To amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice.

---

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1997

Mr. FRANK of Massachusetts introduced the following bill; which was referred to the Committee on National Security

---

A BILL

To amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Anti-Hypocrisy Act
5 of 1997”.

---
SEC. 2. REMOVAL OF CONSENSUAL SEXUAL ACTIVITY BETWEEN ADULTS AS BASIS FOR PROSECUTION UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) SODOMY.—Section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), is amended—

(1) by inserting “nonconsensual” after “engages in”; and

(2) by inserting “carnal copulation” before “with an”.

(b) CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN.—Section 933 of such title (article 133 of such Code) is amended by adding at the end the following new sentence: “Consensual acts of a sexual nature between adults that do not involve compensation, and cohabitation by adults, shall not be the basis for a prosecution under this section.”.

(c) GENERAL ARTICLE.—Section 934 of such title (article 134 of such Code) is amended by adding at the end the following new sentence: “Consensual acts of a sexual nature between adults that do not involve compensation, and cohabitation by adults, shall not be the basis for a prosecution under this section.”.

(d) CONSTRUCTION OF AMENDMENTS.—Nothing in the amendments made by this section shall be—

•HR 1915 IH
(1) construed to prevent prosecution under the Uniform Code of Military Justice for acts of fraternization; or

(2) considered to prevent noncriminal disciplinary action or administrative proceedings against a person subject to the Uniform Code of Military Justice for misconduct (sexual or otherwise) that—

(A) constitutes a disorder and neglect to the prejudice of good order and discipline in the Armed Forces;

(B) is of a nature to bring discredit upon the Armed Forces; or

(C) in the case of a commissioned officer, cadet, or midshipman, constitutes conduct unbecoming an officer and a gentleman.