

AMENDMENT TO RULES COMMITTEE PRINT 119-8

OFFERED BY MR. CRANE OF ARIZONA

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

1 **SEC. 5 ____ . AUTOMATIC EXPUNGEMENT OF CERTAIN TI-**
2 **TLING AND INDEXING RECORDS.**

3 (a) AUTOMATIC EXPUNGEMENT.—A titling or index-
4 ing record pertaining to a covered person in a covered
5 database shall be expunged automatically 10 years after
6 the date on which such person separates from military
7 service, unless—

8 (1) a finding of guilt by court-martial was made
9 in connection with the conduct to which the record
10 pertains; or

11 (2) the service member is reasonably expected
12 to be prosecuted for such conduct by court-martial
13 or in a civilian court within one year following the
14 expiration of such 10-year period.

15 (b) REVISION TO GUIDANCE.—The Secretary of De-
16 fense shall revise Department of Defense Instruction
17 5505.07 and any other related or successor guidance, as
18 necessary, to implement the requirements of subsection
19 (a).

1 (c) DEFINITIONS.—In this section:

2 (1) The term “covered person” means any indi-
3 vidual subject to the jurisdiction of chapter 47 of
4 title 10, United States Code (the Uniform Code of
5 Military Justice), who is—

6 (A) a current or former civilian employee
7 of the Department of Defense; or

8 (B) a current or former member of the
9 Armed Forces.

10 (2) The term “covered database” means the
11 Department of Defense Central Index of Investiga-
12 tions (DCII) or any equivalent investigatory system
13 under the control of the Department of Defense.

14 (3) The term “titled” or “titling” means the
15 placement of a person’s name in the subject or title
16 block of a criminal investigative report or indexing
17 system, including the DCII.

18 (4) The term “expungement” means the com-
19 plete and permanent removal of any identifying and
20 investigative information pertaining to a covered per-
21 son from all covered investigative databases, includ-
22 ing any retained, archived, hidden, derivative, or
23 “shadow” records. Expungement shall be total, irre-

- 1 versible, and render the record indistinguishable
- 2 from one that never existed.

