

**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\_\_\_. PROHIBITION ON CERTAIN COMMUNICATIONS  
2 REGARDING COURTS-MARTIAL.**

3 Section 825 of title 10, United States Code (article  
4 25 of the Uniform Code of Military Justice) is amended—

5 (1) in subsection (e)—

6 (A) by striking paragraph (1); and

7 (B) by redesignating paragraphs (2) and

8 (3) as paragraphs (1) and (2), respectively;

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

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11 “(f)(1) Before a court-martial is assembled for the  
12 trial of a case, the convening authority may excuse a member  
13 of the court from participating in the case only for  
14 just cause, which may include deployment status, prejudice,  
15 medical reasons, undue hardship, status as a dependent caregiver,  
16 status as minor under eighteen years of age,  
17 status as a nonresident alien, lack of residency in the  
18 county in which the member has been summoned to serve,

1 status as a felon who has not had certain rights restored,  
2 or such other just cause as the convening authority deter-  
3 mines appropriate.

4 “(2) In a case in which the convening authority ex-  
5 cuses a member of the court under paragraph (1), the con-  
6 vening authority shall document the reason for such dis-  
7 missal and such documentation shall be preserved as part  
8 of the record of the trial.”; and

9 (3) by adding at the end the following new sub-  
10 section:

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

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

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

