

19 **Subtitle E—Military Justice and**
20 **Other Legal Matters**

21 **SEC. 541. MATTERS IN CONNECTION WITH SPECIAL TRIAL**
22 **COUNSEL.**

23 (a) DEFINITION OF COVERED OFFENSE.—

24 (1) IN GENERAL.—Section 801(17)(A) of title
25 10, United States Code (article 1(17)(A) of the Uni-
26 form Code of Military Justice), as added by section

1 533 of the National Defense Authorization Act for
2 Fiscal Year 2022 (Public Law 117–81; 135 Stat.
3 1695), is amended by striking “section 920 (article
4 120)” and inserting “section 919a (article 119a),
5 section 920 (article 120), section 920a (article
6 120a)”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect immediately after
9 the coming into effect of the amendments made by
10 section 533 of the National Defense Authorization
11 Act for Fiscal Year 2022 (Public Law 117–81; 135
12 Stat. 1695) as provided in section 539C of that Act
13 (10 U.S.C. 801 note) and shall apply with respect
14 to offenses that occur after that date.

15 (b) INCLUSION OF SEXUAL HARASSMENT AS COV-
16 ERED OFFENSE.—

17 (1) IN GENERAL.—Section 801(17)(A) of title
18 10, United States Code (article 1(17)(A) of the Uni-
19 form Code of Military Justice), as added by section
20 533 of the National Defense Authorization Act for
21 Fiscal Year 2022 (Public Law 117–81; 135 Stat.
22 1695) and amended by subsection (a) of this section,
23 is further amended—

24 (A) by striking “or”; and

1 (B) by striking “of this title” and inserting
2 “, or the standalone offense of sexual harass-
3 ment punishable under section 934 (article 134)
4 of this title in each instance in which a formal
5 complaint is made and such formal complaint is
6 substantiated in accordance with regulations
7 prescribed by the Secretary concerned”.

8 (2) EFFECTIVE DATE.—The amendments made
9 by paragraph (1) shall take effect on January 1,
10 2025, and shall apply with respect to offenses that
11 occur after that date.

12 (c) RESIDUAL PROSECUTORIAL DUTIES AND OTHER
13 JUDICIAL FUNCTIONS OF CONVENING AUTHORITIES IN
14 COVERED CASES.—The President shall prescribe regula-
15 tions to ensure that residual prosecutorial duties and other
16 judicial functions of convening authorities, including
17 granting immunity, ordering depositions, and hiring ex-
18 perts, with respect to charges and specifications over
19 which a special trial counsel exercises authority pursuant
20 to section 824a of title 10, United States Code (article
21 24a of the Uniform Code of Military Justice) (as added
22 by section 531 of the National Defense Authorization Act
23 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
24 1692)), are transferred to the military judge, the special
25 trial counsel, or other authority as appropriate in such

1 cases by no later than the effective date established in sec-
2 tion 539C of the National Defense Authorization Act for
3 Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 801
4 note), in consideration of due process for all parties in-
5 volved in such a case.

6 (d) AMENDMENT TO THE RULES FOR COURTS-MAR-
7 TIAL.—The President shall prescribe in regulation such
8 modifications to Rule 813 of the Rules for Courts-Martial
9 and other Rules as appropriate to ensure that at the be-
10 ginning of each court-martial convened, the presentation
11 of orders does not in open court specify the name, rank,
12 or position of the convening authority convening such
13 court, unless such convening authority is the Secretary
14 concerned, the Secretary of Defense, or the President.

15 (e) BRIEFING REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall provide to the Committees on Armed
18 Services of the Senate and the House of Representatives
19 a briefing on the progress of the Department of Defense
20 in implementing this section, including an identification
21 of—

22 (1) the duties to be transferred under sub-
23 section (c);

24 (2) the positions to which those duties will be
25 transferred; and

1 (3) any provisions of law or Rules for Courts
2 Martial that must be amended or modified to fully
3 complete the transfer.

4 (f) ADDITIONAL REPORTING RELATING TO IMPLE-
5 MENTATION OF SUBTITLE D OF TITLE V OF THE NA-
6 TIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
7 YEAR 2022.—Not later than February 1, 2025, and annu-
8 ally thereafter for five years, the Secretary of Defense
9 shall submit to the Committees on Armed Services of the
10 Senate and the House of Representatives a report assess-
11 ing the holistic effect of the reforms contained in subtitle
12 D of title V of the National Defense Authorization Act
13 for Fiscal Year 2022 (Public Law 117–81) on the military
14 justice system. The report shall include the following ele-
15 ments:

16 (1) An overall assessment of the effect such re-
17 forms have had on the military justice system and
18 the maintenance of good order and discipline in the
19 ranks.

