

**AMENDMENT TO H.R. 4310, AS REPORTED
OFFERED BY MS. SPEIER OF CALIFORNIA**

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

1 **SEC. 5___ . TREATMENT OF NEW OFFENSES OF RAPE**
2 **UNDER UNIFORM CODE OF MILITARY JUS-**
3 **TICE.**

4 (a) SENTENCING GUIDELINES.—The offenses of rape
5 established by subsection (a) of section 920 of title 10,
6 United States Code, and subsection (a) of section 920b
7 of such title (articles 120 and 120b of the Uniform Code
8 of Military Justice), as amended by section 541 of the Na-
9 tional Defense Authorization Act for Fiscal Year 2012
10 (Public Law 112–81; 125 Stat. 1404), shall be subject to
11 advisory sentencing guidelines derived from Federal sen-
12 tencing guidelines.

13 (b) DISCRETION OF JUDGE.—The military judge in
14 a general or special court-martial involving an offense de-
15 scribed in subsection (a) shall have sole discretion in ren-
16 dering punishment of the offense.

17 (c) RECONCILING DEFINITIONAL DIFFERENCES IN
18 FEDERAL CRIMINAL LAW AND UCMJ DEFINITIONS OF
19 RAPE.—No later than 180 days after the date of the en-

1 actment of this Act, the Secretary of Defense shall deter-
2 mine and provide written guidance on reconciling dif-
3 ferences in the definition of rape contained in Federal
4 criminal law and the provisions of law specified in sub-
5 section (a).

