

112TH CONGRESS  
2D SESSION

# H. R. 5344

To prevent and respond to hazing incidents involving members of the Armed Forces, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2012

Ms. CHU (for herself, Mr. CUMMINGS, and Mr. HONDA) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To prevent and respond to hazing incidents involving members of the Armed Forces, and for other purposes.

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. COMPREHENSIVE ARMED FORCES POLICY ON**  
4 **PREVENTION AND RESPONSE TO HAZING IN-**  
5 **VOLVING MEMBERS OF THE ARMED FORCES.**

6 (a) HAZING DEFINED.—The Secretary of Defense, in  
7 consultation with the Secretaries of the military depart-  
8 ments and the Secretary of Homeland Security (with re-  
9 spect to the Coast Guard), shall assess and develop a uni-  
10 form definition of hazing applicable to members of the

1 Armed Forces for inclusion in the Uniform Code of Mili-  
2 tary Justice. The Secretary of Defense shall submit the  
3 definition to the designated congressional committees not  
4 later than 90 days after the date of the enactment of this  
5 Act. It is the sense of Congress that the definition should  
6 cover, at a minimum, any situation in which a member  
7 of the Armed Forces suffers, or is exposed to, any cruelty,  
8 indignity, humiliation, hardship, harm, harassment, or op-  
9 pression, or the deprivation or abridgement of any right  
10 by another member of the Armed Forces.

11 (b) COMPREHENSIVE ARMED FORCES POLICY RE-  
12 QUIRED.—

13 (1) POLICY REQUIRED.—Not later than one  
14 year after the date of the enactment of this Act, the  
15 Secretary of Defense, in consultation with the Secre-  
16 taries of the military departments and the Secretary  
17 of Homeland Security, shall develop and implement  
18 a comprehensive policy on the prevention of and re-  
19 sponse to hazing involving members of the Armed  
20 Forces.

21 (2) CONSIDERATION OF RECOMMENDATIONS.—  
22 In developing this policy, the Secretaries shall con-  
23 sider the recommendations made and findings of the  
24 Inspectors General of the Department of Defense  
25 and the Department of Homeland Security in re-

1 ports investigating hazing involving members of the  
2 Armed Forces and the recommendations of the  
3 Comptroller General of the United States under sub-  
4 section (e).

5 (3) USE OF DEFINITION.—The policy shall re-  
6 flect the comprehensive definition of hazing deter-  
7 mined pursuant to subsection (a).

8 (c) INFORMATION DATABASE ON HAZING INCI-  
9 DENTS.—

10 (1) DATABASE REQUIRED.—The Secretary of  
11 Defense and the Secretary of Homeland Security  
12 shall develop and implement a centralized, case-level  
13 database for the collection and maintenance of infor-  
14 mation regarding hazing involving a member of the  
15 Armed Services, including hazing incidents occurring  
16 at officer candidate schools, military academies, mili-  
17 tary academy preparatory schools, and basic training  
18 and professional schools for enlisted members. The  
19 collection and maintenance of information in the  
20 database shall be conducted in a manner consistent  
21 with Department of Defense and the Department of  
22 Homeland Security regulations for restricted report-  
23 ing.

1           (2) SCOPE OF DATABASE.—The database shall  
2 provide the following information with respect to  
3 each Armed Force:

4           (A) Description of each hazing complaint.

5           (B) Substantiated incidents of hazing.

6           (C) The nature and date of the hazing.

7           (D) The victim, including race, gender,  
8 and rank.

9           (E) The alleged offender, including race,  
10 gender, and rank.

11           (F) The branch and division in which the  
12 hazing incident occurred, along with whether it  
13 took place during a contingency operation.

14           (G) Actions taken to resolve hazing, in-  
15 cluding disciplinary action, transfer of an of-  
16 fender as a result or related to the offense, and  
17 training, policy, and internal guideline changes  
18 to address hazing.

19           (H) The outcome of any legal proceedings  
20 in connection with the hazing.

21           (3) IMPLEMENTATION.—

22           (A) PLAN FOR IMPLEMENTATION.—Not  
23 later than 90 days after the date of the enact-  
24 ment of this Act, the Secretary of Defense and  
25 the Secretary of Homeland Security shall sub-

1           mit to the designated congressional committees  
2           a plan to provide for the implementation of the  
3           database.

