

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry except 9D619.y.	NS Column 1
RS applies to entire entry except 9D619.y.	RS Column 1
RS applies to 9D619.y.	China, Russia, or Venezuela (see § 742.6(a)(7))
AT applies to entire entry.	AT Column 1
UN applies to entire entry except 9D619.y.	See § 746.1(b) for UN controls

\* \* \* \* \*

**9E610 TECHNOLOGY “REQUIRED” FOR THE “DEVELOPMENT,” “PRODUCTION,” OPERATION, INSTALLATION, MAINTENANCE, REPAIR, OVERHAUL, OR REFURBISHING OF MILITARY AIRCRAFT AND RELATED COMMODITIES CONTROLLED BY 9A610, EQUIPMENT CONTROLLED BY 9B610, MATERIALS CONTROLLED BY 9C610, OR SOFTWARE CONTROLLED BY 9D610 (SEE LIST OF ITEMS CONTROLLED).**

#### License Requirements

*Reason for Control:* NS, RS, MT, AT, UN

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry except 9E610.y.	NS Column 1
RS applies to entire entry except 9E610.y.	RS Column 1
RS applies to 9E610.y.	China, Russia, or Venezuela (see § 742.6(a)(7))
MT applies to “technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software controlled for MT reasons in 9A610, 9B610, or 9D610 for MT reasons.	MT Column 1
AT applies to entire entry.	AT Column 1
UN applies to entire entry except 9E610.y.	See § 746.1(b) for UN controls

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**9E619 “TECHNOLOGY” “REQUIRED” FOR THE “DEVELOPMENT,” “PRODUCTION,” OPERATION, INSTALLATION, MAINTENANCE, REPAIR, OVERHAUL, OR REFURBISHING OF MILITARY GAS TURBINE ENGINES AND RELATED COMMODITIES CONTROLLED BY 9A619, EQUIPMENT CONTROLLED BY 9B619, MATERIALS CONTROLLED BY 9C619, OR**

#### SOFTWARE CONTROLLED BY 9D619 (SEE LIST OF ITEMS CONTROLLED).

##### License Requirements

*Reason for Control:* NS, RS, AT, UN

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry except 9E619.y.	NS Column 1
RS applies to entire entry except 9E619.y.	RS Column 1
RS applies to 9E619.y.	China, Russia, or Venezuela (see § 742.6(a)(7))
AT applies to entire entry.	AT Column 1
UN applies to entire entry except 9E619.y.	See § 746.1(b) for UN controls

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Parts 740 and 774

[Docket No. 190513446-9446-01]

**RIN 0694-AH84**

#### Elimination of License Exception Civil End Users (CIV)

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, the Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by removing License Exception Civil End Users (CIV) and requiring a license for national security-controlled items on the Commerce Control List (CCL) to countries of national security concern. This will advance U.S. national security interests by allowing U.S. government review of these transactions to these countries prior to export, reexport or transfer (in-country) in accordance with current licensing policy for national security-controlled items on the CCL. This rule also makes conforming changes to the CCL by removing the CIV paragraph from each Export Control Classification Number on the CCL where it appears.

**DATES:** This rule is effective June 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Eileen Albanese, Director, Office of

National Security and Technology Transfer Controls, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-0092 or by email at [eileen.albanese@bis.doc.gov](mailto:eileen.albanese@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department of Commerce's Bureau of Industry and Security (BIS) administers U.S. laws, regulations and policies governing the export, reexport, and transfer (in-country) of commodities, software, and technology (collectively “items”) falling under the jurisdiction of the Export Administration Regulations (EAR) (15 CFR, subchapter C, parts 730 through 774). The primary goal of this effort is to advance U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and promoting continued U.S. strategic technology leadership. Items subject to the EAR may require a license or other type of authorization prior to export, reexport, or transfer (in-country).

An export license exception is an authorization allowing export, re-export, or transfer (in-country) under stated conditions, of items subject to the EAR otherwise requiring a license. Because there are a number of circumstances under which a license exception may replace the need for a license, there are several types of license exceptions. A description of each of the license exception types, as well as information regarding license exceptions more generally, can be found in 15 CFR part 740, which is available at <https://www.bis.doc.gov/index.php/documents/regulations-docs/2341-740-2/file>.

As described in 15 CFR part 736, transactions involving items subject to the EAR must abide by 10 general prohibitions. Obligations under the ten general prohibitions rely largely on knowledge of the details of a transaction, including the classification and destination of the item as well as the end-user and end-use of the item. The EAR contains a definition of “knowledge” and its variants “know”, “reason to know”, or “reason to believe” in part 772.

