RESPONSE SYSTEMS PANEL</u>:</p> <ol style="list-style-type: none"> An assessment of the impact, if any that removing from the chain of command any disposition authority regarding charges preferred under the UCMJ would have on overall reporting and prosecution of sexual assault cases. An assessment regarding whether the roles of SVC should be expanded to include legal standing to represent the victim during investigative and military justice proceedings in connection with the prosecution of the offense. An assessment of the feasibility and appropriateness of extending to victims of crime under the UCMJ the right afforded civilian crime victims under 18 U.S.C. 3771(a)(4), and the legal standing to seek enforcement of crime victim rights. An assessment of the means by which the name, if known, and other identifying information of an alleged offender from a restricted report could be compiled into a protected, searchable database for the purpose of identifying individuals who are subjects of multiple accusations of sexual assault and encouraging victims to make an unrestricted report. Assessment should include evaluation of appropriate content to include in database and best means to maintain privacy. An assessment of the opportunities for clemency provided in the military and civilian systems, the appropriateness of clemency proceedings in the military system, the manner in which clemency is used in the military system, 	<p>RSP Report due June 27, 2014 JPP Reports due Annually from 2015 Through Sept. 30, 2017</p>

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		<p>and whether clemency in the military justice system should be reserved until the end of the military appeals process.</p> <p>f. An assessment of whether the DoD should promulgate a formal statement of what accountability, rights and responsibilities a member of the Armed forces has with regard to matters of sexual assault prevention and response, and key elements of principles that should be included in the formal statement if recommended.</p> <p>(c) Additional duties of the <u>JUDICIAL PROCEEDINGS PANEL</u>:</p> <p>a. An assessment of the likely consequences of amending the definition of rape and sexual assault under Article 120 UCMJ to expressly cover a situation in which a person subject to the UCMJ commits asexual act upon another person by abusing one's position in the chain of command of the other person to gain access to or coerce the other person.</p> <p>b. An assessment of the implementation and effect of FY14 1716 (the SVC program) and make such recommendations for modifications as the JPP considers appropriate.</p> <p>c. An assessment of the implementation and effect of the mandatory minimum sentences established by Article 56(b) UCMJ as added by section 1705, and the appropriateness of statutorily mandated minimum sentencing provisions for additional offenses under the UCMJ.</p> <p>d. An assessment of the adequacy of the provision of compensation and restitution for victims of offenses under the UCMJ.</p> <p>- JPP shall include the results of the reviews in "one of the reports required" by 576(c)(2)(B) of the FY13 NDAA.</p> <p>IMPLEMENTATION: <u>Report of the Response Systems to Adult Sexual Assault Crimes Panel</u> (June 2014); <u>Initial Report of the Judicial Proceedings Panel</u>, (Feb 2015).</p>	
<p>FY 2014 §1732</p>	<p><u>FOUNDING AND DISPOSITION DECISIONS</u></p> <p>Review and Policy Regarding DoD Investigative Practices in Response to Allegations of UCMJ Violations</p>	<p>SecDef must review the practices of the MCIOs in response to an allegation that a Service member has committed an offense under the UCMJ including the extent to which MCIOs make a recommendation regarding whether an allegation appears founded or unfounded. After conducting the review, SecDef must develop a uniform policy for the Services regarding use of case determinations to record the results of an investigation of an alleged violation of the UCMJ and must consider the feasibility of adopting case determination methods, such as the uniform crime report, used by nonmilitary law enforcement agencies.</p> <p>IMPLEMENTATION: Published in IG DoDI 5505.03, "Initiation of Investigations by Defense Criminal Investigative Organizations," (March 24, 2011, Inc Ch 1, December 22, 2015).</p> <p>The specific policy regarding use of case determination is located on p. 7: Item 7. INVESTIGATIVE CONCLUSION, a. and b.</p>	<p>Effective 180 days after enactment</p> <p>(June 26, 2014)</p>
<p>FY 2014 §1733</p>	<p><u>SAPR POLICY/PROGRAMS</u></p> <p>Review of SAPR Training and Education Provided to Service Members</p>	<p>SecDef must review adequacy of the training and education provided Service members on sexual assault prevention and response. SecDef must then identify common core elements that must be included in any training or education provided and recommend such other modifications of the training and education as appropriate to address any inadequacies identified. SecDef must submit report to HASC and SASC containing the results of the review including the common core elements identified.</p> <p>IMPLEMENTATION: Report: "Department of Defense Report on the Review of Training and Education Provided Members of the Armed Forces on Sexual Assault Prevention and Response, Section 1733 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) (April 2014)</p>	<p>Report due 120 days After Enactment</p> <p>(April 26, 2014)</p>
<p>FY 2014 §1734</p>	<p><u>RECORDS/EVIDENCE</u></p>	<p>Requires SecDef to conduct a review of the progress made in developing and implementing the comprehensive policy on the retention of and access to</p>	<p>Report due 180 days After Enactment</p>