20 (2) The percentage of caseload and courts-mar-
21 tial assessed as meeting, or having been assessed as
22 potentially meeting, the definition of “covered of-
23 fense” under section 801(17) of title 10, United
24 States Code (article 1(17) of the Uniform Code of
25 Military Justice) (as added by section 533 of the

1 National Defense Authorization Act for Fiscal Year
2 2022 (Public Law 117–81; 135 Stat. 1695)),
3 disaggregated by offense and military service where
4 possible.

5 (3) An assessment of prevalence and data con-
6 cerning disposition of cases by commanders after
7 declination of prosecution by special trial counsel,
8 disaggregated by offense and military service when
9 possible.

10 (4) Assessment of the effect, if any, the reforms
11 contained in such subtitle have had on non-judicial
12 punishment concerning covered and non-covered of-
13 fenses.

14 (5) A description of the resources and personnel
15 required to maintain and execute the reforms made
16 by such subtitle during the reporting period relative
17 to fiscal year 2022.

18 (6) A description of any other factors or mat-
19 ters considered by the Secretary to be important to
20 a holistic assessment of those reforms on the mili-
21 tary justice system.

1 **SEC. 542. TECHNICAL CORRECTIONS RELATING TO SPE-**
2 **CIAL TRIAL COUNSEL.**

3 (a) TECHNICAL CORRECTIONS.—Section 824a(e)(3)
4 of title 10, United States Code (article 24a(e)(3) of the
5 Uniform Code of Military Justice), is amended—

6 (1) by striking “Subject to paragraph (4)” and
7 inserting “Subject to paragraph (5)”; and

8 (2) in subparagraph (D), by striking “an or-
9 dered rehearing” and inserting “an authorized re-
10 hearing”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall take effect immediately after the com-
13 ing into effect of the amendments made by section 531
14 of the National Defense Authorization Act for Fiscal Year
15 2022 (Public Law 117–81; 135 Stat. 1692) as provided
16 in section 539C of that Act (10 U.S.C. 801 note).

17 **SEC. 543. RANDOMIZATION OF COURT-MARTIAL PANELS.**

18 (a) IN GENERAL.—Section 825(e) of title 10, United
19 States Code (article 25(e) of the Uniform Code of Military
20 Justice), is amended by adding at the end the following
21 new paragraph:

22 “(4) When convening a court-martial, the convening
23 authority shall detail as members thereof members of the
24 armed forces under such regulations as the President may
25 prescribe for the randomized selection of qualified per-
26 sonnel, to the maximum extent practicable.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date that is two
3 years after the date of the enactment of this Act and shall
4 apply with respect to courts-martial convened on or after
5 that effective date.

6 (c) REGULATIONS.—Not later than the effective date
7 specified in subsection (b), the President shall prescribe
8 regulations implementing the requirement under para-
9 graph (4) of section 825(e) of title 10, United States Code
10 (article 25(e) of the Uniform Code of Military Justice),
11 as added by subsection (a) of this section.

12 **SEC. 544. JURISDICTION OF COURTS OF CRIMINAL AP-**
13 **PEALS.**

14 (a) WAIVER OF RIGHT TO APPEAL; WITHDRAWAL OF
15 APPEAL.—Section 861(d) of title 10, United States Code
16 (article 61(d) of the Uniform Code of Military Justice),
17 is amended by striking “A waiver” and inserting “Except
18 as provided by section 869(c)(2) of this title (article
19 69(c)(2)), a waiver”.

20 (b) JURISDICTION.—Section 866 of title 10, United
21 States Code (article 66 of the Uniform Code of Military
22 Justice), is amended—

23 (1) in subsection (b)(1), by striking “shall have
24 jurisdiction over” and all that follows through the

1 period at the end of subparagraph (D) and inserting
2 the following: “shall have jurisdiction over—

3 “(A) a timely appeal from the judgment of a
4 court-martial, entered into the record under section
5 860e(a) of this title (article 60e(a)), that includes a
6 finding of guilty; and

7 “(B) a summary court-martial case in which
8 the accused filed an application for review with the
9 Court under section 869(d)(1) of this title (article
10 69(d)(1)) and for which the application has been
11 granted by the Court.”; and

