

Appendix E: Implementation Status of Sections of NDAA for FY15 Pertaining to SAPR



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The Department continues to make progress implementing the sections of law and unique requirements of National Defense Authorization Acts (NDAA) for Fiscal Years (FY) 2013-2015. All of the legislative changes from the FY13 NDAA are now in effect; and most of the sweeping reforms of the FY14 NDAA have been implemented with the following exception:

- Section 1701: Extension of crime victim's rights to victims of offenses under the Uniform Code of Military Justice (UCMJ). This section has been partially implemented by Executive Orders 13669 and 13696, and Department of Defense Form 2701.

Section 1731 of the FY14 NDAA established independent reviews and assessments of the UCMJ judicial proceedings of sexual assault cases. The Response Systems Panel was terminated as specified by law and provided 125 recommendations to the Secretary of Defense, who accepted 119 of them. Twenty seven of the recommendations have been completed, and 92 have been initiated and are in progress. The Judicial Proceedings Panel continued its work with new responsibilities added through the passage of FY15 NDAA, Section 545.

NDAA for FY15

FY15 NDAA contained 19 sections of law with multiple unique requirements. While some have been fully implemented, the Department continues to make steady progress on a number of unique requirements and key sections, for example:

- Section 534: Enhancement of Victim's Rights in connection with prosecution of certain sex-related offenses. This section has been partially implemented in Executive Order 13699, and the remaining individual Service regulations are pending.
- Section 541: Review of decisions not to refer charges of certain sex-related offenses for trial by courts-martial if requested by Chief Prosecutor. In any case where the convening authority does not refer a charge for any sex-related offense to courts-martial, the Secretary of the Military Department shall review upon request of the Chief Prosecutor of the Armed Force concerned. The implementation status is pending.
- Section 546: Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces. This section is on-going and was included in FY16 NDAA. The Advisory Committee is required to be established 90 days after the enactment of the FY16 NDAA.
- Section 547: Confidential review of Characterization of Terms of Discharge of members of the Armed Forces who are victims of sexual offenses. The Navy and Marine Corps have implemented this section, with the Army and the Air Force's efforts still in progress.

Way Forward in FY16

The FY16 NDAA includes 15 sections of law addressing sexual assault, with a focus on military justice. Examples of the new laws include:

- Section 532: Provides for DoD civilian employee access to SVC services in certain circumstances.
- Section 533: Expands the role of SVC to include consultation and assisting with complaints against the government, Freedom of Information Act requests, and correspondence or communications with Congress.
- Section 534: Requires notification of availability of an SVC to members/dependents and USCG (when serving with DoD) before a military criminal investigation organization or trial counsel interviews or statement.
- Section 535: Requires standardized training time and requirements for the

SVC programs to maximize face-to-face contact, and institutionalize performance measures and evaluation procedures.

- Section 538: Requires the Department to produce a plan to improve DoD prevention and response to sexual assault in which the victim is a male member for the Armed Forces.
- Section 539: Requires the Department to produce a strategy to prevent retaliation against members of the Armed Forces who report or intervene on behalf of the victim of an alleged sex-related offense.
- Section 540: Requires the Secretaries of the Military Departments to ensure regular sexual assault prevention and response training is occurring for administrators and instructors of ROTC.