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:

SEC. 5. PUNITIVE ARTICLE IN THE UNIFORM CODE OF MILITARY JUSTICE ON SEXUAL HARASSMENT AFFECTING THE DUTIES, WORK, OR CAREER OF A MEMBER OF THE ARMED FORCES.

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

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

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

“(b) CONDITIONS SPECIFIED.—The conditions referred to in subsection (a) are any of the following:
“(1) The accused, implicitly or explicitly, communicates to the member that submission by the member to the harassment is necessary—

“(A) to prevent adverse effects on the assignment, advancement, duties, or working conditions of the member; or

“(B) to assure positive effects on the assignment, advancement, duties, or working conditions of the member.

“(2) The accused, because of any response (by submission, rejection, or otherwise) of the member to the harassment, takes any action to affect, positively or negatively, the assignment, advancement, duties, or working conditions of the member.

“(3) The purpose of the harassment is to create an intimidating, hostile, or offensive work environment for the member or the harassment is carried out in a manner that would cause a reasonable person to perceive that the work environment is intimidating, hostile, or offensive.

“(4) The purpose of the harassment is to interfere with the duties or work performance of the member or the harassment is carried out in a manner that would interfere with the duties or work performance of a reasonable person.
“(c) MILITARY CONNECTION.—Sexual harassment under subsection (a) are offenses—

“(1) if committed in any circumstance with a connection to the military status of the member involved; and

“(2) whether or not the conduct takes place during official duty hours or at an official duty station or place of work.

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

“(1) sexual advance;

“(2) request for sexual favors;

“(3) comment of a sexual nature; or

“(4) gesture of a sexual nature”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating 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”