

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. GOHMERT OF TEXAS

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

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

3 (a) **GUIDANCE REQUIRED.**—The Secretary of De-
4 fense, in consultation with the Secretaries of the military
5 departments, shall develop and implement uniform guid-
6 ance to modify the systems used by Defense criminal in-
7 vestigative organizations to document records of criminal
8 investigations (commonly known as “title systems”) to en-
9 sure that a record identifying a member of the Armed
10 Forces as the subject of a criminal investigation is re-
11 moved from such system if that member is cleared of
12 wrongdoing as described in subsection (c).

13 (b) **DOCUMENTATION BY JUDGE ADVOCATE.**—As
14 soon as practicable after a member of the Armed forces
15 is cleared of wrongdoing as described in subsection (c),
16 a judge advocate in the chain of command of the member
17 shall submit to the Defense criminal investigative organi-

1 zation concerned a written notice verifying that the mem-
2 ber has been cleared of wrongdoing.

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

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

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

17 (A) through a court-martial or other pro-
18 ceeding brought under the chapter 47 of title
19 10, United States Code (the Uniform Code of
20 Military Justice);

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

24 (C) by a civilian court; or

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

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

10 (1) the Army Criminal Investigation Command;

11 (2) the Naval Criminal Investigative Service;

12 (3) the Air Force Office of Special Investiga-
13 tions;

14 (4) the Coast Guard Investigative Service; and

15 (5) the Defense Criminal Investigative Service.

