AMENDMENT TO RULES COMMITTEE PRINT 116–57
OFFERED BY MR. GOHMERT OF TEXAS

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

SEC. 5. TREATMENT OF CERTAIN RECORDS OF CRIMINAL INVESTIGATIONS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement uniform guidance to modify the systems used by Defense criminal investigative organizations to document records of criminal investigations (commonly known as “title systems”) to ensure that a record identifying a member of the Armed Forces as the subject of a criminal investigation is removed from such system if that member is cleared of wrongdoing as described in subsection (c).

(b) DOCUMENTATION BY JUDGE ADVOCATE.—As soon as practicable after a member of the Armed forces is cleared of wrongdoing as described in subsection (c), a judge advocate in the chain of command of the member shall submit to the Defense criminal investigative organi-
zation concerned a written notice verifying that the mem-
ber has been cleared of wrongdoing.

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

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

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

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

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

(C) by a civilian court; or
(2) the Government makes a final determina-
tion not to prosecute the member for the criminal of-
fense for which the member was under investigation.

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

(1) the Army Criminal Investigation Command;
(2) the Naval Criminal Investigative Service;
(3) the Air Force Office of Special Investiga-
tions;
(4) the Coast Guard Investigative Service; and
(5) the Defense Criminal Investigative Service.