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	<p><u>RETENTION</u></p> <p>Report on Implementation of DoD Policy on the Retention of and Access to Evidence and Records Relating to Sexual Assaults</p>	<p>evidence and records relating to sexual assaults involving Service members as required by FY12 section 586. SecDef must submit report to HASC and SASC containing the results of the review.</p> <p>IMPLEMENTATION: Report: “Implementation of Department of Defense Policy on the Retention of and Access to Evidence and Records Relating to Sexual Assaults Involving Members of the Armed Forces” (12 August 2014); Report: “Development and Implementation of Sexual Assault Evidence and Criminal Records Retention Policy”(11 July 2014); USD P&R Memorandum, “Fifty-year Retention of Forms Related to Reports of Sexual Assault” (Jul 23, 2014)</p>	<p>(June 26, 2014)</p>
<p><u>FY 2014</u> §579</p>	<p><u>SEXUAL HARASSMENT;</u></p> <p>Review of the Office of Diversity Management and Equal Opportunity Role in Sexual Harassment Cases</p>	<p>Requires SecDef to conduct a review of the Office of Diversity Management and Equal Opportunity to determine whether sexual harassment cases should be evaluated or addressed within that office; identify and evaluate how the ODMEIO works with SAPRO to address sexual harassment; assess current role of ODMEIO; identify and evaluate the resource and personnel gaps, if any, in the ODMEIO to adequately address sexual harassment cases and track incidences.</p> <p>IMPLEMENTATION: (NOT YET COMPLETED); DoDD 1350.2, “Department of Defense Military Equal Opportunity (MEO) Program” (Aug 18, 1995, Inc. Ch 2, Jun 8, 2015) DoDD 1020.02E, “Diversity Management and Equal Opportunity in the DoD,” (June 8, 2015)</p>	<p>Immediate (Dec 26, 2013)</p>
<p><u>FY 2014</u> §1741(a)</p>	<p><u>IMPROPER RELATIONSHIPS</u></p> <p>Defining Inappropriate and Prohibited Relationships</p>	<p>Requires SecDef to maintain a policy that defines and prescribes what constitutes an inappropriate and prohibited relationship, communication, conduct, or contact, including when such an action is consensual. The policy applies to a Service member who exercises authority or control over, or supervises a person during entry-level processing or training and a prospective Service member.</p> <p>IMPLEMENTATION: DoDI 1304.33 Protecting Against Inappropriate Relations During Recruiting and Entry Level Training (Jan 28, 2015)</p>	<p>Effective 180 days after enactment (June 26, 2014)</p>
<p><u>FY 2014</u> §1741(c)</p>	<p><u>IMPROPER RELATIONSHIPS; DISCHARGES</u></p> <p>Processing for Administrative Separation of Service Members Engaged in Prohibited Relationships</p>	<p>SecDef must require the processing for administrative separation of any Service member in response to the first substantiated violation of the prohibited relationships policy. The Service Secretaries must ensure that any separation decision is based on the full facts of the case and that due process procedures are provided under existing law or regulations.</p> <p>IMPLEMENTATION: DoDI 1304.33 Protecting Against Inappropriate Relations During Recruiting and Entry Level Training (Jan 28, 2015)</p>	<p>Effective 180 days after enactment (June 26, 2014)</p>
<p><u>FY 2014</u> §1741(d)</p>	<p><u>IMPROPER RELATIONSHIPS</u></p> <p>Report on Need for UCMJ Punitive Article</p>	<p>Requires SecDef to submit report to SASC and HASC containing the recommendations of the SecDef regarding the need to amend chapter 47 of 10 U.S.C. to create an additional punitive article to address violations of the prohibited relationship policy.</p> <p>IMPLEMENTATION: DoD Report on Protections for Prospective Members and New Members of the Armed Forces During Entry-Level Processing and Training (May 2014)</p>	<p>Effective 120 days after enactment (Apr 26, 2014)</p>
<p><u>FY 2014</u> §1742</p>	<p><u>UNRESTRICTED REPORTS</u></p> <p>Commanding Officer Action on Reports of Sexual Offenses Involving Service Members</p>	<p>A commanding officer who receives a report of a sex-related offense involving a Service member in the chain of command of such officer must act on that report by referring it to the MCIO.</p> <p>IMPLEMENTATION: DoDI 6495.02 encl. 2 ¶6(k)(1)(Mar 28, 2013, Ch 2, Jul 7, 2015)</p>	<p>Effective Immediately Upon Passage (Dec 26, 2014)</p>
<p><u>FY 2014</u> §1743</p>	<p><u>SAPR PROGRAMS/POLICY</u></p> <p>Eight-Day Incident Reporting Requirement for Unrestricted Reports</p>	<p>Requires SecDef to establish and maintain a policy to require the submission by a designated person of a written report not later than eight days after an unrestricted report of sexual assault has been made. Report must be provided to the installation commander, the first officer in the grade of O-6 and first general or flag officer in chain of command. SecDef must prescribe regulations within</p>	<p>Effective 180 days after Enactment (June 26, 2014)</p>

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	of Sexual Assault	180 days. IMPLEMENTATION: USD(P&R) DTM 14-007 – Sexual Assault Incident Response Oversight (SAIRO) Report (Sep 30, 2014, Inc Ch 1, effective Oct 7, 2014); DoDI 6495.02 ¶4x, encl 2(at), encl 4 ¶4(a),(b), encl 5 ¶3(b), (c)(3),(4), (s), encl 11¶2(b)(2) (Mar 28, 2013, Ch 2, Jul 7, 2015)	
FY 2014 §1744	<u>FOUNDING AND DISPOSITION DECISIONS</u> Review of Decisions not to Refer Charges of Certain Sex-Related Offenses for Trial by Court-Martial	Requires SecDef to direct Service Secretaries to provide for review of decisions not to refer charges for trial by court-martial. Secretaries must review all cases where SJA recommends referral and CA declines to refer charges and when the SJA recommends not referring charges and the CA does not refer charges, case file must be reviewed by next superior commander with GCMCA. IMPLEMENTATION: Modified by FY15 NDAA 541; Army Directive 2014-19 , “Implementation of §1744 of FY 2014 NDAA – Review of Decisions not to Refer Charges of Certain Sex-Related Offenses for Trial by Courts-Martial (Jun 27, 2014); ALNAV 052/14 (Jun 24, 2014) ; Air Force and CG Policies	Effective Immediately Upon Passage (Dec 26, 2014)

FY 2013 NDAA [\(PL 112-239, Jan 2, 2013\)](#)

