

**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:

**1 SEC. 5 ____ . TREATMENT OF CERTAIN RECORDS OF CRIMI-
2 NAL INVESTIGATIONS.**

3 (a) REMOVAL REQUIRED.—The Secretary of De-
4 fense, in consultation with the Secretaries of the military
5 departments, shall direct each Defense criminal investiga-
6 tive organization to remove, from the system used by such
7 organization to document records of criminal investiga-
8 tions (commonly known as a “title system”), any record
9 (including any biometric information) identifying a mem-
10 ber of the Armed Forces who—

11 (1) is cleared of wrongdoing as described in
12 subsection (e);

13 (2) is subject to non-judicial punishment for the
14 offense to which the record pertains; or

15 (3) is pardoned for the offense to which the
16 record pertains.

17 (b) DOCUMENTATION BY JUDGE ADVOCATE.—As
18 soon as practicable after a member of the Armed forces

1 meets one of the criteria specified in paragraphs (1)
2 through (3) of subsection (a), a judge advocate in the
3 chain of command of the member shall submit to the De-
4 fense criminal investigative organization concerned a writ-
5 ten notice verifying that the member meets such criteria.

6 (c) DEADLINE FOR REMOVAL.—A record described in
7 subsection (a) shall be removed from the title system of
8 a Defense criminal investigative organization not later
9 than 30 days after the date on which the organization re-
10 ceives the notice described in subsection (b).

11 (d) NOTICE OF ENTRY OR REMOVAL.—A Defense
12 criminal investigative organization shall provide to any
13 member of the Armed Forces who is entered into or re-
14 moved from a title system, written notice of such entry
15 or removal.

16 (e) DISPOSITION OF INVESTIGATIONS.—A member of
17 the Armed Forces who is the subject of a criminal inves-
18 tigation shall be considered to have been cleared of wrong-
19 doing for purposes of subsection (a) if—

20 (1) the member is found not guilty, not respon-
21 sible, or it is found that the reasons specified for the
22 proceeding are unsupported by the evidence of the
23 offense for which the member was under investiga-
24 tion—

1 (A) through a court-martial or other pro-
2 ceeding brought under the chapter 47 of title
3 10, United States Code (the Uniform Code of
4 Military Justice);

5 (B) through an administrative proceeding
6 within the Department of Defense or the Armed
7 Force concerned;

8 (C) by a civilian court; or

9 (2) the Government makes a final determina-
10 tion not to prosecute the member for the criminal of-
11 fense for which the member was under investigation.

12 (f) DEFENSE CRIMINAL INVESTIGATIVE ORGANIZA-
13 TION DEFINED.—In this section, the term “Defense crimi-
14 nal investigative organization” means any organization or
15 element of the Department of Defense or an Armed Force
16 that is responsible for conducting criminal investigations,
17 including—

18 (1) the Army Criminal Investigation Command;

19 (2) the Naval Criminal Investigative Service;

20 (3) the Air Force Office of Special Investiga-
21 tions;

22 (4) the Coast Guard Investigative Service; and

23 (5) the Defense Criminal Investigative Service.

