

Charter  
Defense Advisory Committee for the Prevention of Sexual Misconduct

1. 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 FY 2020 NDAA") (Public Law 116-92), as amended by sections 533 - 535 of the National Defense Authorization Act for Fiscal Year 2021 ("the FY 2021 NDAA") (Public Law 116-283), and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 C.F.R. § 102-3.50(a), established this non-discretionary advisory committee.
3. Objectives and Scope of Activities: Pursuant to subsection 550B(c)(1) of the FY 2020 NDAA, the DAC-PSM shall provide independent advice and 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 FY 2021 NDAA, "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 DoD educational institutions and training facilities.

4. Description of Duties: Pursuant to subsection 550B(c)(2) of the FY 2020 NDAA, as amended by subsections 533(1) and (2) of the FY 2021 NDAA, 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 FY 2020 NDAA;
  - 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 FY 2020 NDAA.

5. Agency or Official to Whom the Committee Reports: 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 FY 2020 NDAA, as amended by sections 534 and 535 of the FY 2021 NDAA, 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,

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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 FY 2021 NDAA, the DAC-PSM shall advise the Secretary of 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 Department of Defense (DoD), through the Office of the USD(P&R), provides the necessary support for the DAC-PSM and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act (“the Sunshine Act”) (5 U.S.C. § 552b), governing Federal statutes and regulations, and DoD policy and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include any travel, meetings, and contract or consultant support, is estimated to be approximately \$1,400,000.00. The estimated annual personnel cost to the DoD is 3.0 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 to serve in accordance with DoD policy and procedures.

The DAC-PSM’s DFO is required to attend all DAC-PSM meetings and subcommittee meetings for the entire duration 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 and calls all meetings of the DAC-PSM and its subcommittees; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the ADFO, determines adjournment to be in the public’s interest or required by governing regulations or DoD policy and procedures.

9. Estimated Number and Frequency of Meetings: The DAC-PSM shall 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 need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
11. Termination: In accordance with subsection 550B(f) of the FY 2020 NDAA, 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 FY 2020 NDAA. Should the Secretary of Defense determine that continuation of the DAC-PSM after that date is advisable and appropriate, the Secretary 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 FY 2020 NDAA, the DAC-PSM shall consist of not more than 20 members, appointed by the Secretary of Defense from 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;

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- 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 FY 2020 NDAA, individuals appointed 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 FY 2020 NDAA, no active-duty member of the Armed Forces, as defined by 10 U.S.C. § 101(a)(4), shall be appointed as a DAC-PSM member.

The appointment of DAC-PSM members 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.

All DAC-PSM members are appointed 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. With the exception of reimbursement of official DAC-PSM-related travel and per diem, DAC-PSM members serve without compensation.

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.

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 DAC-PSM subcommittees shall operate in accordance with the FACA, the Sunshine Act, governing Federal statutes and regulations, and DoD policy and procedures. Any subcommittees shall terminate when the DAC-PSM is terminated.

Such subcommittees shall not work independently of the DAC-PSM and shall report all their recommendations and advice solely to the DAC-PSM for its thorough discussion and deliberation at a properly noticed and open meeting, unless it must be closed in accordance with the Sunshine Act. 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 officer or employee, or members of

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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.

Individual appointments to serve on 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.

Each subcommittee member is appointed 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. With the exception of reimbursement for travel and per diem related to the DAC-PSM or its subcommittees, subcommittee members shall serve without compensation.

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 term of service of one-to-two years, with annual renewal, which shall not exceed the subcommittee member's approved subcommittee appointment.

14. Recordkeeping: The records of the DAC-PSM and its subcommittees will be handled in accordance with Section 2, General Records Schedule 6.2, Federal Advisory Committee Records and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552).
15. Filing Date: November 30, 2022