

**AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MS. GRANGER OF TEXAS**

At the end of subtitle E of title V, insert the following:

1 **SEC. 547. REIMBURSEMENT OF ATTORNEY FEES OF A MEM-**
2 **BER OF THE ARMED FORCES WHO RETAINS**
3 **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19 missed or withdrawn or the accused is acquitted on all

1 charges (or some combination of dismissed or withdrawn
2 charges and acquittal), the Secretary concerned shall re-
3 imburse the accused for all attorney fees incurred by the
4 accused in the case.

5 “(B) Subparagraph (A) applies with respect to a case
6 against a person subject to this chapter who is accused
7 of any offense in violation of this chapter under cir-
8 cumstances involving the treatment of an insurgent,
9 enemy combatant, detainee, or a suspected or known ter-
10 rorist.

11 “(C) The Secretary concerned shall provide reim-
12 bursement required under this paragraph using funds oth-
13 erwise available to the Secretary to carry out this chap-
14 ter.”.

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

