

(2) The indemnification agreement will not extend to any act or omission prior to the transmittal of the criminal history record information to the Federal agency.

(3) The indemnification agreement will not extend to any negligent acts on the part of the State or locality in compiling, transcribing or failing to delete or purge any of the information transmitted.

(c) *Consent and access requirements:* (1) The Federal agency when requesting criminal history record information from the State or locality for the release of such information will attest that it has obtained the written consent of the individual under investigation after advising him or her of the purposes for which that information is intended to be used.

(2) The Federal agency will attest that it has advised that individual of the right to access that information.

(d) *Purpose requirements:* The Federal agency will use the criminal history record information only for the purposes stated in §910.101(a).

(e) *Notice, litigation and settlement procedures:* (1) The State or locality must give notice of any claim against it on or before the 10th day after the day on which claim against it is received, or it has notice of such a claim.

(2) The notice must be given to the Attorney General and to the U.S. Attorney of the district embracing the place wherein the claim is made.

(3) The Attorney General shall make all determinations regarding the settlement or defense of such claims.

APPENDIX TO PART 99—ADDRESSES OF RELEVANT U.S. GOVERNMENT AGENCIES  
Department of Defense, Office of the General Counsel, Room 3E988, Washington, DC 20301-1600  
Office of Personnel Management, Office of Federal Investigations, P.O. Box 886, Washington, DC 20044  
Central Intelligence Agency, Attention: Office of General Counsel, Washington, DC 20505

**PART 103—SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM**

Sec.  
103.1 Purpose.

- 103.2 Applicability.
- 103.3 Definitions.
- 103.4 Policy.
- 103.5 Responsibilities.
- 103.6 Reporting options and sexual assault reporting procedures.
- 103.7 Case management for unrestricted reports of sexual assault.

APPENDIX A TO PART 103—RELATED POLICIES

AUTHORITY: 10 U.S.C. 113, and Public Laws 106-65, 108-375, 109-163, 109-364, 110-417, 111-84, 111-383, 112-81, 112-239, 113-291, 113-66, 113-291, and 114-92.

SOURCE: 85 FR 42710, July 15, 2020, unless otherwise noted.

**§ 103.1 Purpose.**

This part is the Department of Defense’s comprehensive SAPR program that provides policy guidance and assigns responsibilities for the prevention, response, and oversight of sexual assaults involving members of the U.S. Armed Forces and Reserve Component, to include the National Guard. The SAPR Program is supported by the policies identified in Appendix A to this part.

**§ 103.2 Applicability.**

(a) This part applies to:

(1) The Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Inspector General of the DoD (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereafter referred to collectively as the “DoD Components”).

(2) National Guard and Reserve Component members who are sexually assaulted when performing active service, as defined in 10 U.S.C. 101(d)(3), and inactive duty training. Refer to paragraph (c) of Appendix A to this part for information on how to access DoD internal policy containing additional SAPR and healthcare services provided to such personnel and eligibility criteria for Restricted Reporting.

(3) Military dependents 18 years of age and older who are eligible for treatment in the military healthcare system, at installations in the continental United States and outside of the continental United States (OCONUS), and