

CANCEL PRINT PREVIEW PRINT | FEEDS

MCBUL 5215. REQUIRED CHANGES TO MARINE CORPS DIRECTIVES TO IMPLEMENT THE REPEAL OF TITLE 10, U.S. CODE, SECTION 654, DON'T ASK, DON'T TELL

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SUBJ/MCBUL 5215. REQUIRED CHANGES TO MARINE CORPS DIRECTIVES TO IMPLEMENT THE REPEAL OF TITLE 10, U.S. CODE, SECTION 654, DON'T ASK, DON'T TELL//

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REF/P/DESC:MSG/CMC WASHINGTON DC/070800ZJAN2000//

REF/Q/DESC:MSG/CMC WASHINGTON DC/081015ZMAY2002//

REF/R/DESC:MSG/CMC WASHINGTON DC/220745ZAUG2002//

REF/S/DESC:DOC/CMC WASHINGTON DC/22APR2011//

NARR/REF A IS TITLE 10, U.S.C., SECTION 654 ("DON'T ASK, DON'T TELL"). REF B IS MCO P1100.72C, MILITARY PERSONNEL PROCUREMENT MANUAL, VOLUME 2, ENLISTED PROCUREMENT. REF C IS MCO P1100.75C, PERSONNEL PROCUREMENT MILITARY ENTRANCE PROCESSING STATION. REF D IS MCO 1040.31, ENLISTED RETENTION AND CAREER DEVELOPMENT PROGRAM. REF E IS MCO 1130.80A, PRIOR SERVICE AND RESERVE AUGMENTATION ENLISTMENTS INTO THE REGULAR MARINE CORPS. REF F IS NAVMC DIRECTIVE 5040.6H, MARINE CORPS READINESS INSPECTIONS AND ASSESSMENTS. REF G IS MCO 1752.5A, SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM. REF H IS MCO P1900.16F, MARINE CORPS SEPARATION AND RETIREMENT MANUAL. REF I IS MCO 7220R.38C, SELECTED RESERVE INCENTIVE PROGRAM. REF J IS MCO 1040R.35, RESERVE CAREER RETENTION AND DEVELOPMENT MANUAL. REF K IS MCO 5530.14A, MARINE CORPS PHYSICAL SECURITY PROGRAM MANUAL. REF L IS MCO 30000.19A, U.S. MARINE CORPS TOTAL FORCE MOBILIZATION, ACTIVATION, INTEGRATION, AND DEACTIVATION PLAN. REF M IS MCO P1400.32D, MARINE CORPS PROMOTION MANUAL, VOLUME 2, ENLISTED PROMOTIONS. REF N IS THE MARINE CORPS MANUAL. REF O IS NAVMC DIRECTIVE 3500.18A, MARINE CORPS COMMON SKILLS (VOLUME 1) TRAINING AND READINESS MANUAL. REF P IS MARADMIN 014/00, HOMOSEXUAL CONDUCT POLICY. REF Q IS MARADMIN 259/02, HOMOSEXUAL CONDUCT POLICY. REF R IS MARADMIN 451/02, HOMOSEXUAL CONDUCT POLICY TASKS AND RESPONSIBILITIES. REF S IS MCBUL 1900, DEPARTMENT OF DEFENSE AMENDMENTS TO POLICY ON SEPARATION FOR HOMOSEXUAL MISCONDUCT.//

POC/-/-/UNIT:MPO/-/TEL:DSN 278-9386//

GENTEXT/REMARKS/1. EFFECTIVE THIS DATE, 20 SEP 2011, REF A IS REPEALED. MARINES AND SAILORS ARE REMINDED OF THE TRAINING THEY HAVE RECEIVED SINCE EARLY THIS SPRING; MOST IMPORTANTLY THAT ALL MARINES AND SAILORS WILL CONTINUE TO BE TREATED WITH DIGNITY AND RESPECT.

2. TO FACILITATE THIS CHANGE IN LAW, THE FOLLOWING CHANGES TO MARINE CORPS DIRECTIVES CONTAINED IN REFS B THROUGH O ARE DIRECTED AND ARE EFFECTIVE IMMEDIATELY.

A. REF B (MILITARY PERSONNEL PROCUREMENT MANUAL)

(1) PAGE 3-4, DELETE THE LINE IN THE TABLE OF CONTENTS: "3-12 OFFICIAL DOD POLICY CONCERNING HOMOSEXUAL CONDUCT... 3-161".

