OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND COMPLIANCE

02/18/16

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Room H307 Capitol
Washington, D.C. 20515

Dear Mr. Chairman,

Enclosed is a copy of the charter that establishes the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, which is being filed with your office in accordance with the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix).

Copies of this charter are also being filed with the Library of Congress, the Senate Armed Services Committee, the Senate Appropriations Committee, and the House Committee on Armed Services.

Sincerely,

james.freeman@osd.mil Digitally signed by james.freeman@osd.mil DN: cn=james.freeman@osd.mil Date: 2016.02.18 10:42:16 -05'00'

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

1 Enclosure
As stated

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND COMPLIANCE

02/18/16

The Honorable Mac Thornberry
Chairman
Committee on Armed Services
U.S. House of Representatives
Room 2216 Rayburn House Office Building
Washington, DC 20510

Dear Mr. Chairman,

Enclosed is a copy of the charter that establishes the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, which is being filed with your office in accordance with the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix).

Copies of this charter are also being filed with the Library of Congress, the Senate Armed Services Committee, the Senate Appropriations Committee, and the House Appropriations Committee.

Sincerely,

james.freeman@osd.mil

Digitally signed by james.freeman@osd.mil
DN: cn=james.freeman@osd.mil
Date: 2016.02.18 10:43:28 -05'00'

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

1 Enclosure
As stated

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND COMPLIANCE

02/18/16

Library of Congress
Anglo-American Acquisitions Division
Government Documents Section
Federal Advisory Committee Desk
101 Independence Avenue, S.E.
Washington, D.C. 20540

Dear Sir or Madam,

Enclosed is a copy of the charter that establishes the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, which is being filed with your office in accordance with the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix).

Copies of this charter are also being filed with the Senate Armed Services Committee, the Senate Appropriations Committee, the House Armed Services Committee, and the House Appropriations Committee.

Sincerely,

james.freeman@osd.mil Digitally signed by james.freeman@osd.mil DN: cn=james.freeman@osd.mil Date: 2016.02.18 10:45:13 -05'00'

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

1 Enclosure
As stated

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND COMPLIANCE

02/18/16

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Room S-128 Capitol
Washington, D.C. 20510

Dear Mr. Chairman,

Enclosed is a copy of the charter that establishes the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, which is being filed with your office in accordance with the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix).

Copies of this charter are also being filed with the Library of Congress, the Senate Armed Services Committee, the House Armed Services Committee, and the House Appropriations Committee.

Sincerely,

james.freeman@osd.mil

Digitally signed by james.freeman@osd.mil
DN: cn=james.freeman@osd.mil
Date: 2016.02.18 10:46:19 -05'00'

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

1 Enclosure
As stated

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND COMPLIANCE

02/18/16

The Honorable John McCain
Chairman
Committee on Armed Services
United States Senate
Room SR-228 Russell Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman,

Enclosed is a copy of the charter that establishes the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, which is being filed with your office in accordance with the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix).

Copies of this charter are also being filed with the Library of Congress, the Senate Appropriations Committee, the House Armed Services Committee, and the House Appropriations Committee.

Sincerely,

james.freeman@osd.mil

Digitally signed by james.freeman@osd.mil
DN: cn=james.freeman@osd.mil
Date: 2016.02.18 10:47:21 -05'00'

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

1 Enclosure
As stated

Charter
Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces

1. Committee's Official Designation: The Committee will be known as the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces ("the Committee").

2. Authority: The Secretary of Defense, pursuant to section 546 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 ("FY 2015 NDAA") (Public Law 113-291), as modified by section 537 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), and in accordance with the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established this non-discretionary Committee.

3. Objectives and Scope of Activities: The Committee, pursuant to section 546(c)(1) of the FY 2015 NDAA, will advise the Secretary of Defense and the Deputy Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.

4. Description of Duties: Pursuant to section 546(c)(2) and (d) of the FY 2015 NDAA, the Committee, not later than March 30 of each year, will submit to the Secretary of Defense through the General Counsel (GC) for the Department of Defense (DoD), and the Committees on Armed Services of the Senate and House of Representatives, a report describing the results of the activities of the Committee pursuant to section 546 of the FY 2015 NDAA during the preceding year. The Committee will review, on an ongoing basis, cases involving allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.

5. Agency or Official to Whom the Committee Reports: The Committee will report to the Secretary and Deputy Secretary of Defense, through the GC DoD.

