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. PROHIBITION ON CERTAIN COMMUNICATIONS REGARDING COURTS-MARTIAL.

Section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice) is amended—

(1) in subsection (e)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) by amending subsection (f) to read as follows:

“(f)(1) Before a court-martial is assembled for the trial of a case, the convening authority may excuse a member of the court from participating in the case only for just cause, which may include deployment status, prejudice, medical reasons, undue hardship, status as a dependent caregiver, status as minor under eighteen years of age, status as a nonresident alien, lack of residency in the county in which the member has been summoned to serve,
status as a felon who has not had certain rights restored, or such other just cause as the convening authority determines appropriate.

“(2) In a case in which the convening authority excuses a member of the court under paragraph (1), the convening authority shall document the reason for such dismissal and such documentation shall be preserved as part of the record of the trial.”; and

(3) by adding at the end the following new subsection:

“(g) No individual may provide a briefing concerning a potential or pending court-martial to a member of the armed forces—

“(1) who may be selected to serve on the court-martial; or

“(2) who is serving on a court-martial (except such prohibition shall not apply to a briefing given in the regular course of the proceeding).”.

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