FY 2013 §525	<u>DISCHARGES</u> Reports on Involuntary Separation of Members of the Armed Forces	Requires Service Secretaries to report to Congress on the number of members involuntarily separated from active duty during the six-month period for reasons other than “for cause” by grade, total years of service and occupational specialty including number who are authorized to receive temporary retirement pay, completed transition assistance programs, and average months deployed in overseas contingency operations by grade.	Reports Due Not later than 30 days after the end of each half-year period during CY 13 and CY 14
FY 2013 §541	<u>ARTICLE 120</u> Reform of Article 120 UCMJ	Complete revision of Article 120 to cover only adult offenses; separates stalking (120a), child offenses (120b), and other sexual misconduct (120c), into separate punitive articles. 11 total offenses: 1) Rape; Sexual Assault; Aggravated Sexual Contact; Abusive Sexual Contact; Stalking; Rape of a Child; Sexual Assault of a Child; Indecent Viewing, Visual Recording, or Broadcasting; Forcible Pandering; Indecent Exposure. IMPLEMENTATION: EO PENDING : Residuum EO will include model specifications, definitions, explanations, further commentary.	Effective 180 days after enactment (Jun 31, 2012)
FY 2013 §542	<u>ARTICLE 32</u> Authority to Compel Production of Documentary Evidence	Article 47 UCMJ (refusal to appear or testify) was expanded to include the case of a subpoena <i>duces tecum</i> for an Article 32 investigation. IMPLEMENTATION: R.C.M 405(g)(2)(C)(ii), 703(f)(4)(B) as revised by EO 13669 (Jun 13, 2014) Section 1(e)(k), Section 2(l); R.C.M. 405(g)(3)(B), 703(e)(2)(B), (e)(2)(C), (f)(4)(B) as revised by EO 13696 (Jun 17, 2015), Section 1(k),(q)-(s)	Effective Immediately Upon Passage (Dec 31, 2011)
FY 2013 §571	<u>NATIONAL GUARD AND RESERVES</u> Authority to Retain or Recall to Active Duty Reserve Component Members who are Victims of Sexual Assault While on Active Duty	Upon request of the member of a reserve component who is an alleged victim of sexual assault committed while on active duty, Service Secretary may order the member to be retained on active duty until completion of line of duty determination.	Immediate (Jan 3, 2013)

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<p>FY 2013 §572</p>	<p><u>SAPR PROGRAMS/POLICY</u> Additional Elements in Comprehensive DoD Policy on Sexual Assault Prevention and Response</p>	<p>(Amends FY11 §1602)</p> <p>(a)(1): Requires creation of a record of disposition of all unrestricted reports of sexual assault involving member of the Armed Forces.</p> <p>(a)(2): All Service members convicted of a covered offense who are not punitively discharged will be processed for an administrative discharge.</p> <p>(a)(3): Requires command climate survey to be conducted within 120 days of assuming command.</p> <p>(a)(4): Requirement to post and widely disseminate information on resources available to victims of sexual assault and establish hotline number.</p> <p>(a)(5): Educational campaign to notify service members regarding correction of their records if they are the victim of retaliatory personnel action for making a report of sexual assault or harassment.</p> <p>IMPLEMENTATION: DoDI 6495.02</p>	<p>Revised policy due in 180 Days (Jul 3, 2013)</p>
<p>FY 2013 §573</p>	<p><u>SVIP</u> Establishment of Special Victim Capabilities Within the Military Departments to Respond to Allegations of Certain Special Victim Offenses</p>	<p>Requires DoD regs for Services to establish a special victim capability to include specially trained investigator, prosecutor, VWL and paralegal for the investigation and prosecution of sexual assault, child abuse, and domestic violence cases as a distinct recognizable group who work collaboratively. Implementation plan submitted to HASC and SASC within 270 days. Initial capabilities within a year, and SecDef to prescribe criteria to measure effectiveness and impact of Special Victim Capabilities within 180 Days.</p> <p>IMPLEMENTATION: Report to Congress; DoDI 6400.06 (August 21, 2007 Incorporating Change 2, Effective July 9, 2015)</p>	<p>Initial capabilities Effective 1 year after Enactment (Jan 3, 2014)</p>
<p>FY 2013 §574</p>	<p><u>SAPR PROGRAMS/POLICY</u> Enhancement to Training and Education for SAPR</p>	<p>(amends FY12 §585) Requires SecDef to provide for inclusion of SAPR training module for new or prospective commanders at all levels of command and for new members at initial entry and accession training (within 14 duty days).</p> <p>IMPLEMENTATION: DoDI 6495.02</p>	<p>Effective Immediately Upon Passage (Jan 3, 2013)</p>
<p>FY 2013 §575</p>	<p><u>SAPRO ANNUAL REPORT</u> Modification of Annual DoD SAPRO Reporting Requirements Regarding Sexual Assaults</p>	<p>(Amends FY 11 §1631) Requirement for greater detail in the case synopses portion of the report to include: if the charges were dismissed after an Art 32 the reason for dismissal; whether accused previously accused of a substantiated sexual assault, or admitted to service with a moral waiver for sexual misconduct. Must include branch of service, alcohol involvement, and nature of punishment when non-judicial. Report must also include requests for transfer status, number denied with description of reason why, an analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by units, commands, and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents and avoidance of incidents.</p> <p>IMPLEMENTATION: FY 2014 SAPRO Report</p>	<p>Beginning with FY 14 SAPRO Report (March 1, 2014)</p>
<p>FY 2013 §576</p>	<p><u>RSP/JPP</u> Independent Reviews and Assessments of UCMJ and Judicial Proceedings of Sexual Assault Cases</p>	<p>Requires SecDef to establish a panel to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under Article 120 UCMJ for the purpose of developing recommendations regarding how to improve the effectiveness of such systems as well as a subsequent panel to conduct an independent review and assessment of judicial proceedings conducted under the UCMJ involving adult sexual assault and related offenses since the amendments made to Article 120 in 2012.</p> <p>IMPLEMENTATION: RSP Report deadline modified by FY14 §1722; JPP established on June 24, 2014.</p>	<p>Original appointments to panel in 120 days (May 3, 2013)</p>
<p>FY 2013 §577</p>	<p><u>RETENTION OF</u></p>	<p>Requires SecDef to ensure that all copies of DoD Form 2910 and 2011 filed</p>	<p>Effective Immediately</p>

