

# United States Senate

WASHINGTON, DC 20510-3205

October 26, 2021

The Honorable Lloyd Austin  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

Dear Secretary Austin,

We write to express our disappointment and concern with the vague approach and lax timeline the Department of Defense has laid out in its Sept 22, 2021 memo “Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military.” This approach does not rise to the challenge of addressing the crippling and endemic sexual assault crisis afflicting our nation’s military. Ensuring the safety of all who serve and delivering justice for victims of sexual violence are not problems that can wait to be resolved on the Department of Defense’s proposed timeline. The men and women who serve in our military cannot continue to operate another day, let alone another decade, under a chain of command that is unwilling or incapable of taking decisive action to address this epidemic. A problem of this magnitude demands an immediate, proportionate response.

Instead, the memo lays out four tiers of priorities with a deadline of 2027 at the earliest, and 2030 at the latest. Some of the changes in the first tier are as minor as reissuing DoDI 6400.06, an existing instruction. The roadmap also proposes creating survivor-led support groups by 2030. It is absurd that changes such as reissuing a Department of Defense instruction or creating support groups – actions that require very few resources – should take almost ten years to create.

This timeline is an abrogation of the level of urgency laid out by the experts on the 90-day Independent Review Commission. The IRC outlined, in detail, the improvements necessary to address the crisis of sexual assault in the military. It further ignores your direction accompanying the release of the IRC Report that ordered an immediate establishment of a Violence Prevention Workforce with the requirement the entire workforce be trained and working by June 30, 2022, with half of the workforce in place by December 21, 2021. This latest roadmap falls far short of those goals and timelines. It allows just part of this workforce, the special victim prosecutors, to take until 2027 to be established. Given the magnitude of the problem and the existence of these clear and valuable recommendations from the experts on the IRC, the Department has no valid reason not to keep its foot on the gas.

For nearly a decade, the United States Senate has voiced its displeasure with and intent to reform the military’s handling of sexual misconduct among the armed forces. We will not accept an additional 6 to 9 years of waiting for these necessary changes to be implemented. The majority of Congress understands that this is not a problem our service members can wait years for us to solve; 66 Senators and 220 Representatives have agreed to sponsor the Military Justice

Improvement and Increasing Prevention Act of 2021, legislation that would mandate implementation of the below reforms within six months of passage.

Therefore, we request a briefing, no later than 30 November 2021, outlining the Department of Defense's methods of execution to achieve the following improvements in no later than six months.

1. Move the decision to prosecute sexual assault and other serious crimes to an independent, trained, professional military prosecutor.
2. Ensure the Department of Defense develops tactics, techniques, and procedures to support criminal investigators and military prosecutors' sexual assault and domestic violence investigations.
3. Survey and improve the physical security of military installations to increase safety in lodging and living spaces for service members.
4. Increase and improve training and education on military sexual assault throughout our armed services.

Sincerely,



Joni K. Ernst  
U.S. Senator



Kirsten Gillibrand  
U.S. Senator



Chuck Grassley  
U.S. Senator



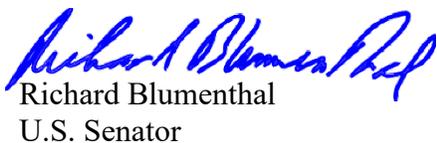
Shelly Moore Capito  
U.S. Senator



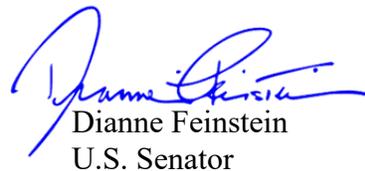
Mike Braun  
U.S. Senator



Ron Wyden  
U.S. Senator



Richard Blumenthal  
U.S. Senator



Dianne Feinstein  
U.S. Senator