

113TH CONGRESS
1ST SESSION

H. R. 430

To amend the Uniform Code of Military Justice to protect new members of the Armed Forces who are undergoing basic training from the sexual advances of the members of the Armed Forces responsible for their instruction.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2013

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

A BILL

To amend the Uniform Code of Military Justice to protect new members of the Armed Forces who are undergoing basic training from the sexual advances of the members of the Armed Forces responsible for their instruction.

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 “Protect Our Military
5 Trainees Act”.

1 **SEC. 2. PROHIBITION ON SEXUAL ACTS AND SEXUAL CON-**
2 **TACT BETWEEN CERTAIN MILITARY IN-**
3 **STRUCTORS AND THEIR TRAINEES.**

4 (a) PROHIBITION.—Section 920 of title 10, United
5 States Code (article 120 of the Uniform Code of Military
6 Justice), is amended—

7 (1) by redesignating subsections (e) through (g)
8 as subsections (f) through (h); respectively; and

9 (2) by inserting after subsection (d) the fol-
10 lowing new subsection (e):

11 “(e) SEXUAL ACTS AND SEXUAL CONTACT BETWEEN
12 CERTAIN MILITARY INSTRUCTORS AND TRAINEES.—

13 “(1) ENHANCED SEXUAL ASSAULT PROHIBI-
14 TION.—A military instructor who commits a sexual
15 act upon a member of the armed forces while the
16 member is undergoing basic training (or its equiva-
17 lent) or within 30 days after completing such train-
18 ing—

19 “(A) is guilty of sexual assault if the mili-
20 tary instructor exercised any supervisory au-
21 thority over the member during such training;
22 and

23 “(B) shall be punished as a court-martial
24 may direct.

25 “(2) ENHANCED ABUSIVE SEXUAL CONTACT
26 PROHIBITION.—A military instructor who commits

1 or causes sexual contact upon or by a member of the
2 armed forces while the member is undergoing basic
3 training (or its equivalent) or within 30 days after
4 completing such training—

5 “(A) is guilty of abusive sexual contact if
6 the military instructor exercised any supervisory
7 authority over the member during such train-
8 ing; and

9 “(B) shall be punished as a court-martial
10 may direct.

11 “(3) COVERED MILITARY INSTRUCTORS.—This
12 subsection applies with respect to the following
13 members of the armed forces otherwise subject to
14 this chapter:

15 “(A) Drill Sergeants in the Army.

16 “(B) Drill Instructors in the Marine
17 Corps.

18 “(C) Recruit Division Commanders in the
19 Navy.

20 “(D) Military Training instructors in the
21 Air Force.

22 “(E) Company Commanders in the Coast
23 Guard.

24 “(F) Such other members of the armed
25 forces as the Secretary concerned may des-

1 ignite as having supervisory authority over new
2 recruits undergoing basic training (or its equiv-
3 alent).

4 “(4) CONSENT.—Lack of consent is not an ele-
5 ment and need not be proven in any prosecution
6 under this subsection. Consent is not a defense for
7 any conduct in issue in any prosecution under this
8 subsection.”.

9 (b) CROSS REFERENCES TO DEFINITIONS.—Chapter
10 47 of title 10, United States Code (the Uniform Code of
11 Military Justice) is amended—

12 (1) in section 920b(h)(1) (article 120b(h)(1)),
13 by striking “section 920(g) of this title (article
14 120(g))” and inserting “section 920 of this title (ar-
15 ticle 120)”; and

16 (2) in section 920c(d)(1) (article 120c(d)(1)),
17 by striking “section 920(g) of this title (article
18 120(g))” and inserting “section 920 of this title
19 (article 120))”.

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