#### Removal of License Exception CIV (§ 740.5 Civil End Users)

In this final rule, BIS is removing License Exception Civil End-Users (CIV) (§ 740.5 of the EAR), which authorized exports, reexports, and transfers (in-country) of certain national security-controlled items, without prior review by BIS provided the exception's criteria were met, to most civil end users for civil end uses in Country Group D:1. As

set forth in Supplement No. 1 to part 740 of the EAR, countries listed in Country Group D:1 are of concern for national security reasons. To advance the objectives discussed in the Administration's National Security Strategy released in December 2017 available on [www.whitehouse.gov](http://www.whitehouse.gov) as well as address the challenges discussed in the Administration's National Defense Strategy released in January 2018 at <https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>, BIS is removing License Exception CIV due to the increasing integration of civilian and military technology development in these countries of concern.

BIS acknowledges many countries seek to align civil and defense technology development for many reasons—to achieve greater efficiency, innovation, and growth. This can present an economic challenge to nations that export high-tech products, including the United States, as individual country goals could also directly support military modernization goals contrary to U.S. national security or foreign policy interests. This integration also makes it more difficult for industry to know or determine whether the end use and end users of items proposed for export, reexport or transfer (in-country) will not be or are not intended for military uses or military end users. BIS is making this determination based on the following data:

- An evaluation of export data from current CIV end-users,
- publicly available strategies of D:1 countries currently implementing civil-military integration strategies to obscure U.S. exporters from easily determining if a national-security controlled item will not be or is not intended to be exported, reexported or transferred (in-country) to military uses or military end users, and
- U.S. Government enforcement actions identifying diversion of U.S.-origin items to military end uses and military end users by purported civil end users in these countries.

Based on the above discussion, and in line with the objectives discussed in the National Security Strategy and National Defense Strategy, BIS has determined that transactions involving the national security-controlled items currently permitted under CIV should be reviewed by the U.S. Government prior to export, reexport or transfer (in-country). By removing License Exception CIV and requiring a license for national security-controlled items to Country Group D:1 destinations, U.S. national security interests are

maintained as the Government will then review each transaction prior to export in accordance with the licensing policy set forth in § 742.4(b) of the EAR.

#### *Changes To Conform the CCL for the Removal of License Exception CIV*

This final rule makes conforming changes to Supplement No. 1 to part 774 (the Commerce Control List). The Commerce Control List identifies controlled items by Export Control Classification Number (ECCN). An ECCN is typically made up of four sections, including a section for the list-based license exceptions, which, where applicable, provide eligibility for the ECCN-driven License Exceptions. As a conforming change to the removal of License Exception CIV, this final rule by amendatory instruction removes the CIV paragraph from the List-Based License Exceptions section wherever it appears in ECCNs on the CCL.

#### **Export Control Reform Act of 2018**

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852) that provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. As set forth in Section 1768 of ECRA, all delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action that have been made, issued, conducted, or allowed to become effective under the Export Administration Act of 1979 (50 U.S.C. 4601 *et seq.*) (as in effect prior to August 13, 2018 and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 14, 2019, 84 FR 41881 (August 15, 2019)), or the Export Administration Regulations, and are in effect as of August 13, 2018, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under the authority of ECRA.

#### **Rulemaking Requirements**

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic,

environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been designated a “significant regulatory action,” although not economically significant, under section 3(f) of Executive Order 12866.

2. This final rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a national security function of the United States. As described in this rule and consistent with the Administration's National Security Strategy and National Defense Strategy, removing and modifying the license exception CIV for D:1 countries would enhance United States' national security by reducing the risk that exports, reexports, and transfers (in-country) of items subject to the EAR could be diverted and contribute to the military capability of countries of concern. Review of these transactions before completion enhances the Government's visibility in this area and mitigates the risk associated with certain items on the CCL being used contrary to U.S. national security interests. Thus, the cost-benefit analysis required pursuant to Executive Orders 13563 and 12866 indicate this rule is intended to improve national security as its primary direct benefit. Accordingly, this rule meets the requirements set forth in the April 5, 2017, Office of Management and Budget (OMB) guidance implementing E.O. 13771 (82 FR 9339, February 3, 2017), regarding what constitutes a regulation issued “with respect to a national security function of the United States,” and it is, therefore, exempt from the requirements of E.O. 13771.

3. Notwithstanding any other provision of law, no person is required to respond to, nor may be made subject to a penalty for failure to comply, with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 42.5 minutes for a manual or electronic submission.