(2) PAGE 3-80, PARA 3.B.1.A REPLACE THE WORDS: "APPLICANT WILL NOT BE ASKED OR REQUIRED TO REVEAL WHETHER THEY ARE HETEROSEXUAL, HOMOSEXUAL OR BISEXUAL..." WITH "SEXUAL ORIENTATION WILL CONTINUE TO BE A PERSONAL AND PRIVATE MATTER. APPLICANTS FOR ENLISTMENT OR APPOINTMENT MAY NOT BE ASKED, OR BE REQUIRED TO REVEAL, THEIR SEXUAL ORIENTATION. ALL APPLICANTS, REGARDLESS OF ANY STATEMENTS WITH REGARD TO SEXUAL ORIENTATION OR CONDUCT, WILL BE TREATED SIMILARLY".

(3) PAGE 3-134, DELETE "76 HOMOSEXUALITY" UNDER INTER-SERVICE SEPARATION AND REENLISTMENT ELIGIBILITY CODES; 6-8 FAILURE TO MEET MINIMUM BEHAVIORAL OR PERFORMANCE CRITERIA.

(4) PAGE 3-144, DELETE NOTE 17 IN TABLE 3-16 IN ITS ENTIRETY.

(5) DELETE PAGES 3-161 THROUGH 3-166.

(6) PAGE 4-34, DELETE PARAGRAPH 4211.5.B: "EXPLAIN THE DOD SEPARATION POLICY CONCERNING HOMOSEXUAL CONDUCT." RELETTER SUBSEQUENT PARAGRAPHS.