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	<u>RECORDS/EVIDENCE</u> Retention of Forms for Restricted Reports of Sexual Assault	in connection with a Restricted Report be retained – at the request of a victim - for the longer of 50 years from date of signature or the time provided for the retention of such forms in connection with Unrestricted Reports. Forms must be retained in a manner that protects confidentiality. IMPLEMENTATION: Modified by FY14 §1723	Upon Passage (Jan 3, 2013)
FY 2013 §578	<u>DISCHARGES</u> General or Flag Officer Review of Separation of Members Making an Unrestricted Report of Sexual Assault	Requires SecDef to develop a policy (submitted to SASC & HASC) to require a general or flag officer to review the circumstances of, and grounds for, the proposed involuntary separation of any Service member who made an Unrestricted Report of Sexual Assault within one year of involuntary separation action if requested by the Service member. IMPLEMENTATION: DoDI 6495.02 DoD Policy reported to Congress	Policy due 180 days (July 3, 2013)
FY 2013 §579	<u>SEXUAL HARASSMENT</u> Department of Defense Policy and Plan for Prevention and Response to Sexual Harassment in the Armed Forces	(a) Requires SecDef to develop a comprehensive prevention and response policy (and provide to HASC & SASC) to address training, prevention, reporting, and response to sexual harassment including procedures for anonymous reporting. Mechanisms for responding to and resolving incidents of alleged sexual harassment including through prosecution of offenders. The Secretary of Defense shall prepare the policy and report required by this subsection in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense. (b) Requires a plan for data collection and reporting of substantiated incidents of sexual harassment . The plan shall specifically deal with the need to identify cases in which a member is accused of multiple incidents of sexual harassment. IMPLEMENTATION: Report: DoD Data Collection Plan for Substantiated Incidents of Sexual Harassment in the Armed Forces (Aug 30, 2013); “Department of Defense Guidance on Oversight, Training, and Mechanisms for Reporting and Responding to Sexual Harassment Incidents in the Armed Forces” (Sep 19, 2014)	(a) Policy due in one year (Jan 3, 2014) (b) Plan due Jun 1, 2013
FY 2013 §579(b)(3)	<u>SEXUAL HARASSMENT</u> Annual SAPRO Reporting Requirements for Substantiated Incidents of Sexual Harassment Involving Service Members	(3) REPORTING REQUIREMENT.—As part of the reports required to be submitted in 2014 under section 1631 of the FY 2011 NDAA, (Annual SAPRO Report) the Secretary of Defense shall include information and data collected under the plan during the preceding year regarding substantiated incidents of sexual harassment involving members of the Armed Forces. IMPLEMENTATION: FY 2013 DoD Report on Substantiated Incidents of Sexual Harassment in the Armed Forces (May 8, 2014). DoD OGC determined that only one report was required by the statute.	2014 SAPRO Report

FY 2012 NDAA (PL 112-81, Dec 31, 2011)

FY 2012 §581	<u>SPECIAL VICTIMS’ COUNSEL</u> Access of Sexual Assault Victims to Legal Assistance and Services of SARCs and SAPR VAs	Requirement to prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel, and that victims must be informed of availability of a victim advocate.	180 days (Jun 31, 2012)
FY 2012 §582	<u>EXPEDITED TRANSFER</u> Consideration of Expedited Transfer Option for Victims of Sexual Assault or Related	Requires Service Secretaries to issue regulations to carry out timely consideration for a request for a change of station by an active duty service member who is a victim of a sexual assault. Must be approved or disapproved by member’s commanding officer within 72 hours of request and member may request review by the first general or flag officer in chain	Effective Immediately Upon Passage (Dec 31, 2011)

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	Offense	of command and that decision must be made within 72 hours of requested review. IMPLEMENTATION: DoDI 6495.02 ¶4(o), encl 5 ¶6 (Updated July 7, 2015); Army Directive 2011-19 (Oct 3, 2011) AF, Navy, MC,	
FY 2012 §583	<u>SAPR PROGRAMS/POLICY</u> Director of Sexual Assault Prevention and Response Office	(amends FY11 §1611(a)): Requires the appointment of a general or flag officer as the Director of the DoD SAPRO. IMPLEMENTATION: DoDI 6495.02 , (March 28, 2013, Inc Ch 2, Effective July 7, 2015)	Effective Immediately Upon Passage (Dec 31, 2011)
FY 2012 §584	<u>SAPR PROGRAMS/POLICY</u> Sexual Assault Response Coordinators (SARCs) and Sexual Assault Victim Advocates (SAPR VAs)	Establishes requirement for at least one full-time SARC and one full-time VA at brigade or equivalent level; SARCs and VAs cannot be contractors; and must be trained and certified. IMPLEMENTATION: DoDI 6495.02 , (March 28, 2013, Inc Ch 2, Effective July 7, 2015)	Effective Oct 1, 2013
FY 2012 §585	<u>SAPR PROGRAMS/POLICY</u> Training and Education Programs for SAPR Program	Requires development of SAPR curriculum for Service members and civilian employees, at all levels of military service, further that training be provided to all sexual assault first responders as initial and in-service training. IMPLEMENTATION: DoDI 6495.02 , (March 28, 2013, Inc Ch 2, Effective July 7, 2015); Army AD 2013-17 (Jul 22, 2013)	Effective 1 Year after Enactment (Dec 31, 2012)
FY 2012 §586	<u>RETENTION OF RECORDS/EVIDENCE</u> DoD Policy and Procedures on Retention and Access to Evidence and Records Relating to Sexual Assaults Involving Members of the Armed Forces	Requires SecDef in consultation with SecVA to develop a comprehensive policy to retain evidence and records for at least five years, criteria for collection, locations where records must be stored, media which may be used, protection of privacy of individuals, availability of records to victims education and training on record retention requirements, uniform collection of data. IMPLEMENTATION: SAPR DoDI 6495.02 , (March 28, 2013, Inc Ch 2, Effective July 7, 2015) Retention of DD form 2910 (election of reporting option), DD Form 2911 (forensic examination) and Sexual Assault Forensic Examination (SAFE) Kit on pp. 7-8; IG DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” (January 25, 2013, Incorporating Change 2, June 18, 2015). Retention of investigative reports to include the DD Form 2911 (forensic examination) and SAFE Kit on pp.7-8:	Policy Due Oct 1, 2012
FY 2012 §586(e)	<u>ACCESS TO INFORMATION AND RECORDS</u> Copy of Records of Court-Martial to Victim of Sexual Assault	(amends Article 54, UCMJ) Adds new subsection to Article 54 UCMJ: In the case of a general or special court-martial involving a sexual assault or other offense covered by Article 120 UCMJ, a copy of all prepared records of the proceedings shall be given to the victim of the offense if the victim testified during the proceedings. Provided without charge and as soon as records are authenticated. IMPLEMENTATION: R.C.M 1103(g), 1104(b)(1) amended by EO 13669 (Jun 13, 2014) Section 1(l)-(n), Section 2(m)-(p); EO 13696 (Jun 17, 2015), Section 1(j).	Immediate (Dec 31, 2011)