BIS expects the total burden hours associated with this collection to increase. BIS notes for the purposes of

discussing change in burden that exports can be more than physical overseas shipments of commodities. Exports may be either “tangible” or “intangible”. Tangible items can be exported by ship or aircraft, sent by post or courier, or carried in checked-in or hand-held luggage. They can include technology stored on a physical medium such as a USB or computer hard drive or in the form of blueprints, diagrams, or notes. An “intangible export” occurs when a person in the U.S. releases or transfers controlled technology by to a foreign person verbally or electronic means by email, fax, telephone, video conferencing, or providing access to electronic files that contain technology.

Tangible shipments that were previously authorized for export, reexport or transfer (in-country) under License Exception CIV will require a license or other license authorization under the EAR. BIS expects the burden hours on these tangible transactions to increase but anticipates a limited impact based on evaluation of current export data regarding CIV usage and the fact that once issued, BIS licenses typically have a four-year validity period and may include prospective sales. Additionally, while BIS recognizes that there may be increased burden hours relating to the intangible exports, as well as the tangible and intangible re-exports and in-country transfers currently authorized by License Exception CIV, there is no readily available data at this time to estimate the increase as there are no filing requirements for these types of transactions. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to [Jasmeet\\_K\\_Seehra@omb.eop.gov](mailto:Jasmeet_K_Seehra@omb.eop.gov), or by fax to (202) 395-7285.

4. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

5. Pursuant to section 1762 of the Export Control Reform Act of 2018 (50 U.S.C 4801–4852, at 4821), which was included in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232, 132 Stat. 1636), this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

6. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be

given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

## List of Subjects

### 15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

### 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 740 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

## PART 740—[AMENDED]

■ 1. The authority citation for 15 CFR part 740 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

### § 740.5 [Removed and Reserved]

■ 2. Remove and reserve § 740.5.

## PART 774—[AMENDED]

■ 3. The authority citation for 15 CFR part 774 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

### Supplement No. 1 to Part 774 [Amended]

■ 4. In Supplement No. 1 to part 774, remove the CIV paragraph from the List-based License Exceptions section in the following ECCNs: 0A018, 0A501, 0A502, 0A503, 0A504, 0A505, 0A602, 0A604, 0A606, 0A614, 0A617, 0A919, 0A978, 0A979, 0A981, 0A982, 0A983, 0A998, 0A999, 0B501, 0B505, 0B602, 0B604, 0B606, 0B614, 0B617, 0B999, 0C606, 0C617, 0D001, 0D501, 0D505, 0D602, 0D604, 0D606, 0D614, 0D617, 0D999, 0E001, 0E501, 0E502, 0E504, 0E505, 0E602, 0E604, 0E606, 0E614, 0E617, 0E982, 1A001, 1A002, 1A003, 1A004, 1A005, 1A006, 1A007, 1A008, 1A101, 1A202, 1A225, 1A226, 1A227, 1A231, 1A290, 1A607, 1A613, 1A984, 1A985, 1A995, 1A999, 1B001, 1B002, 1B003, 1B018, 1B101, 1B102, 1B115,

1B116, 1B117, 1B118, 1B119, 1B201, 1B225, 1B226, 1B228, 1B229, 1B230, 1B231, 1B232, 1B233, 1B234, 1B607, 1B608, 1B613, 1B999, 1C001, 1C002, 1C003, 1C004, 1C005, 1C006, 1C007, 1C008, 1C009, 1C010, 1C011, 1C101, 1C107, 1C111, 1C116, 1C117, 1C118, 1C202, 1C210, 1C216, 1C225, 1C226, 1C227, 1C228, 1C229, 1C230, 1C231, 1C232, 1C233, 1C234, 1C235, 1C236, 1C237, 1C239, 1C240, 1C241, 1C298, 1C350, 1C351, 1C353, 1C354, 1C355, 1C395, 1C607, 1C608, 1C990, 1C991, 1C992, 1C995, 1C996, 1C997, 1C998, 1C999, 1D001, 1D002, 1D003, 1D018, 1D101, 1D103, 1D201, 1D390, 1D607, 1D608, 1D613, 1D993, 1D999, 1E001, 1E002, 1E101, 1E102, 1E103, 1E104, 1E201, 1E202, 1E203, 1E350, 1E351, 1E355, 1E607, 1E608, 1E613, 1E994, 1E998, 2A001, 2A101, 2A225, 2A226, 2A290, 2A291, 2A983, 2A984, 2A991, 2A992, 2A993, 2A994, 2A999, 2B001, 2B002, 2B003, 2B004, 2B005, 2B006, 2B007, 2B008, 2B009, 2B104, 2B105, 2B109, 2B116, 2B117, 2B119, 2B120, 2B121, 2B122, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225, 2B226, 2B227, 2B228, 2B229, 2B230, 2B231, 2B232, 2B233, 2B350, 2B351, 2B352, 2B991, 2B992, 2B993, 2B996, 2B997, 2B998, 2B999, 2D001, 2D002, 2D003, 2D101, 2D201, 2D202, 2D290, 2D351, 2D983, 2D984, 2D991, 2D992, 2D993, 2D994, 2E001, 2E002, 2E003, 2E018, 2E101, 2E201, 2E290, 2E301, 2E983, 2E984, 2E991, 2E993, 2E994, 3A001, 3A002, 3A003, 3A101, 3A201, 3A225, 3A226, 3A227, 3A228, 3A229, 3A230, 3A231, 3A232, 3A233, 3A234, 3A611, 3A980, 3A981, 3A991, 3A992, 3A999, 3B001, 3B002, 3B611, 3B991, 3B992, 3C001, 3C002, 3C003, 3C004, 3C005, 3C006, 3C992, 3D001, 3D002, 3D003, 3D004, 3D005, 3D101, 3D201, 3D202, 3D611, 3D980, 3D991, 3E001, 3E002, 3E003, 3E101, 3E102, 3E201, 3E202, 3E611, 3E980, 3E991, 4A001, 4A003, 4A004, 4A101, 4A980, 4A994, 4D001, 4D980, 4D993, 4D994, 4E001, 4E980, 4E992, 4E993, 5A001, 5A101, 5A980, 5A991, 5B001, 5B991, 5C991, 5D001, 5D101, 5D980, 5D991, 5E001, 5E101, 5E980, 5E991, 5A002, 5A992, 5A003, 5A004, 5B002, 5D002, 5D992, 5E002, 5E992, 6A001, 6A002, 6A003, 6A004, 6A005, 6A006, 6A007, 6A008, 6A102, 6A107, 6A108, 6A202, 6A203, 6A205, 6A225, 6A226, 6A991, 6A992, 6A993, 6A994, 6A995, 6A996, 6A997, 6A998, 6A999, 6B004, 6B007, 6B008, 6B108, 6B619, 6B995, 6C002, 6C004, 6C005, 6C992, 6C994, 6D001, 6D002, 6D003, 6D102, 6D103, 6D201, 6D619, 6D991, 6D992, 6D993, 6E001, 6E002, 6E003, 6E101, 6E201, 6E202, 6E619, 6E991, 6E992, 6E993, 7A001, 7A002, 7A003, 7A004, 7A005, 7A006, 7A008, 7A101, 7A102,

7A103, 7A104, 7A105, 7A107, 7A116, 7A611, 7A994, 7B001, 7B002, 7B003, 7B101, 7B102, 7B611, 7B994, 7D001, 7D002, 7D003, 7D004, 7D005, 7D101, 7D102, 7D611, 7D994, 7E001, 7E002, 7E003, 7E004, 7E101, 7E102, 7E611, 7E994, 8A001, 8A002, 8A609, 8A620, 8A992, 8B001, 8B609, 8B620, 8C001, 8C609, 8D001, 8D002, 8D609, 8D620, 8D992, 8D999, 8E001, 8E002, 8E609, 8E620, 8E992, 9A001, 9A002, 9A003, 9A004, 9A012, 9A101, 9A102, 9A106, 9A110, 9A115, 9A120, 9A515, 9A604, 9A610, 9A619, 9A620, 9A980, 9A990, 9A991, 9A992, 9B001, 9B002, 9B003, 9B004, 9B005, 9B006, 9B007, 9B008, 9B009, 9B010, 9B104, 9B105, 9B106, 9B115, 9B116, 9B117, 9B515, 9B604, 9B610, 9B619, 9B620, 9B990, 9B991, 9C110, 9C610, 9C619, 9D001, 9D002, 9D003, 9D004, 9D101, 9D104, 9D515, 9D604, 9D610, 9D619, 9D620, 9D990, 9D991, 9E001, 9E002, 9E003, 9E101, 9E102, 9E515, 9E604, 9E610, 9E619, 9E620, 9E990, 9E991, and 9E993.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 114

[Docket ID: DOD-2014-OS-0131]

