AMENDMENT TO H.R. *** (National Defense Authorization Act for Fiscal Year 2022) Offered by Mr. Gohmert of Texas

At the appropriate place in title V, insert the following new section:

SEC. 5. PREVENTION OF UNDUE INFLUENCE AND CONFLICTS OF INTEREST INVOLVING MILITARY JUDGES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue regulations providing that—

(1) a member of the Armed Forces who served as a military judge may not be assigned to serve as a commander of any individual who was a trial counsel in a matter presided over by that member while serving as a military judge; and

(2) a court-martial convening authority may not rate the performance of a member of the Armed Forces, for purposes of promotion boards, officer evaluation reports, or determining the suitability of the member for subsequent assignments, while that member is serving as a military judge.
(b) MILITARY JUDGE DEFINED.—In this section, the term “military judge” has the meaning given that term in section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice).