

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

## Table of effective dates

<b>FY 2016</b> (Conference Report Sept 30, 2015)			
FY16 §521	<b>Limited Authority for Applications for Correction of Military Records to be Initiated by the Secretary Concerned</b>	<ul style="list-style-type: none"> <li>- 10 U.S.C. 1552(b) is the statute that governs BCMRs.</li> <li>- The statute requires individuals to submit applications to request relief. The board does not have the authority to <i>sua sponte</i> review records.</li> <li>- The FY16 NDAA proposal would amend the statute to allow Service Secretaries to initiate BCMR applications to 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.</li> </ul>	Effective Immediately Upon Final Passage
FY16 §531	<b>ENFORCEMENT OF CRIME VICTIM RIGHTS</b>  <b>Enforcement of Certain Crime Victims' Rights by the Court of Criminal Appeals</b>	<p>Amends article 6b UCMJ by adding:</p> <p>(e) <b>Enforcement by Court of Criminal Appeals (CCA)</b> –</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> <ul style="list-style-type: none"> <li>(A) This section (article)</li> <li>(B) Article 32</li> <li>(C) MRE 412 – victim's sexual background</li> <li>(D) MRE 513 – psychotherapist-patient privilege</li> <li>(E) MRE 514 – victim advocate-victim privilege</li> <li>(F) MRE 615 – exclusion of witnesses</li> </ul> <p><i>Note Feb. 2015 JPP Report, Recommendation 8: The Secretary of Defense consider establishing expedited procedures for victims to seek mandatory interlocutory review in the Service Courts of Criminal Appeals of any alleged violation of victims' rights.</i></p>	Effective Immediately Upon Final Passage

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

FY16 §532	<p style="text-align: center;"><b>CIVILIAN ACCESS TO SVCs</b> 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><i>Note June 2014 RSP Report Recommendation 51: The Service Secretaries develop a standard evaluation mechanism in consultation with an independent evaluator with appropriate metrics to determine the effectiveness of the Special Victim Counsel program in each Service on an annual basis. This includes annually evaluating the effectiveness of the organizational structure of the Service Special Victim Counsel programs and assessing the individual Service policies on eligibility requirements for obtaining a special victim counsel.</i></p>	<p style="text-align: center;">Effective Immediately Upon Final Passage</p>
FY16 §533	<p style="text-align: center;"><b>SVC SCOPE INCLUDES COMPLAINTS, FOIA</b> 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 to provide legal assistance for specific services:</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><i>Note Feb. 2015 JPP Report Recommendation 7: The Secretary of Defense direct the Services to establish uniform practices and procedures concerning SVCs' participation for all military judicial proceedings.</i></p>	<p style="text-align: center;">Effective Immediately Upon Final Passage</p>
FY16 §534	<p style="text-align: center;"><b>VICTIM NOTICE OF SVC</b> 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:</p> <p>(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.</p> <p><i>Note June 2014 RSP Report Recommendation 61: The Secretary of Defense develop and implement policy and regulations such that sexual assault victims have the right and ability to consult with a special victim counsel before deciding whether to make a restricted or unrestricted report, or no report at all. Communication made during this consultation would be confidential and protected under the attorney-client privilege.</i></p> <p><i>Note June 2014 RSP Report Recommendation 62: The Secretary of Defense develop and implement policy that, when information comes to military police about an instance of sexual assault by whatever means, the first step in an investigation is to advise the victim that she or he has the right to speak with a special victim counsel before determining whether to file a restricted or unrestricted report, or no report at all.</i></p>	<p style="text-align: center;">Effective Immediately Upon Final Passage</p>

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

FY16 §535	<p><b>SVC TRAINING &amp; METRICS</b></p> <p><b>Additional improvements to Special Victims' Counsel Program</b></p>	<p>Amends 10 U.S.C. 1044e(d) by adding:</p> <p><u>(a) Training Time Period and Requirements</u></p> <p>(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</p> <p><u>(b) Improved Administrative Responsibility</u></p> <p>(3) The SecDef in collaboration with the Secretaries of the military departments shall establish</p> <p>(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.</p> <p>(B) performance measures and standards to measure the effectiveness of the SVC program and client satisfaction with the program; and</p> <p>(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.</p> <p><i>Note Feb. 2015 JPP Report Recommendation 3: The Department of Defense develop a policy to standardize both the time frame within which to receive SVC training and the substantive requirements of SVC training.</i></p> <p><i>Note Feb. 2015 JPP Report Recommendation 4: The Secretary of Defense direct the Services to perform regular evaluations to ensure SVCs' assignment to locations that maximize the opportunity for face-to-face interactions between SVCs and clients, and to develop effective means for SVCs to communicate with clients when face-to-face communication is not possible.</i></p> <p><i>Note June 2014 RSP Report Recommendation 51: The Service Secretaries develop a standard evaluation mechanism in consultation with an independent evaluator with appropriate metrics to determine the effectiveness of the Special Victim Counsel program in each Service on an annual basis. This includes annually evaluating the effectiveness of the organizational structure of the Service Special Victim Counsel programs and assessing the individual Service policies on eligibility requirements for obtaining a special victim counsel.</i></p> <p><i>Note Feb. 2015 JPP Report Recommendation 4: The Secretary of Defense establish appropriate SVC program performance measures and standards, including evaluating, monitoring, and reporting on the SVC programs; establishing guiding principles for the Services; and ensuring centralized, standardized assessment of SVC program effectiveness and client satisfaction.</i></p>	<p>Effective Immediately Upon Final Passage</p>
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# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