- (7) PAGE 4-70, DELETE THE PARENTHETICAL "(HOMOSEXUAL CONDUCT POLICY)" IN PARAGRAPH 1.4.3 MARINE CORPS POLICY ON DISCRIMINATION AND SEXUAL HARASSMENT - ARTICLE 137, UNIFORM CODE OF MILITARY JUSTICE (HOMOSEXUAL CONDUCT POLICY).
- (8) PAGE 5, DELETE THE LINE OF THE INDEX: "HOMOSEXUAL ACCESSION POLICY...3-161".
- B. REF C (PERSONNEL PROCUREMENT MILITARY ENTRANCE PROCESSING STATION). PAGES 32-33, DELETE SECTION 9-21 "PROVISIONS RELATED TO HOMOSEXUAL CONDUCT" IN ITS ENTIRETY.
- C. REF D (ENLISTED RETENTION AND CAREER DEVELOPMENT PROGRAM)
- (1) PAGE 6-7, DELETE LINE: "(C) ALSO, THE FOLLOWING STATEMENT IS REQUIRED: I HAVE BEEN BRIEFED AND UNDERSTAND MARADMIN 259/02, HOMOSEXUAL CONDUCT POLICY." RELETTER SUBSEQUENT PARAGRAPHS.
- (2) PAGE 6-17, DELETE LINE IN CONTRACT: "I HAVE BEEN BRIEFED AND UNDERSTAND MARADMIN 259/02, HOMOSEXUAL CONDUCT POLICY".
- D. REF E (PRIOR SERVICE RESERVE AUGMENTATION ENLISTMENTS INTO THE REGULAR MARINE CORPS). ENCLOSURE 1, PAGE 1, PARAGRAPH 1: ADD THE FOLLOWING NEW SUBPARAGRAPH D: "D. FORMER SERVICE MEMBERS WHO WERE DISCHARGED SOLELY UNDER U.S.C. SECTION 654 AND WERE ASSIGNED AN RE CODE OF RE-4, WILL BE PROCESSED AS ANY OTHER RE-ACCESSION UNDER MARINE CORPS POLICIES. THEY WILL BE EVALUATED ACCORDING TO THE SAME CRITERIA AND SERVICE REQUIREMENTS APPLICABLE TO ALL PRIOR-SERVICE MEMBERS SEEKING RE-ENTRY TO THE MARINE CORPS".
- E. REF F (MARINE CORPS READINESS INSPECTIONS AND ASSESSMENTS). APPENDIX B, PAGE B-1, CHECKLISTS CONTAINED IN THE AUTOMATED INSPECTION REPORTING SYSTEM (AIRS): DELETE FUNCTIONAL AREA "030 HOMOSEXUAL CONDUCT... MPO-40".
- F. REF G (SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM). PAGE A-2, PARAGRAPH 8, DELETE "OF THE OPPOSITE SEX" IN THE DEFINITION OF DOMESTIC ABUSE.
- G. REF H (MARINE CORPS SEPARATION AND RETIREMENT MANUAL)
- (1) CHAPTER 1
- (A) PAGE 1-4, DELETE DEFINITION "8. BISEXUAL" IN ITS ENTIRETY.
- (B) PAGE 1-6, DELETE DEFINITION "25. HOMOSEXUAL" IN ITS ENTIRETY.
- (C) PAGE 1-6, DELETE DEFINITION "26. HOMOSEXUAL ACTS" IN ITS ENTIRETY.
- (D) PAGE 1-6, DELETE DEFINITION "27. HOMOSEXUAL CONDUCT" IN ITS ENTIRETY.
- (E) PAGE 1-6, DELETE DEFINITION "28. HOMOSEXUAL MARRIAGE OR ATTEMPTED MARRIAGE" IN ITS ENTIRETY.
- (F) PAGE 1-7, DELETE DEFINITION "42. PROPENSITY" IN ITS ENTIRETY.
- (G) PAGE 1-8, DELETE DEFINITION "54. SEXUAL ORIENTATION" IN ITS ENTIRETY.
- (H) PAGE 1-8, DELETE DEFINITION "B. SODOMY" IN PARAGRAPH 55 SEXUAL PERVERSION.
- (I) PAGE 1-9, DELETE DEFINITION "56. STATEMENT THAT A MEMBER IS A HOMOSEXUAL OR BISEXUAL" IN ITS ENTIRETY.
- (J) PAGE 1-13, PARAGRAPH 1004.5.A.1.(A), DELETE "OR HOMOSEXUAL CONDUCT".
