

**MOTION TO RECOMMIT WITH INSTRUCTIONS**

M\_\_\_\_. \_\_\_\_\_ moves to recommit the bill H.R. 1960 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendment:

At the end of subtitle D of title V, add the following new section:

1 **SEC. 5 \_\_\_\_ . CONVENING AUTHORITY RELIANCE ON OFFICE**  
2 **OF THE CHIEF PROSECUTOR RECOMMENDA-**  
3 **TION TO PROCEED TO TRIAL OF ANY CHARGE**  
4 **INVOLVING SEXUAL ASSAULT OR OTHER SEX-**  
5 **RELATED OFFENSE.**

6 (a) IN GENERAL.—Section 834 of title 10, United  
7 States Code (article 34 of the Uniform Code of Military  
8 Justice) is amended—

9 (1) by redesignating subsection (c) as sub-  
10 section (d); and

11 (2) by inserting after the subsection (b) the fol-  
12 lowing new subsection (c):

13 “(c)(1) In the case of any charge involving sexual as-  
14 sault or other sex-related offense covered by section 920,  
15 920a, 920b, or 920c of this title (article 120, 120a, 120b,  
16 or 120c of the Uniform Code of Military Justice), the con-

1 convening authority shall also refer the charge to the Office  
2 of the Chief Prosecutor of the armed force of which the  
3 accused is a member for additional consideration and ad-  
4 vice unless the victim (or the parent or legal guardian of  
5 the victim if the victim is a minor) of such offense elects  
6 that such charge only be referred to the staff judge advo-  
7 cate pursuant to subsection (a).

8       “(2) If the Office of the Chief Prosecutor is referred  
9 a charge covered by paragraph (1) and recommends that  
10 the charge be referred to trial, the recommendation shall  
11 be binding on the convening authority and the convening  
12 authority shall promptly direct a trial of the charge.”.

13       (b) APPOINTMENT OF CHIEF PROSECUTOR.—For  
14 any Armed Force for which the position of Chief Pros-  
15 ecutor does not exist before the date of the enactment of  
16 this Act, the Judge Advocate General of that Armed Force  
17 shall establish the position of Chief Prosecutor and ap-  
18 point as the Chief Prosecutor a commissioned officer in  
19 the grade of O-6 or above who has significant experience  
20 prosecuting sexual assault trials by court-martial.

