

Appendix E: Implementation Status of NDAA for FY16 Pertaining to SAPR



Appendix E: Implementation Status of Sections of NDAA for FY16 Pertaining to SAPR

The Department continues to make progress implementing the sections of law of National Defense Authorization Acts (NDAA) for Fiscal Years (FY) 2014-2016. Most of the legislative changes from the FY14 and FY15 NDAs have been implemented with the following exceptions:

FY14 NDAA:

- Section 1701: Extension of crime victim's rights to victims of offenses under the Uniform Code of Military Justice. This section has been partially implemented by two Executive Orders, and the Department of Defense Form 2701.
- Section 1731: Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases. The Response Systems Panel has completed their work and submitted their final report in June 2014. The work of the Judicial Systems Panel is on-going.
- Section 1735: Review of the Office of Diversity Management and Equal Opportunity role in sexual harassment cases. This section requires a report and the report remains under review.

FY15 NDAA:

- Section 542: Analysis and assessment of the dispositions of most serious offenses identified in Unrestricted Reports on sexual assault in Annual Report on Sexual Assault in the Armed Forces. This section required each Service and/or component to submit a report. This section remains in progress.
- Section 545: Additional duties for Judicial Systems Panel. This section is in progress.

- Section 546: Defense Advisory Committee in Investigation, Prosecution, and defense of Sexual Assault in the Armed Forces. This Defense Advisory Committee was established in February 2016, and held its first meeting in January 2017. A second meeting is scheduled for April 2017.

NDAA for FY16

The FY16 NDAA contained 15 sections of law addressing sexual assault, with a focus on military justice. While some have been fully implemented, the Department continues to make steady progress on a number of key sections:

- Section 531: Enforcement of certain crime victim rights by the Court of Criminal Appeals. The rulemaking responsibility was delegated to the Judge Advocates General; exercise of that rulemaking function is in-progress.
- Section 534: Timely notification to victims of sex-related offenses of the availability of assistance from the Special Victims' Counsel. This section has been partially implemented and some regulations are pending.
- Section 541: Retention of case notes in investigations of sex-related offenses involving members of the Army, Navy, Air Force, and Marine Corps.