FY16 §536	<b>Enhancement of Confidentiality of Restricted Reporting of Sexual Assault in the Military</b>	<p>Preemption of State Law to Ensure Confidentiality of Reporting – amends 10 U.S.C. 1565b(b) to add:</p> <p>(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.</p>	Effective Immediately Upon Final Passage
FY16 §537	<b>DEFENSE SA ADVISORY COMMITTEE</b>  <b>Modification of Deadline for Establishment of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces</b>	<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</p>	Not later than 90 days after enactment

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

FY16 §538	<p><b>MALE-SPECIFIC SAPR PLAN</b></p> <p><b>Improved DoD Prevention and Response to Sexual Assault in which the Victim is a Male Member of the Armed Forces</b></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"> <li>(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.</li> <li>(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.</li> <li>(3) Data-driven decision making to improve male-victim sexual assault prevention and response efforts.</li> <li>(4) Goals with associated metrics to drive the changes needed to address sexual assaults of male members of the Armed Forces.</li> <li>(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.</li> <li>(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.</li> </ol> <p><i>Note June 2014 RSP Report Recommendation 13: The Secretary of Defense direct DoD SAPRO and the Services to enhance their efforts to prevent and respond to male-on-male sexual assault.</i></p> <ul style="list-style-type: none"> <li>• <i>Prevention efforts should ensure commanders directly acknowledge the potential for male-on-male sexual assault in their commands and directly confront the stigma associated with it.</i></li> <li>• <i>Prevention efforts should also ensure Service members understand that sexually demeaning or humiliating behaviors that may have been minimized as hazing or labeled as “horseplay” in the past are not tolerated and may constitute punishable offenses.</i></li> <li>• <i>DoD SAPRO should fund research on and seek expert assistance to understand the risk and protective factors that are unique to male-on-male sexual assault in the military and should develop targeted prevention programs for male-on-male sexual assault offenses.</i></li> </ul> <p><i>Note June 2014 RSP Report Recommendation 20: The Secretary of Defense continue to develop and implement training for all members of the military, including new recruits, with examples of male-on-male sexual assault, including hazing and sexual abuse by groups of men. The training should emphasize the psychological damage done by sexual assault against male victims.</i></p>	<p>Effective Immediately Upon Final Passage</p>
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# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

<p>FY16 §539</p>	<p style="text-align: center;"><b>RETALIATION STRATEGY</b></p> <p><b>Preventing Retaliation Against Members of the Armed Forces Who Report or Intervene on behalf of the Victim of an Alleged Sex-related Offense</b></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"> <li>(1) Bystander intervention programs emphasizing the importance of guarding against retaliation.</li> <li>(2) DoD and military department policies and requirements to ensure protection for victims of alleged sex-related offences and members who intervene on behalf of victims from retaliation.</li> <li>(3) Additional training for commanders on methods and procedures to combat attitudes and beliefs that result in retaliation.</li> </ol> <p>(c) Definitions – for purposes of this section:</p> <ol style="list-style-type: none"> <li>(1) “alleged sex-related offence” has same meaning as 1044e(g)</li> <li>(2) “retaliation” has such meaning as that given the term by SecDef in the development of the strategy required by subsection (a).</li> </ol> <p><i>Note June 2014 RSP Report Recommendation 19: The Secretary of Defense direct DoD SAPRO to establish specific training and policies addressing retaliation toward peers who intervene and/or report.</i></p> <ul style="list-style-type: none"> <li>• <i>Bystander intervention programs for service members include training that emphasizes the importance of guarding against such retaliation.</i></li> <li>• <i>DoD and Service policies and requirements ensure protection from retaliation against not just victims, but also the peers who speak out and step up on their behalf.</i></li> <li>• <i>Commanders encourage members to actively challenge attitudes and beliefs that lead to offenses and interrupt and/or report them when they occur.</i></li> </ul> <p><i>Note June 2014 RSP Recommendation 23: The Secretary of Defense continue to develop and implement training for all members of the military, including new recruits, that retaliation or harassment by Service members in response to an allegation of sexual assault violates good order and discipline.</i></p>	<p style="text-align: center;">Effective Immediately Upon Final Passage</p>
<p>FY16 §540</p>	<p style="text-align: center;"><b>SAPR training for Administrators and Instructors of Senior Reserve Officers’ Training Corps</b></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</p>	<p style="text-align: center;">Effective Immediately Upon Final Passage</p>

