

113TH CONGRESS
1ST SESSION

H. R. 2206

To provide enhanced protections for prospective members and new members of the Armed Forces during entry-level processing and training.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2013

Mr. TURNER (for himself and Mr. HECK of Nevada) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide enhanced protections for prospective members and new members of the Armed Forces during entry-level processing and training.

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 “No Tolerance Act”.

1 **SEC. 2. ENHANCED PROTECTIONS FOR PROSPECTIVE MEM-**
2 **BERS AND NEW MEMBERS OF THE ARMED**
3 **FORCES DURING ENTRY-LEVEL PROCESSING**
4 **AND TRAINING.**

5 (a) DEFINING INAPPROPRIATE AND PROHIBITED RE-
6 LATIONSHIPS, COMMUNICATION, CONDUCT, AND CONTACT
7 BETWEEN CERTAIN MEMBERS.—

8 (1) POLICY REQUIRED.—The Secretary of De-
9 fense and the Secretary of the Department in which
10 the Coast Guard is operating shall establish and
11 maintain a policy to uniformly define and prescribe,
12 for the persons described in paragraph (2), what
13 constitutes an inappropriate and prohibited relation-
14 ship, communication, conduct, or contact, including
15 when such an action is consensual, between a mem-
16 ber of the Armed Forces described in paragraph
17 (2)(A) and a prospective member or member of the
18 Armed Forces described in paragraph (2)(B).

19 (2) COVERED MEMBERS.—The policy required
20 by paragraph (1) shall apply to—

21 (A) a member of the Armed Forces who is
22 superior in rank to, exercises authority or con-
23 trol over, or supervises a person described in
24 subparagraph (B) during the entry-level proc-
25 essing or training of the person; and

1 (B) a prospective member of the Armed
2 Forces or a member of the Armed Forces un-
3 dergoing entry-level processing or training.

4 (3) INCLUSION OF CERTAIN MEMBERS RE-
5 QUIRED.—The members of the Armed Forces cov-
6 ered by paragraph (2)(A) shall include, at a min-
7 imum, military personnel assigned or attached to
8 duty—

9 (A) for the purpose of recruiting or assess-
10 ing persons for enlistment or appointment as a
11 commissioned officer, warrant officer, or en-
12 listed member of the Armed Forces;

13 (B) at a Military Entrance Processing Sta-
14 tion; or

15 (C) at an entry-level training facility or
16 school of an Armed Force.

17 (b) EFFECT OF VIOLATIONS.—A member of the
18 Armed Forces who violates the policy established pursuant
19 to subsection (a) shall be subject to prosecution under the
20 Uniform Code of Military Justice.

21 (c) PROCESSING FOR ADMINISTRATIVE SEPARA-
22 TION.—

23 (1) IN GENERAL.—(A) The Secretary of De-
24 fense and the Secretary of the Department in which
25 the Coast Guard is operating shall require the proc-

1 essing for administrative separation of any member
2 of the Armed Forces described in subsection
3 (a)(2)(A) in response to the first substantiated viola-
4 tion by the member of the policy established pursu-
5 ant to subsection (a), when the member is not other-
6 wise punitively discharged or dismissed from the
7 Armed Forces for that violation.

8 (B) The Secretary of each military department
9 shall revise regulations applicable to the Armed
10 Forces under the jurisdiction of the Secretary as
11 necessary to ensure compliance with the requirement
12 under subparagraph (A).

13 (2) REQUIRED ELEMENTS.—(A) In imposing
14 the requirement under paragraph (1), the Secre-
15 taries shall ensure that any separation decision re-
16 garding a member of the Armed Forces is based on
17 the full facts of the case and that due process proce-
18 dures are provided under existing law or regulations
19 or additionally prescribed, as considered necessary
20 by the Secretaries, pursuant to subsection (f).

21 (B) The requirement imposed by paragraph (1)
22 shall not be interpreted to limit or alter the author-
23 ity of the Secretary of a military department and the
24 Secretary of the Department in which the Coast

1 Guard is operating to process members of the
2 Armed Forces for administrative separation—

3 (i) for reasons other than a substantiated
4 violation of the policy established pursuant to
5 subsection (a); or

6 (ii) under other provisions of law or regula-
7 tion.

8 (3) SUBSTANTIATED VIOLATION.—For purposes
9 of paragraph (1), a violation by a member of the
10 Armed Forces described in subsection (a)(2)(A) of
11 the policy established pursuant to subsection (a)
12 shall be treated as substantiated if—

13 (A) there has been a court-martial convic-
14 tion for violation of the policy, but the adjudged
15 sentence does not include discharge or dis-
16 missal; or

17 (B) a nonjudicial punishment authority
18 under section 815 of title 10, United States
19 Code (article 15 of the Uniform Code of Mili-
20 tary Justice) has determined that a member
21 has committed an offense in violation of the
22 policy and imposed nonjudicial punishment
23 upon the member.

24 (d) PROPOSED UNIFORM CODE OF MILITARY JUS-
25 TICE PUNITIVE ARTICLE.—Not later than one year after

1 the date of the enactment of this Act, the Secretary of
2 Defense shall submit to the Committees on Armed Serv-
3 ices of the Senate and the House of Representatives—

4 (1) a proposed amendment to chapter 47 of
5 title 10, United States Code (the Uniform Code of
6 Military Justice) to create an additional article
7 under subchapter X of such chapter regarding viola-
8 tions of the policy required by subsection (a); and

9 (2) the conforming changes to part IV, punitive
10 articles, in the Manual for Courts-Martial that will
11 be necessary upon adoption of such article.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “entry-level processing or train-
14 ing”, with respect to a member of the Armed forces,
15 means the period beginning on the date on which the
16 member became a member of the Armed Forces and
17 ending on the date on which the member physically
18 arrives at that member’s first duty assignment fol-
19 lowing completion of initial entry training (or its
20 equivalent), as defined by the Secretary of the mili-
21 tary department concerned or the Secretary of the
22 Department in which the Coast Guard is operating.

23 (2) The term “prospective member of the
24 Armed Forces” means a person who has had a face-
25 to-face meeting with a member of the Armed Forces

1 assigned or attached to duty described in subsection
2 (a)(3)(A) regarding becoming a member of the
3 Armed Forces, regardless of whether the person
4 eventually becomes a member of the Armed Forces.

5 (f) REGULATIONS.—Not later than 180 days after
6 the date of the enactment of this Act, the Secretary of
7 Defense and the Secretary of the Department in which
8 the Coast Guard is operating shall issue such regulations
9 as may be necessary to carry out this section. The Sec-
10 retary of Defense shall ensure that, to the extent prac-
11 ticable, the regulations are uniform for each armed force
12 under the jurisdiction of that Secretary.

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