

111TH CONGRESS
2D SESSION

H. R. 5374

To provide for the reimbursement of attorney fees incurred by a member of the Armed Forces who retains private counsel in response to certain charges brought against the member under the Uniform Code of Military Justice and is acquitted or has the charges dismissed or withdrawn.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2010

Ms. GRANGER (for herself, Mr. THORNBERRY, Mr. BURTON of Indiana, Mr. CRENSHAW, Mr. CARTER, Mrs. MYRICK, Mr. KINGSTON, Mr. CULBERSON, Mr. WITTMAN, Mr. NEUGEBAUER, and Mr. OLSON) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for the reimbursement of attorney fees incurred by a member of the Armed Forces who retains private counsel in response to certain charges brought against the member under the Uniform Code of Military Justice and is acquitted or has the charges dismissed or withdrawn.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REIMBURSEMENT OF ATTORNEY FEES OF A**
2 **MEMBER OF THE ARMED FORCES WHO RE-**
3 **TAINS PRIVATE COUNSEL AND HAS CHARGES**
4 **BROUGHT UNDER THE UNIFORM CODE OF**
5 **MILITARY JUSTICE DISMISSED OR WITH-**
6 **DRAWN OR IS ACQUITTED.**

7 (a) REIMBURSEMENT REQUIRED UNDER CERTAIN
8 CIRCUMSTANCES.—Section 827 of title 10, United States
9 Code (article 27 of the Uniform Code of Military Justice),
10 is amended by adding at the end the following new sub-
11 section:

12 “(d)(1) Nothing in this section (article) prohibits an
13 accused from retaining private counsel to serve as defense
14 counsel before a general court-martial or special court-
15 martial.

16 “(2)(A) If the accused retains private counsel to rep-
17 resent the accused in a case described in subparagraph
18 (B) and all of the charges against the accused are dis-
19 missed or withdrawn or the accused is acquitted on all
20 charges (or some combination of dismissed or withdrawn
21 charges and acquittal), the Secretary concerned shall re-
22 imburse the accused for all attorney fees incurred by the
23 accused in the case.

24 “(B) Subparagraph (A) applies with respect to a case
25 against a person subject to this chapter who is accused
26 of any offense in violation of this chapter under cir-

1 cumstances involving the treatment of an insurgent,
2 enemy combatant, detainee, or a suspected or known ter-
3 rorist.

4 “(C) The Secretary concerned shall provide reim-
5 bursement required under this paragraph using funds oth-
6 erwise available to the Secretary to carry out this chap-
7 ter.”.

8 (b) RETROACTIVE APPLICATION OF AMENDMENT.—
9 Paragraph (2) of subsection (d) of section 827 of title 10,
10 United States Code (article 27 of the Uniform Code of
11 Military Justice), as added by subsection (a), applies with
12 respect to any charges brought under the Uniform Code
13 of Military Justice after September 11, 2001, that involve
14 the circumstances described in subparagraph (B) of such
15 paragraph.

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