

109TH CONGRESS
1ST SESSION

H. R. 2054

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

MAY 3, 2005

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

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 2005”.

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) constitutes a disorder and neglect to
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

1 (C) in the case of a commissioned officer,
2 cadet, or midshipman, constitutes conduct un-
3 becoming an officer and a gentleman.

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