FY 2011 NDAAs [\(PL 111-383, Jan 7, 2011\)](#)

FY11 §1631(a),(b)	<u>SAPRO ANNUAL REPORT</u> Annual SAPR Reporting Requirements for Services	(Repeals FY05 §577(f)) Service Secretaries must submit report to SecDef. The report must contain: 1) number of reported sexual assaults against Service members and number substantiated; 2) number of sexual assaults committed by Service Members and number substantiated; 3) a synopsis of each substantiated case, organized by offense, including type of disciplinary or administrative sanction imposed including courts-martial sentences, NJP	First report due March 1, 2012 and each March 1 thereafter
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		and administrative separations; 4) policies, procedures and processes implemented during the year; 5) number of substantiated sexual assault cases in which the victim is deployed Service member and assailant is a foreign national and policies and procedures to monitor the investigative processes and disposition of such cases; 6) description of the implementation of the accessibility plan implemented pursuant to section 596(b) including description of steps taken to ensure resources are accessible to deployed units. IMPLEMENTATION: FY 2012, FY2013, FY 2014 SAPRO Reports	
FY11 §1631(d)	<u>SAPRO ANNUAL REPORT</u> Annual SAPR Reporting Requirements for SecDef	(Repeals FY05 §577(f)) SecDef must forward the Annual SAPR Reports from the Services to the HASC and SASC together with 1) the results of assessments conducted under the evaluation plan required by section 1602(c); and 2) such assessments on the reports as the SecDef considers appropriate. IMPLEMENTATION: FY 2012, FY2013, FY 2014 SAPRO Reports	First report due April 30, 2012 and each Apr 30 thereafter
FY11 §1613	<u>DSAID/DIBRS DATABASES</u> Report and Plan for Completion of DSAID	Requirement for SecDef to submit to HASC and SASC describing the status of development and implementation of the centralized DoD sexual assault database (DSAID) required by FY09 section 563; containing a revised implementation plan for completing implementation of the database; and indicating the date by which the database will be operational.	Report due Apr 1, 2011
FY11 §1602(c)	<u>SAPR PROGRAMS/POLICY</u> SAPR Effectiveness Evaluation Plan	Requires SecDef to develop and implement an evaluation plan for assessing the effectiveness of the comprehensive SAPR policy in achieving its intended outcomes at the department and individual Armed Force Levels. SecDef required to provide a progress report to HASC and SASC describing status of implementation of revised plan. IMPLEMENTATION: Report to Congress	Progress report due Oct 1, 2011
FY11 §1632	<u>SAPR PROGRAMS/POLICY</u> Additional Required Reports	Requires SecDef to evaluate 1) feasibility of extending SAPR services to DoD civilian employees and contractors who work on or in the vicinity of a military installation or with Service members; 2) application of SAPR to members of the Reserve Components; 3) feasibility of requiring that victim receive copy of the record of trial when victim testifies; 4) feasibility of authorizing Service members and dependents who are sexual assault victims to receive legal assistance related to responding to sexual assault; and 5) feasibility of utilizing specially trained forensic medical examiners. SecDef required to submit results of these evaluations to SASC and HASC. IMPLEMENTATION: Report to Congress	No date given
FY11 §1602(a),(b)	<u>SAPR PROGRAMS/POLICY</u> Comprehensive DoD Policy on SAPR Program	Requires SecDef to submit to HASC and SASC a revised comprehensive policy for DoD sexual assault prevention and response (SAPR) program that builds upon policy developed under FY05 section 577 that incorporates new requirements and takes into consideration the findings and recommendations of DTF-SAMS report. IMPLEMENTATION: Report to Congress	Policy due Mar 30, 2012
FY11 §1612	<u>SAPR PROGRAMS/POLICY</u> Oversight and Evaluation Standards for SAPR Program	Requirement for SecDef to issue standards to assess and evaluate the effectiveness of the SAPR programs of each Service in reducing the number of sexual assaults involving members of the Armed Forces and improving response to reports of sexual assault using the evaluation plan developed under section 1602(c). IMPLEMENTATION: DoD SAPR Strategic Plan (May 6, 2013)	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1621	<u>SANEs/SAFEs</u> Improved Protocols for Providing Medical Care for	Requires SecDef to establish comprehensive consistent protocols for providing and documenting care to a sexual assault victim taking into consideration the gender of the victim.	Immediate (Jan 7, 2011)

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	Victims of Sexual Assault		
FY11 §1631(c)	SAPR PROGRAMS/POLICY Definition of “Substantiated” for Synopses of Cases	SecDef must establish a consistent definition of “substantiated” for purposes of SAPR reporting requirements and provide synopses for those cases for the preparation of reports under this section. IMPLEMENTATION: DoDI 6495.02	Definition due Dec 31, 2011
FY11 §1601	SAPR PROGRAMS/POLICY Definition of DoD SAPR Program and Other Definitions	Clarifies definitions and purpose of SAPR program.	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1611	SAPR PROGRAMS/POLICY Establishes Sexual Assault Prevention and Response Office and Director	Requires appointment of a SAPRO director, specifies the duties of the director and role of the DoDIG and Service IGs. 18 Months to assign officer from each Service to SAPRO. IMPLEMENTATION: DoDI 6495.02	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1614	RESTRICTED REPORTING Limitations on Restricted Reporting of Sexual Assaults	Requires SecDef to clarify the limitations on the ability of a member of the Armed Forces to make a restricted report regarding the occurrence of a sexual assault and the circumstances under which information contained in a restricted report may no longer be confidential.	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1622	SAPR PROGRAMS/POLICY Sexual Assault Victims Access to Victim Advocate Services	Clarified entitlement of service members and covered dependents to the assistance of a sexual assault victim advocate and that the victim may decline this assistance. Victim Advocate services are available regardless of whether the report is restricted or unrestricted. IMPLEMENTATION: DoDI 6495.02	Effective Immediately Upon Passage (Jan 7, 2011)