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

FY16 §541	<p style="text-align: center;"><b>Retention of Case Notes in Investigations of Sex-related Offenses Involving Members of the Army, Navy, Air Force, or Marine Corps</b></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 section 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"> <li>(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.</li> <li>(2) All investigative records must be retained for no less than 50 years.</li> <li>(3) No element of the case file may be destroyed until the expiration of the time that investigative records must be kept.</li> <li>(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.</li> </ol> <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.</p>	<p style="text-align: center;">Not later than 180 days after enactment</p>
FY16 §542	<p style="text-align: center;"><b>Comptroller General of the United States Reports on Prevention and Response to Sexual Assault by the Army National Guard and the Army Reserve</b></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"> <li>(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;</li> <li>(2) Provide medical and mental health care services to members of the ANG or AR, following a sexual assault; and</li> <li>(3) Have identified whether the nature of service in the ANG or AR, poses challenges to the prevention or response to sexual assault.</li> </ol> <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.</p>	<p style="text-align: center;">First Report Due: not later than April 1, 2016</p>
FY16 §543	<p style="text-align: center;"><b>Improved Implementation of Changes to the Uniform Code of Military Justice</b></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.</p> <p><i>Note: Feb. 2015 JPP Report Recommendation 1: The Secretary of Defense examine the DoD and interagency review process for establishing guidance for implementing statutory provisions of the UCMJ and explore options to streamline the procedures.</i></p>	<p style="text-align: center;">Effective Immediately Upon Final Passage</p>
FY16 §544	<p style="text-align: center;"><b>Modification of Rule 104 of the Rules for Courts-Martial to Establish Certain Prohibitions Concerning Evaluations of Special Victims' Counsel</b></p>	<p>Modifies RCM 104(b)</p> <p>- 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.</p>	<p style="text-align: center;">Not later than 180 days after enactment</p>

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

FY16 §545	<b>Modification of Rule 304 of the Military Rules of Evidence relating to the corroboration of a confession or admission</b>	To the extent the President considers practicable, the President shall modify Rule 304(b) of the MRE 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.	Effective Immediately Upon Final Passage
FY16 §592	<b>Extension of Semiannual Reports on the Involuntary Separation of members of the Armed Forces</b>	- Amends FY13 NDAA 525(a), requiring reporting of involuntary separations in order to meet force reduction requirements, by extend reporting requirements to each calendar year to 2017	Effective Immediately Upon Final Passage

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

## Table of effective dates

### Joint Explanatory Statement: Proposed Legislation That Was Not Adopted

<p>H.FY16 §548</p>	<p><b>NOT INCLUDED IN CONFERENCE REPORT NDAA</b></p> <p><b>Minimum Confinement period required for conviction of certain sex-related offenses committed by members of the Armed Forces</b></p>	<p>Amend section 856(b)(1) of title 10, United States Code (Article 56(b)(1), Uniform Code of Military Justice) to require a minimum punishment of a dismissal or dishonorable discharge and confinement for 2 years for servicemembers convicted of certain sex-related offenses.</p> <p><i>Note: In the FY14 NDAA, Congress tasked the JPP to assess the implementation and effect of the mandatory minimum sentences [of a dismissal or dishonorable discharge for certain sexual assault offenses to include: 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 (80)], established by section 856(b) of title 10, United States Code (article 56(b) of the Uniform Code 2 of Military Justice), as added by section 1705, and the appropriateness of statutorily mandated minimum sentencing provisions for additional offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).</i></p>	<p>The Senate amendment contained no similar provision. The House recedes.</p>
<p>S. FY16 §548</p>	<p><b>NOT INCLUDED IN CONFERENCE REPORT NDAA</b></p> <p><b>Right of Victims of Offenses Under the UCMJ to Timely Disclosure of Certain Materials and Information in Connection with Prosecution of Offenses.</b></p>	<p>Amends article 6b(a) of UCMJ, adding:</p> <p>(3) The right to the timely disclosure by trial counsel to the victim (or SVC) of the following:</p> <ol style="list-style-type: none"> <li>a. Any charges and specifications related to the offense</li> <li>b. Any motions filed by trial counsel or defense counsel in connection with the court-martial of the offense, unless otherwise protected from disclosure</li> <li>c. All statements by the accused related to the offense</li> <li>d. Any statement by the victim in connection with the offense that is in the possession of the government</li> <li>e. Any portions relating to the victim in any report of an investigation of the offense that is in the possession of the government.</li> <li>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.</li> </ol> <p><i>Note June 2014 RSP Report Recommendation 45: The Judicial Proceedings Panel and the Joint Services Committee should review and clarify the extent of a victim's right to access information that is relevant to the assertion of a particular right.</i></p> <p><i>Note Feb. 2015 JPP Report Recommendation 6: The Secretary of Defense direct the Services to ensure SVCs and victims have appropriate access to docketing information and case filings. In part, this could be accomplished by adopting an electronic system akin to the civilian PACER (Public Access to Court Electronic Records) service.</i></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>