12 (2) in subsection (c), by striking “is timely if”
13 and all that follows through the period at the end
14 of paragraph (2) and inserting the following: “is
15 timely if—

16 “(1) in the case of an appeal under subpara-
17 graph (A) of such subsection, it is filed before the
18 later of—

19 “(A) the end of the 90-day period begin-
20 ning on the date the accused is provided notice
21 of appellate rights under section 865(c) of this
22 title (article 65(c)); or

23 “(B) the date set by the Court of Criminal
24 Appeals by rule or order; and

1 “(2) in the case of an appeal under subpara-
2 graph (B) of such subsection, an application for re-
3 view with the Court is filed not later than the earlier
4 of the dates established under section 869(d)(2)(B)
5 of this title (article 69(d)(2)(B)).”.

6 (c) REVIEW BY JUDGE ADVOCATE GENERAL.—Sec-
7 tion 869 of title 10, United States Code (article 69 of the
8 Uniform Code of Military Justice), is amended—

9 (1) by amending subsection (a) to read as fol-
10 lows:

11 “(a) IN GENERAL.—Upon application by the accused
12 or receipt of the record pursuant to section 864(c)(3) of
13 this title (article 64(c)(3)) and subject to subsections (b),
14 (c), and (d), the Judge Advocate General may—

15 “(1) with respect to a summary court-martial,
16 modify or set aside, in whole or in part, the findings
17 and sentence; or

18 “(2) with respect to a general or special court-
19 martial, order such court-martial to be reviewed
20 under section 866 of this title (article 66).”; and

21 (2) in subsection (b)—

22 (A) by inserting “(1)” before “To qualify”;

23 and

24 (B) by striking “not later than one year
25 after” and all that follows through the period at

1 the end and inserting the following: “not later
2 than—

3 “(A) for a summary court-martial, one year
4 after the date of completion of review under section
5 864 of this title (article 64); or

6 “(B) for a general or special court-martial, one
7 year after the end of the 90-day period beginning on
8 the date the accused is provided notice of appellate
9 rights under section 865(c) of this title (article
10 65(c)), unless the accused submitted a waiver or
11 withdrawal of appellate review under section 861 of
12 this title (article 61) before being provided notice of
13 appellate rights, in which case the application must
14 be submitted to the Judge Advocate General not
15 later than one year after the entry of judgment
16 under section 860c of this title (article 60c).

17 “(2) The Judge Advocate General may, for good
18 cause shown, extend the period for submission of an appli-
19 cation, except that—

20 “(A) in the case of an application for review of
21 a summary court martial, the Judge Advocate may
22 not consider an application submitted more than
23 three years after the completion date referred to in
24 paragraph (1)(A); and

1 “(B) in case of an application for review of a
2 general or special court-martial, the Judge Advocate
3 may not consider an application submitted more
4 than three years after the end of the applicable pe-
5 riod under paragraph (1)(B).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1)(A), by striking “sec-
8 tion 864 or 865(b) of this title (article 64 or
9 65(b))” and inserting “section 864 of this title
10 (article 64)”; and

11 (B) in paragraph (2), by striking “the
12 Judge Advocate General shall order appropriate
13 corrective action under rules prescribed by the
14 President” and inserting “the Judge Advocate
15 General shall send the case to the Court of
16 Criminal Appeals”; and

17 (4) in subsection (d)—

18 (A) in paragraph (1), by striking “under
19 subsection (c)—” and all that follows through
20 “(B) in a case submitted” and inserting “under
21 subsection (c)(1) in a case submitted”; and

22 (B) in paragraph (2), in the matter pre-
23 ceding subparagraph (A), by striking “para-
24 graph (1)(B)” and inserting “paragraph (1)”.

1 (d) APPLICABILITY.—The amendments made by this
2 section shall not apply to—

3 (1) any matter that was submitted before the
4 date of the enactment of this Act to a Court of
5 Criminal Appeals established under section 866 of
6 title 10, United States Code (article 66 of the Uni-
7 form Code of Military Justice); or

8 (2) any matter that was submitted before the
9 date of the enactment of this Act to a Judge Advo-
10 cate General under section 869 of such title (article
11 69 of the Uniform Code of Military Justice).