RIN 0790-AJ31

### Victim and Witness Assistance

**AGENCY:** Under Secretary of Defense for Personnel and Readiness (USD(P&R)), DoD.

**ACTION:** Final rule.

**SUMMARY:** This final rule adds a part to the Code of Federal Regulations which assists victims and witnesses of alleged crimes committed in violation of the Uniform Code of Military Justice (UCMJ), and discusses the rights of crime victims under the UCMJ which are more extensive than those of witnesses. The rule also describes notification and assistance available to victims and witnesses of crime from initial contact with the local responsible official, law enforcement officer, or criminal investigation officer through the investigation of the crime and the prosecution, acquittal or confinement, and release of the accused. Finally, the rule includes annual reporting requirements for assistance provided across the DoD to victims of and

witnesses to sex-related crime, and legal assistance for sex-related crime victims.

**DATES:** This rule is effective on May 28, 2020.

**FOR FURTHER INFORMATION CONTACT:** Lt Col Ryan A. Hendricks, Office of Legal Policy, 703-571-9301.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Military Services are required to provide legal counsel, known as Special Victims' Counsel/Victims' Legal Counsel (SVC/VLC), to assist victims of alleged sex-related offenses under Articles 120, 120a, 120b, 120c, and 125 of the UCMJ, to include victims of alleged attempts to commit the enumerated offenses, who are eligible for legal assistance. The Military Services are also required to establish a special victim capability comprised of specially trained criminal investigators, judge advocates, paralegals, and victim/witness assistance personnel to support victims of covered special victim offenses. To de-conflict with victims' counsel programs, this distinct group of recognizable professionals will be referred to, at the DoD level, as the "Special Victim Investigation and Prosecution (SVIP)" capability.

##### Authority

This rule implements all of the following requirements under law: 10 U.S.C. chapter 47, the UCMJ; 10 U.S.C. 1034, 1044, 1044e 1058, 1059, and 1408; 18 U.S.C. 1514; and section 573 of Public Law 112-239, requiring the Military Services to establish a special victim capability comprised of specially trained investigators, judge advocates, paralegals, and victim witness assistance personnel to support victims of covered alleged offenses. Sections 1701 and 1716 of Public Law 113-66 strengthened the rights of victims of alleged crimes committed under the UCMJ, and provided for the designation of SVC/VLC for victims of covered offenses. Section 533 of Public Law 113-291 extended eligibility for SVC/VLC services to members of a reserve component of the armed forces.

##### Major Provisions of the Regulatory Action

This rule describes the responsibilities that the USD(P&R), Inspector General of the Department of Defense, and other DoD component heads have when dealing with the procedures described in the regulatory text. The rule also discusses procedures involving local responsible officials, comprehensive information and services to be provided to victims and witnesses,

SVIP capability, legal assistance for crime victims, and special victims' counsel programs.

This regulation: (1) Provides a complete victim and witness assistance policy, to ensure the consistent and effective management of DoD victim and witness assistance programs operated by DoD Components. The final rule implements statutory requirements for the DoD victim assistance programs. It revises the rights for crime victims of alleged offenses committed under the UCMJ, requires the Military Services to create enforcement mechanisms, provides for legal assistance for crime victims entitled to legal services, requires that Military Services provide SVC/VLC to assist victims of covered alleged offenses, and further implements the SVIP capability, which provides enhanced support to victims of sexual assault, serious domestic violence, and child abuse alleged offenses. VWAP provides guidance for assisting victims and witnesses of alleged crimes from initial contact through investigation, prosecution, confinement, and release, until the victim specifies to the local responsible official that he or she no longer requires or desires services. Particular attention is paid to victims of serious and violent alleged crimes, including child abuse, domestic violence, and sexual assault.

(2) Strengthens the rights of crime victims in the military justice system and requires the establishment mechanisms for enforcement of these rights in each Military Department, in accordance with section 1701 of Public Law 113-66. These provisions ensure victims have a right to be reasonably heard at public hearings concerning the continuation of confinement before the trial of the accused, preliminary hearings under section 832 (Article 32) of the UCMJ, and court-martial proceedings relating to the Military Rules of Evidence (M.R.E.) 412, 513, and 514 of the Manual for Courts-Martial (MCM) (available at <http://www.apd.army.mil/pdffiles/mcm.pdf>) and that all victims are treated with fairness and respect for their dignity and privacy.

(3) Orients victims and witnesses to the military justice system, about the military criminal justice process, on the role of the victim or witness in the process, and how the victim or witness can obtain additional information concerning the process and the case.

(4) Provides for timely notification of information and assistance available to victims and witnesses of alleged crimes from initial contact through investigation, prosecution, and confinement.