FY 2010 NDAAs [\(PL 111-84, Oct 28, 2009\)](#)

FY10 §567(c)(1)	SAPRO ANNUAL REPORT Additional Reporting Requirements for SAPRO Annual Report Concerning Military Protective Orders (MPOs)	Requires data collection on whether a MPO was issued that involved either the victim or alleged perpetrator of a sexual assault and whether MPOs involving Service members were violated in the course of substantiated incidents of sexual assaults against Service members. Requires this data to be included in Annual SAPRO reports. IMPLEMENTATION: (unclear whether this was repealed by FY11 §1631)	Annual SAPRO Report
FY10 §566	DEFENSE TASK FORCE – DTF-SAMS DTF-SAMS Report Deadline Extended (amends FY05 §576(e)(1))	Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) report extended beyond original one year limit. IMPLEMENTATION: Report of the Defense Task Force on Sexual Assault in the Military Services (Dec 2009)	Report due Dec 1, 2009
FY10 §567(a)	SAPR PROGRAMS/POLICY Report on Improved Prevention and Response Plan for Allegations of Sexual Assault Involving Members of the Armed Forces	Requires SecDef to submit a revised SAPR implementation plan to HASC and SASC. The plan must include: 1) new initiatives and timelines for implementation; 2) requirements for monitoring and reporting on implementation progress; 3) training programs for judge advocates, MCIOs, commanders, prospective commanding officers, senior enlisted members and members with less than 6 months service; 4) funding requirements and budgetary implications of data reporting systems; 5) actions taken to implement recommendations of DTF-SAMS; 6) information about funding needed to fully implement initiatives. IMPLEMENTATION: Report to Congress	Report due in 180 days (Apr 28, 2010)
FY10 §567(b)	SANEs/SAFEs Report on Sexual Assault	Requires SecDef to submit to HASC and SASC a report evaluating the protocols and capabilities of the Armed Forces to conduct timely and effective SAMFEs in combat zones. The report must include: 1) current	Report due in 180 days (Apr 28, 2010)

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	Medical Forensic Examinations (SAMFE) in Combat Zones	availability of SAMFE protocols, trained personnel and equipment in combat zones; 2) assessment of barriers to providing timely exams to sexual assault victims in combat zones; and 3) recommendations regarding improved capability in combat zones. Also requires report to HASC and SASC within 30 days on progress in implementing FY07 section 701 requiring TRICARE to cover SAMFEs.	
FY10 §567(c)(2)	MPOs Report on Military Protective Order (MPO) Triggering a Transfer Option for Service Member Protected by Order	Requires SecDef to submit to HASC and SASC a report explaining the measures being taken to ensure that when a MPO is issued, the member of the Armed Forces who is protected by the order is informed in a timely manner, of the member's option to request transfer from the command to which the member is assigned.	Report due in 180 days (Apr 28, 2010)
FY10 §567(d)	INVESTIGATIONS Comptroller General Report on Capability of each Service to Timely and Effectively Investigate and Adjudicate Sexual Assault Allegations	Requires Comptroller General to submit to HASC and SASC a report containing a review of the capability of each of the Armed Forces to timely and effectively investigate and adjudicate allegations of sexual assault against members of the Armed Forces and whether existing policies and implementation plans of DoD and resources devoted for this purpose are adequate. IMPLEMENTATION: DoD IG Report: Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations (Jul 9, 2013)	Report due 1 year after enactment (Oct 28, 2010)
FY10 §598	DSAID/DIBRS DATABASE Report on Progress in Completion of DSAID and DIBRS Systems	Requires SecDef to submit to HASC and SASC a report detailing the progress with respect to completion of 1) The Defense Incident-Based Reporting System (DIBRS); and 2) The Defense Sexual Assault Incident Database (DSAID).	Report due in 120 days (Feb 28, 2010) and every six months thereafter

FY 2009 NDAAs [\(PL 110-417, Oct 14, 2008\)](#)

FY09 § 563	DSAID/DIBRS DATABASES Requirement for Defense Sexual Assault Incident Database (DSAID)	Requirement for SecDef to develop a centralized, case-level sexual assault database to collect information about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault. Database will be available to SAPRO personnel. <ul style="list-style-type: none"> A plan within 90 days submitted to HASC and SASC. A report explaining status of Defense Incident Based Reporting System and how it will relate to DSAID within 180 days submitted to HASC and SASC. Implementation of DSAID must be complete within 15 months. DSAID will be used to develop congressional reports required by FY05 577(f), FY06 596(c), FY07 532, sections 4361, 6980, and 9361 of 10 U.S.C. 	Plan due in 90 days Jan 14, 2009 Report due in 180 days Apr 14, 2009 Implementation complete in 15 Months Jan 14, 2010
FY09 § 561	MPO Amended Effective Period of Military Protective Orders (MPOs)	Amended duration of military protective order such that it remains in effect until the commander terminates the order or issues a replacement order. IMPLEMENTATION: DoDI 6495.02, encl. 5 ¶7(b)(2) (Updated July 7, 2015) Service Regulations	Effective Immediately Upon Passage (Oct 14, 2008)
FY09 §562	MPO Mandatory Notification of Issuance of Military Protective Order (MPO) to Civilian Law Enforcement	Requires commander to coordinate with civilian authorities to notify them of issuance or modification of a MPO for individuals who reside off base. IMPLEMENTATION: DoDI 6495.02, encl. 5 ¶7(b) (Updated July 7, 2015) Service Regulations	Effective Immediately Upon Passage (Oct 14, 2008)