6. Support: The DoD, through the GC DoD, the Washington Headquarters Services, and the DoD Components, will provide staffing and resources to support the Committee's functions, and will ensure compliance with requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, including travel, meetings, and contract support, is approximately $2,000,000. The estimated annual personnel cost to the DoD is 15.0 full-time equivalents.

8. Designated Federal Officer: The Committee's Designated Federal Officer (DFO), pursuant to DoD policy, will be a full-time or permanent part-time DoD employee or military member, designated in accordance with established DoD policies and procedures.

   The Committee's DFO is required to be in attendance at all Committee and subcommittee meetings for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly designated to the Committee

according to DoD policies and procedures, will attend the entire duration of all of the Committee or subcommittee meetings.

The DFO, or the Alternate DFO, will call all of the Committee and its subcommittee meetings; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Committee will meet at the call of the Committee's DFO, in consultation with the GC DoD and the Committee's Chair. The Committee will meet at a minimum of once per year.

10. Duration: The Committee will remain in effect until terminated as provided for by sections 546(e)(1) and (2) of the FY 2015 NDAA; however, the charter is subject to renewal every two years.

11. Termination: According to sections 546(e)(1) and (2) of the FY 2015 NDAA, the Committee will terminate on the date that is five years after the date the Committee is established unless the Secretary of Defense determines that continuation of the Committee after that date is advisable and appropriate. If the Secretary of Defense determines to continue the Committee after that date, the Secretary of Defense will submit to the President and the Committees on Armed Services of the Senate and House of Representatives a report describing the reasons for that determination and specifying the new termination date for the Committee.

12. Membership and Designation: Pursuant to section 546(b) of the FY 2015 NDAA, the Committee will be composed of no more than 20 members. Committee members selected will have experience with the investigation, prosecution, and defense of allegations of sexual assault offenses. Members of the Committee 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 members of the Committee.

    The appointment of Committee members will be authorized by the Secretary of Defense or the Deputy Secretary of Defense, and administratively certified by the GC DoD, for a term of service of one to four years, and their appointments will be renewed on an annual basis in accordance with DoD policies and procedures. Members of the Committee who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Committee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 101-3.130(a) to serve as regular government employee (RGE) members. No member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service on the Committee, including its subcommittees, or serve on more than two DoD federal advisory committees at one time.

All members of the Committee are appointed to provide advice on the basis of their best judgment on behalf of the Government without representing any particular point of view and in a manner that is free from conflict of interest.

Except for reimbursement of official Committee-related travel and per diem, Committee members serve without compensation.

Consistent with authority delegated to DoD Sponsors, the GC DoD will appoint the Committee's Chair from among the membership previously authorized by the Secretary of Defense or Deputy Secretary of Defense.

13. Subcommittees: The DoD, as necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Committee.

    Establishment of subcommittees will be based upon a written determination, including terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the GC DoD as the DoD Sponsor.

    Such subcommittees will not work independently of the Committee and will report all their recommendations and advice solely to the Committee for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, orally or in writing, on behalf of the Committee. No subcommittee or any of its members can update or report, orally or in writing, directly to the DoD or any Federal officers or employees. If a majority of Committee members are appointed to a particular subcommittee, then that subcommittee may be required to operate pursuant to the same notice and openness requirements of FACA which govern the Committee's operations.

    Pursuant to Secretary of Defense policy, the GC DoD is authorized to administratively certify the appointment of subcommittee members if the Secretary of Defense or the Deputy Secretary of Defense has previously authorized the individual's appointment to the Committee or another DoD advisory committee. If the Secretary of Defense or the Deputy Secretary of Defense has not previously authorized the appointment of the individual to the Committee or another DoD advisory committee, then the individual's subcommittee appointment must first be authorized by the Secretary of Defense or the Deputy Secretary of Defense and subsequently administratively certified by the GC DoD.

    Subcommittee members, with the approval of the Secretary of Defense, will be appointed for a term of service of one-to-four years, subject to annual renewals; however, no member will serve more than two consecutive terms of service on the subcommittee. Subcommittee members, if not full-time or part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 101-3.130(a) to serve as RGE members. With the exception of reimbursement for travel and per diem as it pertains to official travel related to

the Committee or its subcommittees, subcommittee members will serve without compensation.

The Secretary of Defense authorizes the GC DoD to appoint the chair of any appropriately approved subcommittee from among the subcommittee membership previously authorized by the Secretary of Defense or Deputy Secretary of Defense.

Each subcommittee member is appointed to provide advice on the basis of his or her best judgment on behalf of the Government without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees operate under the provisions of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Committee and its subcommittees will be managed in accordance with General Record Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule, and the appropriate DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date: February 18, 2016