- (K) PAGE 1-37, PARAGRAPH 1101.5.B(2), DELETE "HOMOSEXUAL CONDUCT".
- (L) PAGE 1-37, PARAGRAPH 1101.5.B.(4)(A), DELETE "HOMOSEXUAL CONDUCT".
- (M) PAGE 1-51, PARAGRAPH 1308.A.(3), DELETE "HOMOSEXUAL CONDUCT NOT INVOLVING AGGRAVATING FACTORS LISTED IN PARAGRAPH 6207.5." RE-NUMBER SUBSEQUENT SUBPARAGRAPHS.
- (N) PAGE 1-52, PARAGRAPH 1309.L, DELETE "OR HOMOSEXUAL CONDUCT THAT INVOLVES AGGRAVATING FACTORS LISTED IN PARAGRAPH 6207".
- (2) CHAPTER 4. PAGES 4-4 THRU 4-10, DELETE PARAGRAPH 4103.3 "HOMOSEXUAL CONDUCT" IN ITS ENTIRETY.
- (3) CHAPTER 6
- (A) PAGE 6-1, TABLE OF CONTENTS, DELETE "HOMOSEXUAL CONDUCT... 6207 6-23".
- (B) PAGE 6-5, DELETE DEFINITION "2. BISEXUAL" IN ITS ENTIRETY.
- (C) PAGE 6-6, DELETE DEFINITION "9. HOMOSEXUAL" IN ITS ENTIRETY.
- (D) PAGE 6-6, DELETE DEFINITION "10. HOMOSEXUAL ACTS" IN ITS ENTIRETY.
- (E) PAGE 6-6, DELETE DEFINITION "11. HOMOSEXUAL CONDUCT" IN ITS ENTIRETY.
- (F) PAGE 6-6, DELETE DEFINITION "12. HOMOSEXUAL MARRIAGE OR ATTEMPTED MARRIAGE" IN ITS ENTIRETY.
- (G) PAGE 6-7, DELETE DEFINITION "14. PROPENSITY" IN ITS ENTIRETY.
- (H) PAGE 6-7, DELETE DEFINITION "20. SEXUAL ORIENTATION" IN ITS ENTIRETY.
- (I) PAGE 6-7, DELETE DEFINITION "C. SODOMY" IN PARAGRAPH 21 SEXUAL PERVERSION.
- (J) PAGE 6-8, DELETE DEFINITION "22. STATEMENT THAT A MEMBER IS A HOMOSEXUAL OR BISEXUAL" IN ITS ENTIRETY.
- (K) PAGE 6-14, PARAGRAPH 6106.4.B, DELETE "HOMOSEXUAL CONDUCT".
- (L) PAGE 6-15, PARAGRAPH 6108.2, DELETE ENTIRE PARAGRAPH.
- (M) PAGE 6-21, PARAGRAPH 6204.3.D, DELETE THE SENTENCE, "IF THE MATERIAL MISREPRESENTATION INCLUDED PRESERVICE HOMOSEXUAL CONDUCT, THE PROCEDURES IN PARAGRAPH 6207 SHALL BE APPLIED".
- (N) PAGE 6-23 THRU PAGE 6-30, PARAGRAPH 6207, DELETE ENTIRE PARAGRAPH.
- (O) PAGE 6-31, PARAGRAPH 6210.1.A, DELETE ENTIRE PARAGRAPH. RELETTER SUBSEQUENT SUBPARAGRAPHS.
- (P) PAGE 6-39, TABLE 6-1, DELETE "PAR. 6207, HOMOSEXUAL CONDUCT" AND CORRESPONDING NOTES.
- (Q) PAGE 6-57, PARAGRAPH 6310.1.A, DELETE "HOMOSEXUAL CONDUCT".
- (R) PAGE 6-58, PARAGRAPH 6311.3, DELETE "HOMOSEXUAL CONDUCT".
- (S) PAGE 6-61, TABLE 6-2, DELETE "HOMOSEXUAL CONDUCT" AND THE CORRESPONDING NOTES.
- (T) PAGE 6-72, PARAGRAPH 6319.5.D, DELETE "HOMOSEXUAL CONDUCT".
- (U) PAGE 6-86, PARAGRAPH 6401.5.A.(1), DELETE "HOMOSEXUAL CONDUCT".
- (4) APPENDIX A
- (A) PAGE A-2, PARAGRAPH 1105 - COURT-MARTIAL, DELETE "INVOLUNTARY DISCHARGE - (HOMOSEXUAL)".
- (B) PAGE A-5, PARAGRAPH 6204.3 - FRAUDULENT ENTRY INTO MILITARY SERVICE, DELETE "INVOLUNTARY DISCHARGE - HOMOSEXUAL ACT, ADMISSION OR MARRIAGE (NO BOARD)".
- (C) PAGE A-5, PARAGRAPH 6207, DELETE ENTIRE SECTION.

