

114TH CONGRESS
2D SESSION

H. R. 5257

To provide for a career military justice litigation track for judge advocates
in the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2016

Mr. ZINKE (for himself and Mr. DESANTIS) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To provide for a career military justice litigation track for
judge advocates in the Armed Forces.

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. SHORT TITLE.**

4 This Act may be cited as the “Justice for Victims
5 of Military Sexual Assault Act”.

6 **SEC. 2. CAREER MILITARY JUSTICE LITIGATION TRACK**
7 **FOR JUDGE ADVOCATES.**

8 (a) CAREER LITIGATION TRACK REQUIRED.—

9 (1) IN GENERAL.—The Secretary of each mili-
10 tary department shall establish a career military jus-

1 tice litigation track for judge advocates in the
2 Armed Forces under the jurisdiction of the Sec-
3 retary.

4 (2) CONSULTATION.—The Secretary of the
5 Army and the Secretary of the Air Force shall estab-
6 lish the litigation track required by this section in
7 consultation with the Judge Advocate General of the
8 Army and the Judge Advocate General of the Air
9 Force, respectively. The Secretary of the Navy shall
10 establish the litigation track in consultation with the
11 Judge Advocate General of the Navy and the Staff
12 Judge Advocate to the Commandant of the Marine
13 Corps.

14 (b) ELEMENTS.—Each career litigation track under
15 this section shall provide for the following:

16 (1) Assignment and advancement of qualified
17 judge advocates in and through assignments and bil-
18 lets relating to the practice of military justice under
19 chapter 47 of title 10, United States Code (the Uni-
20 form Code of Military Justice).

21 (2) Establishing for each Armed Force the as-
22 signments and billets covered by paragraph (1),
23 which shall include trial counsel, defense counsel,
24 military trial judge, military appellate judge, aca-
25 demic instructor, all positions within criminal law of-

1 fices or divisions of such Armed Force, Special Vic-
2 tims Prosecutor, Victims' Legal Counsel, Special
3 Victims' Counsel, and such other positions as the
4 Secretary of the military department concerned shall
5 specify.

6 (3) For judge advocates participating in such
7 litigation track, mechanisms as follows:

8 (A) To prohibit a judge advocate from
9 more than a total of four years of duty or as-
10 signments outside such litigation track.

11 (B) To prohibit any adverse assessment of
12 a judge advocate so participating by reason of
13 such participation in the promotion of officers
14 through grade O-6 (or such higher grade as the
15 Secretary of the military department concerned
16 shall specify for purposes of such litigation
17 track).

18 (4) Such additional requirements and qualifica-
19 tions for the litigation track as the Secretary of the
20 military department concerned considers appro-
21 priate, including requirements and qualifications
22 that take into account the unique personnel needs
23 and requirement of an Armed Force.

24 (c) IMPLEMENTATION DEADLINE.—Each Secretary
25 of a military department shall implement the career litiga-

1 tion track required by this section for the Armed Forces
2 under the jurisdiction of such Secretary by not later than
3 18 months after the date of the enactment of this Act.

4 (d) REPORT.—Not later than one year after the date
5 of the enactment of this Act, each Secretary of a military
6 department shall submit to the Committees on Armed
7 Services of the Senate and the House of Representatives
8 a report on the progress of such Secretary in imple-
9 menting the career litigation track required under this sec-
10 tion for the Armed Forces under the jurisdiction of such
11 Secretary.

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