

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**54**

**OFFERED BY MS. KUSTER OF NEW HAMPSHIRE**

At the end of subtitle D of title V, add the following new section:

1 **SEC. 5\_\_\_ . REVIEW AND REPORT ON THE DEFINITION OF**  
2 **CONSENT FOR PURPOSES OF THE OFFENSES**  
3 **OF RAPE AND SEXUAL ASSAULT UNDER THE**  
4 **UNIFORM CODE OF MILITARY JUSTICE.**

5 (a) EVALUATION AND REVIEW.—Not later than 30  
6 days after the date of the enactment of this Act, the Joint  
7 Service Committee on Military Justice shall commission  
8 a comprehensive evaluation and review of the definition  
9 of consent, as set forth in section 920(g)(7) of title 10,  
10 United States Code (article 120(g)(7) of the Uniform  
11 Code of Military Justice).

12 (b) ELEMENTS.—The review and evaluation con-  
13 ducted under subsection (a) shall assess how the definition  
14 of consent set forth in section 920(g)(7) of title 10, United  
15 States Code (article 120(g)(7) of the Uniform Code of  
16 Military Justice) can be—

17 (1) expanded to require knowledgeable and in-  
18 formed agreement, freely entered into, without any

1       malicious factors or influences such as force, coer-  
2       cion, fear, fraud or false identity, or exploitation of  
3       a person's incapacity;

4               (2) enhanced through consultation with other  
5       recognized standards for the definition of such term;  
6       and

7               (3) clarified to state clearly that—

8                       (A) the circumstances surrounding an inci-  
9       dent of sexual contact are irrelevant when mali-  
10      cious factors induced compliance;

11                      (B) consent for a sexual act does not con-  
12      stitute consent for all sexual acts; and

13                      (C) consent is revocable by either party  
14      during sexual conduct.

15      (c) REPORT.—Not later than 180 days after the com-  
16      mencement of the evaluation and review under subsection  
17      (a), the Joint Service Committee on Military Justice shall  
18      submit to the congressional defense committees a report  
19      on the results of the evaluation and review.

