

108TH CONGRESS  
1ST SESSION

# H. R. 2676

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2003

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

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## 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 2003”.

1 **SEC. 2. REMOVAL OF CONSENSUAL SEXUAL ACTIVITY BE-**  
2 **TWEEN ADULTS AS BASIS FOR PROSECUTION**  
3 **UNDER THE UNIFORM CODE OF MILITARY**  
4 **JUSTICE.**

5 (a) SODOMY.—Section 925 of title 10, United States  
6 Code (article 125 of the Uniform Code of Military Jus-  
7 tice), is amended—

8 (1) by inserting “nonconsensual” after “en-  
9 gages in”; and

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

12 (b) CONDUCT UNBECOMING AN OFFICER AND A  
13 GENTLEMAN.—Section 933 of such title (article 133 of  
14 such Code) is amended—

15 (1) by inserting “(a)” before “Any commis-  
16 sioned”; and

17 (2) by adding at the end the following:

18 “(b) Neither of the following shall be the basis for  
19 a prosecution under this section:

20 “(1) A consensual act of a sexual nature that  
21 is between adults and that does not involve com-  
22 pensation.

23 “(2) Cohabitation by adults.”.

24 (c) GENERAL ARTICLE.—Section 934 of such title  
25 (article 134 of such Code) is amended—

1 (1) by inserting "(a)" before "Though not";

2 and

3 (2) by adding at the end the following:

4        "(b) Neither of the following shall be the basis for

## 5 a prosecution under this section:

6                   “(1) A consensual act of a sexual nature that

7 is between adults and that does not involve com-

8       pensation.

9                   “(2) Cohabitation by adults.”.

10 (d) CONSTRUCTION OF AMENDMENTS.—Nothing in

11 the amendments made by this section shall be—

12 (1) construed to prevent prosecution under the

## 13 Uniform Code of Military Justice for acts of frater-

14 nization; or

15 (2) considered to prevent noncriminal discipli-

16 nary action or administrative proceedings against a

17 person subject to the Uniform Code of Military Jus-

18 tice for misconduct (sexual or otherwise) that—

19 (A) const

## 20 the prejudice of good order and discipline in the

21 Armed Forces;

22 (B) is of a nature to bring discredit upon

23 the Armed Forces; or