12 **SEC. 545. SPECIAL TRIAL COUNSEL OF THE DEPARTMENT**
13 **OF THE AIR FORCE.**

14 (a) IN GENERAL.—Section 1044f of title 10, United
15 States Code, is amended—

16 (1) in subsection (a), in the matter preceding
17 paragraph (1), by striking “The policies shall” and
18 inserting “Subject to subsection (c), the policies
19 shall”;

20 (2) by redesignating subsection (c) as sub-
21 section (d); and

22 (3) by inserting after subsection (b) the fol-
23 lowing new subsection:

1 “(c) SPECIAL TRIAL COUNSEL OF DEPARTMENT OF
2 THE AIR FORCE.—In establishing policies under sub-
3 section (a), the Secretary of Defense shall—

4 “(1) in lieu of providing for separate offices for
5 the Air Force and Space Force under subsection
6 (a)(1), provide for the establishment of a single dedi-
7 cated office from which office the activities of the
8 special trial counsel of the Department of the Air
9 Force shall be supervised and overseen; and

10 “(2) in lieu of providing for separate lead spe-
11 cial trial counsels for the Air Force and Space Force
12 under subsection (a)(2), provide for the appointment
13 of one lead special trial counsel who shall be respon-
14 sible for the overall supervision and oversight of the
15 activities of the special trial counsel of the Depart-
16 ment of the Air Force.”.

17 (b) EFFECTIVE DATE.—The amendments made sub-
18 section (a) shall take effect immediately after the coming
19 into effect of the amendments made by section 532 of the
20 National Defense Authorization Act for Fiscal Year 2022
21 (Public Law 117–81; 135 Stat. 1694) as provided in sec-
22 tion 539C of that Act (10 U.S.C. 801 note).

1 **SEC. 546. INDEPENDENT INVESTIGATION OF SEXUAL HAR-**
2 **ASSMENT.**

3 (a) DEFINITIONS.—Subsection (e) of section 1561 of
4 title 10, United States Code, as amended by section 543
5 of the National Defense Authorization Act for Fiscal Year
6 2022 (Public Law 117–81; 135 Stat. 1709), is amended
7 to read as follows:

8 “(e) DEFINITIONS.—In this section:

9 “(1) The term ‘independent investigator’ means
10 a civilian employee of the Department of Defense or
11 a member of the Army, Navy, Marine Corps, Air
12 Force, or Space Force who—

13 “(A) is outside the immediate chain of
14 command of the complainant and the subject of
15 the investigation; and

16 “(B) is trained in the investigation of sex-
17 ual harassment, as determined by—

18 “(i) the Secretary of Defense, in the
19 case of a civilian employee of the Depart-
20 ment of Defense;

21 “(ii) the Secretary of the Army, in the
22 case of a member of the Army;

23 “(iii) the Secretary of the Navy, in
24 the case of a member of the Navy or Ma-
25 rine Corps; or

1 “(iv) the Secretary of the Air Force,
2 in the case of a member of the Air Force
3 or Space Force.

4 “(2) The term ‘sexual harassment’ means con-
5 duct that constitutes the offense of sexual harass-
6 ment as punishable under section 934 of this title
7 (article 134) pursuant to the regulations prescribed
8 by the Secretary of Defense for purposes of such
9 section (article).”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect immediately after the com-
12 ing into effect of the amendments made by section 543
13 of the National Defense Authorization Act for Fiscal Year
14 2022 (Public Law 117–81; 135 Stat. 1709) as provided
15 in subsection (c) of that section.

16 **SEC. 547. PRIMARY PREVENTION RESEARCH AGENDA AND**
17 **WORKFORCE.**

18 (a) ANNUAL PRIMARY PREVENTION RESEARCH
19 AGENDA.—Section 549A(c) of the National Defense Au-
20 thorization Act for Fiscal Year 2022 (Public Law 117–
21 81; 135 Stat. 1722) is amended—

22 (1) by redesignating paragraphs (2), (3), and
23 (4) as paragraphs (5), (6), and (7), respectively;

24 (2) by inserting after paragraph (1) the fol-
25 lowing new paragraphs:

1 “(2) include a focus on whether and to what ex-
2 tent sub-populations of the military community may
3 be targeted for interpersonal violence more than oth-
4 ers;

5 “(3) seek to identify factors that influence the
6 prevention, perpetration, and victimization of inter-
7 personal and self-directed violence;

8 “(4) seek to improve the collection and dissemi-
9 nation of data on hazing and bullying related to
10 interpersonal and self-directed violence;”;

11 (3) by amending paragraph (6), as redesignated
12 by paragraph (1) of this section, to read as follows:

13 “(6) incorporate collaboration with other Fed-
14 eral departments and agencies, including the De-
15 partment of Health and Human Services and the
16 Centers for Disease Control and Prevention, State
17 governments, academia, industry, federally funded
18 research and development centers, nonprofit organi-
19 zations, and other organizations outside of the De-
20 partment of Defense, including civilian institutions
21 that conduct similar data-driven studies, collection,
22 and analysis; and”.