FY 2008 NDAAs [\(PL 110-181, Jan 28, 2008\)](#)

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FY08 §716	<p><u>MENTAL HEALTH ISSUES</u></p> <p>Review of gender and ethnic group-specific mental health services and treatment for members of the Armed Forces</p>	<p>Review to include the availability of gender- and ethnic group-specific services and treatment for members of the Armed Forces who experienced sexual assault or abuse.</p> <p>IMPLEMENTATION: Referenced in 6495.02 ¶ 2(c)(2)(Updated July 7, 2015); DoD Report</p>	Report due 90 days after enactment (Apr 28, 2008)
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FY 2007 NDAA [\(PL 109-364, Oct. 17, 2006\)](#)

FY07 §583	<p><u>SAPRO ANNUAL REPORT</u></p> <p>Required Synopsis of Cases in Annual DoD SAPRO Report (amends FY05 §577(f)(2))</p>	Amended reporting requirement to add a synopsis of each substantiated case and disciplinary action taken , including the type of disciplinary or administrative sanction imposed, if any.	Immediate (Oct 17, 2006)
FY07 §532	<p><u>SERVICE ACADEMIES</u></p> <p>Revision and Clarification of Requirements Concerning Sexual Harassment and Sexual Violence at the Service Academies</p> <p>(Repeals and replaces FY04 §527)</p>	<p>Requirement for Academy Superintendents to prescribe policy and procedures on sexual harassment and sexual violence at the Service Academies; 1) an annual assessment that includes focus groups and biennial survey administered by DoD to determine effectiveness of such policies, training and procedures; 2) an annual report that includes number of reported sexual assaults, rapes and other sexual offenses by cadets or other academy personnel and number of substantiated cases; 3) policies, procedures and processes implemented in response to sexual harassment and sexual violence; and 4) a plan for actions to be taken in the following program year.</p> <p>IMPLEMENTATION: Annual Report on Sexual Harassment and Violence at the Military Service Academies for Academic Program year 2014-2015 (Jan 6, 2016); Annual Report 2013 – 2014; MSA Report for Academic Program Year 2006-2007, 2007-2014 MSA Annual Reports.</p>	Immediate (Oct 17, 2006) Service Academy reports due annually
FY07 §701	<p><u>SANES/SAFEs</u></p> <p>Extended TRICARE Coverage to Sexual Assault Forensic Exams (SAFEs)</p>	Amendment to 10 U.S.C. section 1079(a) to add authorization for forensic examinations following sexual assault or domestic violence incidents.	Immediate (Oct 17, 2006)

FY 2006 NDAA [\(PL 109-163, Jan 6, 2006\)](#)

FY06 §596(c)	<p><u>SAPRO ANNUAL REPORT</u></p> <p>Additional Reporting Requirements for Annual DoD SAPRO report</p> <p>(amends FY05 §577(f)(2))</p>	(a) Requirement to add to annual SAPRO reports 1) a description of the implementation of deployed unit accessibility and tracking plans; 2) information collected on cases where care was hindered due to lack of availability of a rape kit; 3) description of steps taken during that year to provide deployed units with accessibility to these resources; and 4) a description of the required supply inventory, location, accessibility and availability of resources to provide appropriate and timely response to reported sexual assaults in a deployed unit.	Annually reported beginning with January 15, 2007 SAPRO Report
FY06 §596(b),(c)	<p><u>SAPR PROGRAMS/POLICY</u></p> <p>Requirement of a Plan to Improve DoD Response to Sexual Assault</p>	<p>(b) Required a plan for system to track cases in which care was hindered due to lack of availability of a rape kit.</p> <p>(c) Required a plan for deployed units' accessibility to supplies, trained personnel, and transportation resources for responding to sexual assaults. Plans to be submitted by SecDef to HASC and SASC within 120 days.</p> <p>IMPLEMENTATION: Report to Congress</p>	Plan due in 120 days (Apr 5, 2006)

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FY06 §551	ARTICLE 120 Established Offense of Stalking Under Article 120a of the UCMJ	Established a new offense under Article 120a of the UCMJ for stalking.	Effective 180 days after enactment (Jun 5, 2006)
FY06 §552	ARTICLE 120 Article 120 Revision	Comprehensive revision to Article 120 of the UCMJ into a far more expansive punitive article. Article 120 expanded to cover rape, rape of a child, aggravated sexual assault, aggravated sexual assault of a child, aggravated sexual contact, aggravated sexual abuse of a child, aggravated sexual contact with a child, abusive sexual contact, abusive sexual contact with a child, indecent liberty with a child, indecent act, forcible pandering, wrongful sexual contact, and indecent exposure.	Effective Oct 1, 2007
FY06 §553	STATUTE OF LIMITATIONS Removes Statute of Limitations from Murder, Rape, and Child Abuse Offenses	Amends Article 43 of the UCMJ to make clear that no statute of limitations apply to murder, rape, and child abuse offenses.	Immediate (Jan 6, 2006)

FY 2005 NDAAs [\(PL 108-375, Oct 28, 2004\)](#)

