

**AMENDMENT TO  
RULES COMMITTEE PRINT 116-19  
OFFERED BY MR. TURNER OF OHIO**

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

1 **SEC. 5\_\_\_ . PUNITIVE ARTICLE IN THE UNIFORM CODE OF**  
2 **MILITARY JUSTICE ON SEXUAL HARASSMENT**  
3 **AFFECTING THE DUTIES, WORK, OR CAREER**  
4 **OF A MEMBER OF THE ARMED FORCES.**

5 (a) IN GENERAL.—Subchapter X of chapter 47 of  
6 title 10, United States Code (the Uniform Code of Military  
7 Justice), is amended by inserting after section 920c (arti-  
8 cle 120c) the following new section (article):

9 **“§ 920d. Art. 120d. sexual harassment affecting the**  
10 **duties, work, or career of a member of**  
11 **the armed forces**

12 “(a) IN GENERAL.—Any person subject to this chap-  
13 ter who, under any condition specified in subsection (b),  
14 commits sexual harassment of a member of an armed  
15 force shall be punished as a court-martial may direct.

16 “(b) CONDITIONS SPECIFIED.—The conditions re-  
17 ferred to in subsection (a) are any of the following:

1           “(1) The accused, implicitly or explicitly, com-  
2           municates to the member that submission by the  
3           member to the harassment is necessary—

4                   “(A) to prevent adverse effects on the as-  
5                   signment, advancement, duties, or working con-  
6                   ditions of the member; or

7                   “(B) to assure positive effects on the as-  
8                   signment, advancement, duties, or working con-  
9                   ditions of the member.

10           “(2) The accused, because of any response (by  
11           submission, rejection, or otherwise) of the member  
12           to the harassment, takes any action to affect, posi-  
13           tively or negatively, the assignment, advancement,  
14           duties, or working conditions of the member.

15           “(3) The purpose of the harassment is to create  
16           an intimidating, hostile, or offensive work environ-  
17           ment for the member or the harassment is carried  
18           out in a manner that would cause a reasonable per-  
19           son to perceive that the work environment is intimi-  
20           dating, hostile, or offensive.

21           “(4) The purpose of the harassment is to inter-  
22           fere with the duties or work performance of the  
23           member or the harassment is carried out in a man-  
24           ner that would interfere with the duties or work per-  
25           formance of a reasonable person.

1           “(c) MILITARY CONNECTION.—Sexual harassment  
2 under subsection (a) are offenses—

3                   “(1) if committed in any circumstance with a  
4 connection to the military status of the member in-  
5 volved; and

6                   “(2) whether or not the conduct takes place  
7 during official duty hours or at an official duty sta-  
8 tion or place of work.

9           “(d) SEXUAL HARASSMENT DEFINED.—In this sec-  
10 tion (article), the term ‘sexual harassment’ means, with  
11 respect to a member of an armed force, any unwelcome—

12                   “(1) sexual advance;

13                   “(2) request for sexual favors;

14                   “(3) comment of a sexual nature; or

15                   “(4) gesture of a sexual nature”

16           (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of subchapter X of chapter 47 of title  
18 10, United States Code (the Uniform Code of Military  
19 Justice), is amended by inserting after the item relating  
20 to section 920c (article 120c) the following new item:

“920d. Art. 120d. Sexual harassment affecting the duties, work, or career of  
a member of the armed forces”.