4           (B) RELATION TO DEFENSE INCIDENT-  
5           BASED REPORTING SYSTEM.—Not later than  
6           180 days after the date of the enactment of this  
7           Act, the Secretary of Defense shall submit to  
8           the designated congressional committees a re-  
9           port containing—

10                   (i) a description of the current status  
11                   of the Defense Incident-Based Reporting  
12                   System; and

13                   (ii) an explanation of how the Defense  
14                   Incident-Based Reporting System will re-  
15                   late to the database.

16           (C) COMPLETION.—Not later than 15  
17           months after the date of the enactment of this  
18           Act, the Secretary of Defense and the Secretary  
19           of Homeland Security shall complete implemen-  
20           tation of the database.

21           (d) ANNUAL REPORTING REQUIREMENT.—

22                   (1) IN GENERAL.—The database required by  
23                   subsection (c) shall be used to develop and imple-  
24                   ment an annual congressional report.

1           (2) REPORTS REQUIRED.—Not later than Janu-  
2           ary 15 of each year, the Secretary of Defense and  
3           the Secretary of Homeland Security shall submit to  
4           the designated congressional committees a report on  
5           the hazing incidents involving members of the  
6           Armed Forces during the preceding year.

7           (3) ELEMENTS.—Each report shall include the  
8           following:

9                   (A) An assessment by the Secretaries of  
10                  the implementation during the preceding year  
11                  of the policies and procedures of each Armed  
12                  Force on the prevention of and response to haz-  
13                  ing involving members of the Armed Forces in  
14                  order to determine the effectiveness of such  
15                  policies and procedures.

16                   (B) Data on the number of alleged and  
17                  substantiated hazing incidents within each  
18                  Armed Force that occurred that year, including  
19                  the race, gender and Armed Force of the victim  
20                  and offender, the nature of the hazing, and ac-  
21                  tions taken to resolve and address the hazing.

22           (e) COMPTROLLER GENERAL REPORT.—

23                   (1) REPORT REQUIRED.—Not later than one  
24                  year after the date of enactment of this Act, the  
25                  Comptroller General of the United States shall sub-

1       mit to the designated congressional committees a re-  
2       port on the policies to prevent hazing and systems  
3       initiated to track incidents of hazing in each of the  
4       Armed Forces, including officer cadet schools, mili-  
5       tary academies, military academy preparatory  
6       schools, and basic training and professional schools  
7       for enlisted members.

8               (2) ELEMENTS.—The report required by para-  
9       graph (1) shall include the following:

10               (A) An evaluation of the definition of haz-  
11       ing developed under subsection (a).

12               (B) A description of the criteria used, and  
13       the methods implemented, in the systems to  
14       track incidents of hazing in the Armed Forces.

15               (C) An assessment of the following:

16                       (i) The scope of hazing in each Armed  
17       Force.

18                       (ii) The policies in place and the  
19       training on hazing provided to members  
20       throughout the course of their careers for  
21       each Armed Force.

22                       (iii) The actions taken to mitigate  
23       hazing incidents in each Armed Force.

24                       (iv) The effectiveness of the training  
25       and policies in place regarding hazing.

1                   (v) The number of alleged and sub-  
2                   stantiated incidents of hazing over the last  
3                   five years for each Armed Force, the na-  
4                   ture of these cases and actions taken to  
5                   address such matters through non-judicial  
6                   and judicial action.

7                   (D) An evaluation of the additional ac-  
8                   tions, if any, the Secretary of Defense and the  
9                   Secretary of Homeland Security propose to take  
10                  to further address the incidence of hazing in  
11                  the Armed Forces.

12                  (E) Such recommendations as the Comp-  
13                  troller General considers appropriate for im-  
14                  proving hazing prevention programs, policies,  
15                  and other actions taken to address hazing with-  
16                  in the Armed Forces.

17                  (f) DESIGNATED CONGRESSIONAL COMMITTEES DE-  
18                  FINED.—In this section, the term “designated congres-  
19                  sional committees” means—

20                   (1) the Committee on Armed Services, the  
21                   Committee on Oversight and Government Reform,  
22                   and the Committee on Commerce, Science and  
23                   Transportation of the Senate; and

24                   (2) the Committee on Armed Services, the  
25                   Committee on Oversight and Government Reform,



1 and the Committee on Transportation and Infra-  
2 structure of the House of Representatives.

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