

Charter  
Defense Advisory Committee for the Prevention of Sexual Misconduct

1. Advisory Committee's Official Designation: The committee shall be known as the Defense Advisory Committee for the Prevention of Sexual Misconduct (DAC-PSM).
2. Authority: The Secretary of Defense, pursuant to section 550B of the National Defense Authorization Act for Fiscal Year 2020 ("the NDAA for FY 2020") (Public Law 116-92), as amended by sections 533 - 535 of the National Defense Authorization Act for Fiscal Year 2021 ("the NDAA for FY 2021") (Public Law 116-283), and in accordance with the provisions of chapter 10 of title 5, U.S.C. (commonly known as "the Federal Advisory Committee Act" or "FACA") and 41 C.F.R. § 102-3.50(a), renews the DAC-PSM, which was established as a non-discretionary advisory committee.
3. Objectives and Scope of Activities: Pursuant to subsection 550B(c)(1) of the NDAA for FY 2020, the DAC-PSM shall provide independent recommendations on the prevention of sexual assault (including rape, forcible sodomy, other sexual assault, and other sexual misconduct (including behaviors on the sexual assault continuum of harm)) involving members of the Armed Forces and the policies, programs, and practices of each Military Department, each Armed Force, and each Military Service Academy for the prevention of sexual assault. Pursuant to section 535 of the NDAA for FY 2021, "Military Service Academy" includes the United States Coast Guard Academy (USCGA).

In accordance with a September 30, 2021 decision by the then-Secretary of Defense, the DAC-PSM will expand its review of the prevention of sexual assault policies, programs, and practices at each Military Service Academy to include reviewing similar matters at all Department of Defense (DoD) educational institutions and training facilities.

4. Description of Duties: Pursuant to subsection 550B(c)(2) of the NDAA of FY 2020, as amended by subsections 533(1) and (2) of the NDAA for FY 2021, the DAC-PSM shall review, on an ongoing basis, the following:
  - a. Closed cases involving allegations of sexual assault, as defined in subsection 550B(c)(1) of the NDAA of FY 2020;
  - b. Efforts of institutions of higher education to prevent sexual assault and sexual harassment among students;
  - c. Efforts among private employers to prevent sexual assault and sexual harassment among their employees;
  - d. Evidence-based studies on the prevention of sexual assault and sexual harassment in the Armed Forces, institutions of higher education, and the private sector; and
  - e. Any other information or matters that the DAC-PSM or the Secretary of Defense considers appropriate.

In addition to the reviews required above, for purposes of providing advice to the Secretary of Defense, the DAC-PSM shall also consult and coordinate with the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces on matters of joint interest to the two advisory committees as directed by subsection 550B(c)(3) of the NDAA for FY 2020.

5. Agency or Federal Officer Receiving the Advisory Committee's Advice/Recommendations: The DAC-PSM shall report to the Secretary of Defense and the Deputy Secretary of Defense ("the DoD Appointing Authority"), through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), who has the delegated authority to act upon the DAC-PSM's advice and recommendations. In accordance with subsection 550B(d) of the NDAA for FY 2020, as amended by sections 534 and 535 of the NDAA for FY 2021, not later than March 30<sup>th</sup> of each year, the DAC-PSM shall submit a report on the activities of the DAC-PSM during the preceding year to the DoD Appointing Authority, the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services and Transportation and Infrastructure of the House of Representatives.

In compliance with section 535 of the NDAA for FY 2021, the DAC-PSM shall advise the Secretary of

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Homeland Security, during times the U.S. Coast Guard is operating as a part of the Department of Homeland Security, on policies, programs, and practices of the USCGA.

6. Support: The DoD, through the Office of the USD(P&R), provides the necessary support for the DAC-PSM.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost for the DAC-PSM, to include travel, meetings, and contract or consultant support, is approximately \$1,301,099.54. The estimated annual personnel cost to the DoD is 2.0 full-time equivalents.
8. Designated Federal Officer: The DAC-PSM's Designated Federal Officer (DFO) shall be a full-time or permanent part-time DoD civilian officer or employee, or active-duty member of the Armed Forces, designated in accordance with DoD policy and procedures. The DAC-PSM's DFO shall ensure that all activities of the DAC-PSM comply with the FACA, the FACA Final Rule (41 C.F.R. 102-3), DoD policies and procedures, and other applicable laws and regulations.

The DAC-PSM's DFO is required to attend all DAC-PSM and subcommittee meetings for the entirety of each meeting. However, in the absence of the DAC-PSM's DFO, a properly approved Alternate DFO, duly designated to the DAC-PSM in accordance with DoD policy and procedures, shall attend the entire duration of all DAC-PSM and subcommittee meetings.

The DFO, or Alternate DFO, approves or calls all meetings of the DAC-PSM and its subcommittees; approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policy and procedures. The DFO, or the alternate DFO, shall fulfill the requirements under section 1009(b) of title 5, U.S.C., subject to section 552(b) of title 5, U.S.C.

The DFO shall maintain information on the activities of the DAC-PSM and provide such information to the public, as applicable, in accordance with existing statutes, Federal regulations, and DoD policies and procedures. When authorized by the USD(P&R) as the Sponsor, the DFO shall create and maintain a public facing website for the DAC-PSM in accordance with existing statutes, 41 C.F.R. § 102-3.120(b), and DoD policies and procedures.

The DFO shall ensure advisory committee members and subcommittee members, as applicable, receive the appropriate training (e.g., FACA overview, ethics training) for efficient operation and compliance with the FACA and FACA Final Rule.