# FY16 NDAA Proposals Regarding Sexual Assault in the Military

Table of effective dates

H.FY16 §553	<p><b>NOT INCLUDED IN CONFERENCE REPORT NDAA</b></p> <p><b>Inclusion of additional information in annual reports regarding Department of Defense sexual assault prevention and response</b></p>	<p>Amend section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to require information on cases under the Family Advocacy Program, sexual harassment involving members of the Armed Forces, and reports of retaliation against victims of sexual assault to be included in reports required to be submitted under section 1631 of that Act by March 1, 2016.</p> <p><i>Note RSP Report Recommendation 66: The Secretary of Defense direct that adult unwanted sexual contact reports handled by the Family Advocacy Program and recorded in its database be included in the annual DoD SAPRO report of adult unwanted sexual contact cases.</i></p>	<p>The Senate amendment contained no similar provision. The House recedes</p>
H.FY16 §555	<p><b>NOT INCLUDED IN CONFERENCE REPORT NDAA</b></p> <p><b>Additional guidance regarding the release of mental health records of Department of Defense medical treatment facilities in cases involving sex-related offenses</b></p>	<p>Require the Secretary of Defense to issue uniform guidance with respect to mental health records of the alleged victim in any case involving any sex-related offense to require that such records are neither sought by investigators or military justice practitioners nor acknowledged or released by the medical treatment facility except as ordered by a military judge or hearing officer described in section 832(b) of title 10, United States Code, (Article 32(b), Uniform Code of Military Justice).</p> <p><i>Note Feb. 2015 JPP Recommendation 11: The Secretary of Defense issue specific, uniform guidance to ensure that mental health records are neither sought from a medical treatment facility by investigators or military justice practitioners nor acknowledged or released by medical treatment facility personnel until a military judge or Article 32 hearing officer has ordered their production.</i></p>	<p>The Senate amendment contained no similar provision. The House recedes. The conferees direct the Secretary of Defense to issue specific, uniform guidance regarding release of mental health records to ensure an appropriate balance between the interests of law enforcement and victim privacy.</p>
H.FY16 §556	<p><b>NOT INCLUDED IN CONFERENCE REPORT NDAA</b></p> <p><b>Public availability of records of certain proceedings under the Uniform Code of Military Justice</b></p>	<p>-make available to the public, electronically through a website of the Department of Defense, specified information for all proceedings under the Uniform Code of Military Justice (UCMJ)</p> <p><i>Note June 2014 RSP Report Recommendation 11: The Secretary of Defense direct the Service Secretaries to provide sentencing data, categorized by offense type, particularly for all rape and sexual assault offenses under Article 120 of the UCMJ, forcible sodomy under Article 125 of the UCMJ, or attempts to commit those acts under Article 80 of the UCMJ, into a searchable DoD database, to: (1) conduct periodic assessments, (2) identify sentencing trends, or (3) address other relevant issues. This information should be posted to a website or made available in a forum that is easily accessible to the public.</i></p> <p><i>Note Feb. 2015 JPP Report Recommendation 6: The Secretary of Defense direct the Services to ensure SVCs and victims have appropriate access to docketing information and case filings. In part, this could be accomplished by adopting an electronic system akin to the civilian PACER (Public Access to Court Electronic Records) service.</i></p>	<p>The Senate amendment contained no similar provision. The House recedes. The conferees encourage the Secretary of Defense to adopt an electronic system similar to PACER</p>