23 (b) PRIMARY PREVENTION WORKFORCE.—Section
24 549B of the National Defense Authorization Act for Fis-

1 cal Year 2022 (Public Law 117–81; 135 Stat. 1722) is
2 amended—

3 (1) in subsection (c)—

4 (A) in paragraph (2), by striking “sub-
5 section (a)” and inserting “paragraph (1)”; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(3) COMPTROLLER GENERAL REPORT.—Not
9 later than one year after the date of the enactment
10 of this paragraph, the Comptroller General of the
11 United States shall submit to the congressional de-
12 fense committees a report that—

13 “(A) compares the sexual harassment and
14 prevention training of the Department of De-
15 fense with similar programs at other depart-
16 ments and agencies of the Federal Government;
17 and

18 “(B) includes relevant data collected by
19 colleges and universities and other relevant out-
20 side entities on hazing and bullying and inter-
21 personal and self-directed violence.”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(e) INCORPORATION OF RESEARCH AND FIND-
25 INGS.—The Secretary of Defense shall ensure that the

1 findings and conclusions from the primary prevention re-
2 search agenda established under section 549A are regu-
3 larly incorporated, as appropriate, within the primary pre-
4 vention workforce established under subsection (a).”.

5 **SEC. 548. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
6 **LOCATION OF ARMY CID SPECIAL AGENT**
7 **TRAINING COURSE.**

8 (a) LIMITATION.—None of the funds authorized to
9 be appropriated by this Act or otherwise made available
10 for fiscal year 2023 for the Army may be obligated or ex-
11 pended to relocate an Army CID special agent training
12 course until—

13 (1)(A) the Secretary of the Army submits to
14 the Committees on Armed Services of the Senate
15 and the House of Representatives—

16 (i) the evaluation and plan required by
17 subsection (a) of section 549C of the National
18 Defense Authorization Act for Fiscal Year 2022
19 (Public Law 117–81; 135 Stat. 1724);

20 (ii) the implementation plan required by
21 subsection (b) of such section; and

22 (iii) a separate report on any plans of the
23 Secretary to relocate an Army CID special
24 agent training course, including an explanation

1 of the business case for any transfer of training
2 personnel proposed as part of such plan;

3 (B) the Secretary provides to the Committee on
4 Armed Services of the House of Representatives a
5 briefing on the contents of each report specified in
6 subparagraph (A); and

7 (C) a period of 90 days has elapsed following
8 the briefing under subparagraph (B); and

9 (2) the Secretary submits a written certification
10 to the Committees on Armed Services of the Senate
11 and the House of Representatives indicating that the
12 Army has fully complied with subsection (c) of sec-
13 tion 549C of the National Defense Authorization
14 Act for Fiscal Year 2022 (Public Law 117–81; 135
15 Stat. 1724) with regard to locations at which mili-
16 tary criminal investigative training is conducted.

17 (b) DEFINITIONS.—In this section:

18 (1) The term “relocate”, when used with re-
19 spect to an Army CID special agent training course,
20 means the transfer of such course to a location dif-
21 ferent than the location used for such course as of
22 the date of the enactment of this Act.

23 (2) The term “Army CID special agent training
24 course” means a training course provided to mem-
25 bers of the Army to prepare such members for serv-

1 ice as special agents in the Army Criminal Investiga-
2 tion Division.

3 **SEC. 549. REVIEW OF TITLING AND INDEXING PRACTICES**
4 **OF THE ARMY AND CERTAIN OTHER ORGANI-**
5 **ZATIONS.**

6 (a) REVIEW OF TITLING AN INDEXING DECISIONS.—
7 Not later than 180 days after the date of the enactment
8 of this Act, the Secretary of the Army shall review the
9 case file of each member or former member of the Army,
10 the Army Reserve, or the Army National Guard who was
11 titled or indexed in connection with the Guard Recruiting
12 Assistance Program, the Army Reserve Recruiting Assist-
13 ance Program, or any related activity to determine the ap-
14 propriateness of the titling or indexing decision that was
15 made with respect to such member or former member.

