SEC. ___. REVISION TO TIMING REQUIREMENTS FOR CONSIDERATION OF APPLICATION FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER FOR MEMBERS ON ACTIVE DUTY WHO ARE THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.

Section 673(b) of title 10, United States Code, is amended by striking "72 hours" each place it appears and inserting "five calendar days".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

The purpose of 10 U.S.C. §673(b) is to expedite the processing of the application for a change of station or unit transfer for victims of sexual assault. This legislative proposal would make a minor adjustment to the "expedited transfer" timing requirements established in law, which in turn would have two key benefits: (1) improve support to victims, and (2) ensure commanders can gather all appropriate information that may be relevant to a victim's decision related to a transfer.

Part of the process of the Department of Defense for an expedited transfer decision is for the commander of a Service member victim to provide counseling on career trajectories produced by the transfer (e.g., outcomes if the victim cannot complete specialized training or a special duty assignment; outcomes if the victim is in a small career field with limited assignment opportunities; the opportunities of the victim for re-training into new career field). However, if a victim initiates a request for transfer on a Friday, holiday, or during the weekend, the commander is not able to reach back to Service personnel and career resources to obtain information so that the victim can make a fully informed decision about their transfer request. Without this information, commanders cannot fully discuss potential transfer locations and career options with Service member victims. Victims must then make decisions without sufficient, helpful, and accurate career counseling.

Therefore, this legislative proposal amendment would change the amount of time, as established within 10 U.S.C. §673(b), from 72 hours to five calendar days, for commanders to access better quality information that improves a victim's ability to assess potential impacts on their career as a result of an expedited transfer.

This legislative proposal, Extension of timeframe for decision on sexual assault victim's request for an expedited transfer to 5 calendar days (OFR-001-21), received all "concurs" during the Personnel Legislation Review (PLR) process. Department stakeholders have raised no major concerns regarding this change, as it is seen as an improvement to how the Department empowers victims to restore their lives following a sexual assault. Additionally, the Defense

Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces in their October 19, 2018, public meeting adopted a recommendation to increase the decision timeframe to five working days, and the Services believed that the pertinent career assignment information could be gathered in five calendar days.

Budget Implications: This proposal has no significant budgetary impact. Resources impacted are incidental in nature and amount and are included within the Fiscal Year (FY) 2021 President's Budget request.

Changes to Existing Law: This proposal would amend section 673 of title 10, United States Code, as follows:

§ 673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault or related offense

(a) TIMELY CONSIDERATION AND ACTION.—The Secretary concerned shall provide for timely determination and action on an application for consideration of a change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code of Military Justice) so as to reduce the possibility of retaliation against the member for reporting the sexual assault or other offense.

(b) REGULATIONS.—The Secretary concerned shall issue regulations to carry out this section, within in the guidelines provided by the Secretary of Defense. These guidelines shall provide that the application submitted by a member described in subsection (a) for a change of station or unit transfer must be approved or disapproved by the member's commanding officer within ~~72 hours~~ <u>five calendar days</u> of the submission of the application. Additionally, if the application is disapproved by the commanding officer, the member shall be given the opportunity to request review by the first general officer or flag officer in the chain of command of the member, and that decision must be made within ~~72 hours~~ <u>five calendar days</u> of the submission of the request for review.