- (5) APPENDIX K, PAGE K-5, FOOTNOTE (9), DELETE "OR (5) FOR HOMOSEXUAL ACTS, INVOLVING AGGRAVATING CIRCUMSTANCES"
- (6) APPENDIX L
- (A) FIGURE L-6
1. PAGE L-11, DELETE "3. NOTE THAT SECTION VII GOVERNS HOMOSEXUAL CONDUCT CASES." RENUMBER SUBSEQUENT SUBPARAGRAPH.
 2. PAGE L-15 THRU L-16, SECTION VII, DELETE ENTIRE SECTION.
 3. PAGE L-21, SECTION XV: SPECIAL INSTRUCTIONS, DELETE THE THIRD PARAGRAPH AND SUBPARAGRAPHS 1-3 "SRMBR".
- (B) FIGURE L-8
1. PAGE L-24, DELETE "THE SENIOR MEMBER ADVISED THE BOARD OF THE SPECIAL RULES FOR CASES INVOLVING HOMOSEXUAL CONDUCT, INCLUDING REFERENCE TO CONGRESSIONAL FINDINGS".
 2. PAGE L-26, DELETE "(ADD IF APPLICABLE. THE SENIOR MEMBER ADVISED THE BOARD OF THE SPECIAL RULES FOR CASES INVOLVING HOMOSEXUAL CONDUCT.)".
- (C) PAGE L-30 THRU L-32, FIGURE L-10. DELETE ENTIRE SECTION.
- (7) INDEX
- (A) PAGE INDEX-1, DELETE "HOMOSEXUAL CONDUCT...6207".
- (B) PAGE INDEX-5, DELETE "HOMOSEXUALS, SEPARATION, ENLISTED...6207 AND OFFICERS...4103.3".
- (C) PAGE INDEX-6, DELETE "HOMOSEXUAL...6207".
- H. REF I (SELECTED RESERVE INCENTIVE PROGRAM). PAGE 12, PARAGRAPH 14A(2), DELETE "UNDER THE PROVISIONS OF REFERENCE (B) RECOUPMENT IS NOT AUTHORIZED IF A MEMBER IS INVOLUNTARILY SEPARATED FROM THE SMCR FOR HOMOSEXUAL CONDUCT UNLESS A SPECIFIC WRITTEN FINDING IS MADE BY AN ADMINISTRATIVE BOARD (OR, IN THE CASE WHERE THE BOARD IS WAIVED, BY THE SEPARATION AUTHORITY) THAT, DURING THE CURRENT TERM OF THE SERVICE, THE MEMBER ENGAGED IN HOMOSEXUAL CONDUCT THAT CONSTITUTES A BASIS FOR RECOUPMENT."
- I. REF J (RESERVE CAREER RETENTION AND DEVELOPMENT MANUAL)
- (1) PAGE 5-20, PARAGRAPH 4.A.3, DELETE ENTIRE PARAGRAPH "I HAVE BEEN BRIEFED AND UNDERSTAND THE HOMOSEXUAL CONDUCT POLICY, PER (CITE CURRENT DIRECTIVES ON HOMOSEXUAL CONDUCT)." RENUMBER SUBSEQUENT SUBPARAGRAPH.
 - (2) PAGE A-3, DELETE "MARADMIN 259/02 HOMOSEXUAL CONDUCT POLICY" AS A DIRECTIVE PERTINENT TO CAREER RETENTION.
- J. REF K (MARINE CORPS PHYSICAL SECURITY PROGRAM MANUAL)
- (1) PAGE N-5, REPLACE PARAGRAPH 11.A.8 "8) SEX OFFENSES. VIOLATIONS OF ART. 120C(2), ART. 125 AND SEX RELATED CRIMES OF ART. 134." WITH "8) SEX OFFENSES. VIOLATION OF ART. 120C (2), ART 125 (I.E. NON-CONSENSUAL SODOMY OR SODOMY THAT IS PREJUDICIAL TO GOOD ORDER AND DISCIPLINE LIKE FRATERNIZATION) AND SEX RELATED CRIMES OF ART. 134".
 - (2) PAGE N-6 AND N-7, PARAGRAPH 11.C.24, DELETE THE ENTIRE PARAGRAPH. RENUMBER SUBSEQUENT SUBPARAGRAPHS.
- K. REF L (USMC TOTAL FORCE MOBILIZATION, ACTIVATION, INTEGRATION, AND DEACTIVATION PLAN)
- (1) PAGE A-12-6, PARAGRAPH 2.D.4, DELETE THE WORDS, "OR HOMOSEXUAL".
 - (2) PAGE A-12-7, PARAGRAPH 2.D.5, DELETE THE WORDS, "OR HOMOSEXUAL".
- L. REF M (MARINE CORPS PROMOTION MANUAL, VOLUME 2, ENLISTED PROMOTIONS). PAGE 1-18, PARAGRAPH "U", DELETE THE WORDS "HOMOSEXUAL CONDUCT".
- M. REF N (MARINE CORPS MANUAL)
- (1) PAGE 2-26, PARAGRAPH 2603.2.A.5, REMOVE "OR HOMOSEXUAL".
 - (2) PAGE 2-26, PARAGRAPH 2603.2.A.8, REMOVE "OR HOMOSEXUAL ACTS".
 - (3) PAGE 2-26, PARAGRAPH 2603.2.B.2, REMOVE "OR HOMOSEXUAL ACTS".
- N. REF O (MARINE CORPS COMMON SKILLS (VOL 1) TRAINING AND READINESS MANUAL)
- (1) PAGE 4-3, DELETE EVENT CODE "MCCS-VALU-1011, DESCRIBE THE MARINE CORPS POLICY ON HOMOSEXUAL CONDUCT, 4-9".
 - (2) PAGE 4-9, DELETE EVENT "MCCS-VALU-1011, DESCRIBE THE MARINE CORPS POLICY ON HOMOSEXUAL CONDUCT" IN ITS ENTIRETY.
 - (3) PAGE F-1, DELETE EVENT "MCCS-VALU-1011, DESCRIBE THE MARINE CORPS POLICY ON HOMOSEXUAL CONDUCT, 4-9".
3. REFS P, Q, R, AND S ARE CANCELED.
 4. THIS BULLETIN IS APPLICABLE TO THE MARINE CORPS TOTAL FORCE.
 5. THIS BULLETIN IS CANCELED ON 30 SEPTEMBER 2012, OR WHEN THE PRECEDING CHANGES ARE INCORPORATED IN REF (B) THROUGH (O), WHICHEVER COMES FIRST.
 6. RELEASE AUTHORIZED BY LTGEN W. J. WILLIAMS, DIRECTOR, MARINE CORPS STAFF.//