FY05 §577(f)	SAPRO ANNUAL REPORT ESTABLISHED DoD Annual Report on Sexual Assaults	Initial requirement for DoD to provide an annual report to congress by Jan 15 of each year. Reporting required: <ul style="list-style-type: none"> number of reported sexual assaults by Service members during the year covered by report; number of cases that were substantiated; synopsis of, and disciplinary action taken in each substantiated case; and policies, procedures and processes implemented for sexual assault response. 	First report due Jan 15, 2005; Annually thereafter
FY05 §571	ARTICLE 120 Review and Report on How Sexual Offenses are Covered by the UCMJ	Required a review and report by SecDef of the UCMJ and MCM with objective of determining what changes are required to improve the ability of the military justice system to address sexual assault issues and to conform more closely to other Federal laws and regulations on sexual assault with suggested revisions to the UCMJ and rationale. Submitted to SASC and HASC IMPLEMENTATION: Sex Crimes and the UCMJ: A Report for the Joint Service Committee on Military Justice (Jan 13, 2005)	Report due March 1, 2005
FY05 §576	DEFENSE TASK FORCE – DTF-SAMS Established Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) (amends FY04 §526)	Directed task force established in FY04 to examine sexual harassment and violence at the military service academies to continue for at least 18 months after original termination date and upon completion of FY04 taskings to be renamed the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) tasked to examine matters relating to sexual assault cases in which members of the Armed Forces are either victims or commit acts of sexual assault and provide report to SecDef, SASC & HASC IMPLEMENTATION: Report deadline extended by FY10 §566	Report due one year after initiation of new tasking
FY05 §577(c),(e)	SAPR PROGRAMS/POLICY Report on Improvement of Capability to Respond to	(c) SecDef shall submit to Congress a proposal for legislation to enhance the capability of DoD to address matters relating to sexual assaults involving members of the Armed Forces. (e) Service Secretaries shall prescribe	Report due March 1, 2005

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	Sexual Assaults	regulations implementing policies and procedures conforming to DoD SAPR policy by March 1, 2005 IMPLEMENTATION: CY 2004 SAPRO Report ; CY 2005-FY 2013 SAPRO Annual Reports ; FY 2014 SAPRO Report .	
FY05 §586	<u>DISCHARGES</u> Annual Report Identifying Reasons for Discharges from the Armed Forces	Requirement for annual report to HASC and SASC through 2011 showing in the aggregate and for each Service, the 1) total number of persons discharged during the preceding fiscal year; 2) the number of discharged persons assigned each separation code and reenlistment eligibility code; and 3) classification of discharges by age, sex, race, rank, time in service, unity, MOS and reenlistment eligibility code.	First report due March 1, 2005
FY05 §577(a)	<u>SAPR PROGRAMS/POLICY</u> Requirement to Establish DoD SAPR Policy and Procedures Including Trained Victim Advocates	SecDef to develop comprehensive policy for DoD on the prevention and response to sexual assaults involving members of the Armed Forces. Policy should be based on recommendations from the DTF-SAMS report, and on other matters as the Secretary of Defense considers appropriate. [<i>Required trained victim advocates program</i>] IMPLEMENTATION: USD(P&R) Memorandum, “Response Capability for Sexual Assault,” (Dec 17, 2004) ; SecDef Memorandum (May 3, 2005) .	Policy due Jan 1, 2005
FY05 §591	<u>RETALIATION</u> Requires Protection of Armed Forces Personnel from Retaliatory Actions for Communications made through the Chain of Command	Amends Section 1034(b)(1)(B) of title 10 U.S.C. to include protection of Armed Forces personnel from retaliatory actions for communications made through the chain of command. IMPLEMENTATION: DoDD 7050.06 (April 17, 2015)	Effective Immediately Upon Passage (Oct 28, 2004)

FY 2004 NDAA [\(PL 108-136, Nov 24, 2003\)](#)

FY04 §526	<u>SERVICE ACADEMIES</u> DEFENSE TASK FORCE on Sexual Harassment and Violence at the Military Academies	Established the Defense Task Force On Sexual Harassment And Violence At The Military Service Academies to look at matters relating to sexual harassment and assault at the Army and Air Force Academies. 14 members (from USA, USN, USAF, USMC, DoD, plus outside DoD) appointed by the SecDef within 120 Days IMPLEMENTATION: Report of The Defense Task Force On Sexual Harassment And Violence At The Military Service Academies (June 2005)	Report due 12 months after appointment of panel members
FY04 §527(a)	<u>SERVICE ACADEMIES</u> Actions To Address Sexual Harassment And Violence At The Service Academies	Academies required to create policy on sexual harassment and violence to include training and awareness programs, and reporting procedures	June 1, 2004
FY04 §527(b),(c)	<u>SERVICE ACADEMIES;</u> Annual Assessment and Report of Sexual Harassment and Violence at the Military Academies	Academies conduct assessment and report for each academy program year (2004-2008) to determine effectiveness of academy policies, training, and procedures on sexual harassment and violence. Submitted to SecDef and Board of Visitors of the academy, HASC & SASC.	First report due in one year (Nov 24, 2004)

Pink shading = Recurring Annual Report Requirement

Purple shading = One-time Report Requirement

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REFERENCES

Executive Orders	
Proposed E.O. (October 19, 2015) Published in Federal Register	http://jsc.defense.gov/Portals/99/Documents/PEO3FedRegNotice19Oct15.pdf
E.O. 13696 (June 17, 2015): 2015 Amendments to the MCM	https://www.federalregister.gov/articles/2015/06/22/2015-15495/2015-amendments-to-the-manual-for-courts-martial-united-states
E.O. 13669 (13 June 2014): 2014 Amendments to the MCM	https://www.federalregister.gov/articles/2014/06/18/2014-14429/2014-amendments-to-the-manual-for-courts-martial-united-states
E.O. 13643 (15 May 2013): 2013 Amendments to the MCM	https://www.federalregister.gov/articles/2013/05/21/2013-12157/2013-amendments-to-the-manual-for-courts-martial-united-states
Manual for Courts-Martial	
2015 Updated MCM Part II Rules for Courts-Martial	http://jsc.defense.gov/Portals/99/Documents/RCMsJun15.pdf
2015 Updated MCM Part III: Military Rules of Evidence	http://jsc.defense.gov/Portals/99/Documents/MREsRemoved412e.pdf
Service SAPR Instructions	
AIR FORCE: AFI 36-6001 – Sexual Assault Prevention and Response (SAPR) Program (29 Sep 2008, Inc Ch 1, 30 Sep 2009, Cert Current 14, Oct 2010)	http://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-6001/afi36-6001.pdf
NAVY: OPNAVINST 1752.1C – Navy Sexual Assault Prevention and Response Program (13 Aug 2015)	http://www.navy.mil/docs/OPNAVINST-1752-1C.pdf