9. Estimated Number and Frequency of Meetings: The DAC-PSM will meet at the call of the DAC-PSM's DFO, in consultation with the DAC-PSM Chair and the USD(P&R). The estimated number of DAC-PSM meetings is two per year.
10. Duration: The duration of the advisory committee is continuing, subject to the Termination section below.
11. Termination: In accordance with subsection 550B(f) of the NDAA for FY 2020, the DAC-PSM shall terminate on the date that is five years after the date of the establishment of the DAC-PSM pursuant to subsection 550B(a) of the NDAA for FY 2020. Should the Secretary of Defense determine that continuation of the DAC-PSM after that date is advisable and appropriate, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of that determination.
12. Membership and Designation: In accordance with subsection 550B(b)(1) of the NDAA for FY 2020, the DAC-PSM shall consist of not more than 20 members, appointed, or designated by the Secretary of Defense from

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among individuals who have an expertise appropriate for the work of the DAC-PSM, including at least one individual with each expertise as follows:

- a. The prevention of sexual assault and behaviors on the sexual assault continuum of harm;
- b. Adverse behaviors, including the prevention of suicide and the prevention of substance abuse;
- c. The change of culture of large organizations; or
- d. Implementation science.

In accordance with subsection 550B(b)(2) of the NDAA for FY 2020, individuals appointed or designated to the DAC-PSM may include individuals with experience in sexual assault prevention efforts of institutions of higher education, public health officials, and such other individuals as the Secretary of Defense considers appropriate. As further described in subsection 550B(b)(3) of the NDAA for FY 2020, no active-duty member of the Armed Forces, as defined by 10 U.S.C. § 101(a)(4), shall be appointed or designated as a DAC-PSM member.

The appointment or designation of individuals to serve as members of the DAC-PSM shall be approved by the DoD Appointing Authority for a term of service of one-to-four years, with annual renewals, in accordance with DoD policy and procedures. No member, unless approved by the DoD Appointing Authority, may serve more than two consecutive terms of service on the DAC-PSM, to include its subcommittees, or serve on more than two DoD Federal advisory committees at one time.

DAC-PSM members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. DAC-PSM members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services (excluding the Armed Forces), shall be designated pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. The DoD Appointing Authority shall appoint the DAC-PSM's leadership from among the membership previously approved to serve on the DAC-PSM in accordance with DoD policy and procedures, for a term of service of one-to-two years, with annual renewal, which shall not exceed the member's approved DAC-PSM appointment or designation.

DAC-PSM members are appointed or designated to exercise their own best judgment on behalf of the DoD, without representing any particular points of view, and to discuss and deliberate in a manner that is free from conflicts of interest. Except for reimbursement of official DAC-PSM-related travel and per diem, DAC-PSM members serve without compensation.

13. Subcommittees: The DoD, when necessary and consistent with the DAC-PSM's mission and DoD policy and procedures, may establish subcommittees, task forces, task groups, or working groups ("subcommittee") to support the DAC-PSM. Establishment of subcommittees will be based upon a written determination, to include terms of reference (ToR), by the DoD Appointing Authority or the USD(P&R), as the DAC-PSM's Sponsor. All subcommittees operate in accordance with the FACA; subsection 552b(c) of title 5, U.S.C.; governing Federal statutes and regulations; and DoD policy and procedures. All subcommittees terminate when the DAC-PSM does.

Subcommittees shall not work independently of the DAC-PSM and shall report all their advice and recommendations solely to the DAC-PSM for its thorough deliberation and discussion at a properly noticed and open meeting, unless the meeting must be closed to the public in accordance with one or more of the exemptions found in subsection 552b(c) of title 5, U.S.C. Subcommittees have no authority to make decisions or recommendations, orally or in writing, on behalf of the DAC-PSM. Neither the subcommittee nor any of its members may provide updates or reports, orally or in writing, directly to the DoD or to any Federal civilian

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officer or employee, or members of the Uniformed Services. If a majority of DAC-PSM members are appointed to a particular subcommittee, then that subcommittee may be required to operate pursuant to the same notice and openness requirements of the FACA which govern the DAC-PSM's operations.

The appointment or designation of individuals to serve as a member of the DAC-PSM subcommittees shall be approved by the DoD Appointing Authority for a term of service of one-to-four years, with annual renewals, in accordance with DoD policy and procedures. No member shall serve more than two consecutive terms of service on the subcommittee without prior approval from the DoD Appointing Authority.

Subcommittee members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall 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 civilian officers or employees, or active-duty members of the Uniformed Services, shall be designated pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. The DoD Appointing Authority shall appoint the subcommittee leadership from among the membership previously approved to serve on the subcommittee in accordance with DoD policy and procedures, for a one-to-two-year term of, with annual renewal, which shall not exceed the subcommittee member's approved subcommittee appointment or designation.

All subcommittee members are appointed or designated to exercise their own best judgment on behalf of the DoD, without representing any particular points of view, and to discuss and deliberate in a manner that is free from conflicts of interest. Except for reimbursement for travel and per diem related to the DAC-PSM or its subcommittees, subcommittee members shall serve without compensation.

14. Recordkeeping: The records of the DAC-PSM and its subcommittees shall be managed in accordance with General Records Schedule 6.2., Federal Advisory Committee Records, or other approved agency records disposition schedule, and the appropriate DoD policy and procedures. These records will be available for public inspection and copying, subject to the section 552 of title 5, U.S.C.
15. Filing Date: November 29, 2024