16 (b) FACTORS TO BE CONSIDERED.—In reviewing a
17 titling or indexing decision under subsection (a), the Sec-
18 retary of the Army shall consider—

19 (1) the likelihood that the member or former
20 member to whom the decision pertains will face fu-
21 ture criminal prosecution or other adverse action on
22 the basis of the facts in the record at the time of
23 the review;

24 (2) the appropriate evidentiary standard to
25 apply to the review of the decision; and

1 (3) such other circumstances or factors as the
2 Secretary determines are in the interest of equity
3 and fairness.

4 (c) NOTIFICATION AND APPEAL.—

5 (1) IN GENERAL.—Upon the completion of each
6 review under subsection (a), the Secretary of the
7 Army shall notify the member or former member
8 concerned of such review, the disposition of the rel-
9 evant instance of titling or indexing, and the mecha-
10 nisms the member or former member may pursue to
11 seek correction, removal, or expungement of that in-
12 stance of titling or indexing.

13 (2) NOTIFICATION OF NEXT OF KIN.—In a case
14 in which a member or former member required to be
15 notified under paragraph (1) is deceased, the Sec-
16 retary of the Army shall provide the notice required
17 under such paragraph to the primary next of kin of
18 the member or former member.

19 (d) ACTIONS BY THE SECRETARY OF THE ARMY.—
20 If the Secretary of the Army determines that correction,
21 removal, or expungement of an instance of titling or index-
22 ing is appropriate after considering the factors under sub-
23 section (b), the Secretary of the Army may request that
24 the name, personally identifying information, and other in-
25 formation relating to the individual to whom the titling

1 or indexing pertains be corrected in, removed from, or ex-
2 punged from, the following:

3 (1) A law enforcement or criminal investigative
4 report of the Department of Defense or any compo-
5 nent of the Department.

6 (2) An index item or entry in the Department
7 of Defense Central Index of Investigations (DCII).

8 (3) Any other record maintained in connection
9 with a report described in paragraph (1), or an
10 index item or entry described in paragraph (2), in
11 any system of records, records database, records
12 center, or repository maintained by or on behalf of
13 the Department, including entries in the Federal
14 Bureau of Investigation's Interstate Identification
15 Index or any successor system.

16 (e) REPORT OF SECRETARY OF THE ARMY.—Not
17 later than 180 days after the completion of the review re-
18 quired by subsection (a), the Secretary of the Army shall
19 submit to the Committees on Armed Services of the Sen-
20 ate and the House of Representatives a report on the re-
21 sults of the review. The report shall include the following:

22 (1) The total number of instances of titling and
23 indexing reviewed under such subsection.

1 (2) The number of cases in which action was
2 taken to correct, remove, or expunge an instance of
3 titling or indexing.

4 (3) The number of members and former mem-
5 bers who remain titled after the conclusion of the re-
6 view.

7 (4) The number of members and former mem-
8 bers who remain indexed after the conclusion of the
9 review.

10 (5) A brief description of the reasons the mem-
11 bers and former members counted under paragraphs
12 (3) and (4) remain titled or indexed.

13 (6) Such other matters as the Secretary deter-
14 mines appropriate.

15 (f) SECRETARY OF DEFENSE REVIEW AND RE-
16 PORT.—

17 (1) REVIEW.—The Secretary of Defense shall
18 conduct a review the titling and indexing practices
19 of the criminal investigative organizations of the
20 Armed Forces. Such review shall include—

21 (A) an assessment of the practices of ti-
22 tling and indexing and the continued relevance
23 of such practices to the operation of such crimi-
24 nal investigative organizations;

1 (B) an evaluation of the suitability of the
2 evidentiary requirements and related practices
3 for titling and indexing in effect at the time of
4 the review; and

5 (C) the development of recommendations,
6 as appropriate, to improve the consistency, ac-
7 curacy, and utility of the titling and indexing
8 processes across such criminal investigative or-
9 ganizations.

10 (2) REPORT.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of
12 Defense shall submit to the Committees on Armed
13 Services of the Senate and the House of Representa-
14 tives a report on the results of the review conducted
15 under paragraph (1).

16 (g) DEFINITIONS.—In this section:

17 (1) The term “titling” means the practice of
18 identifying an individual as the subject of a criminal
19 investigation the records of a military criminal inves-
20 tigative organization and storing such information in
21 a database or other records system.

22 (2) The term “indexing” means the practice of
23 submitting an individual’s name or other personally
24 identifiable information to the Federal Bureau of In-

1 investigation's Interstate Identification Index, or any
2 successor system.

3 **SEC. 549A. BRIEFING AND REPORT ON RESOURCING RE-**
4 **QUIRED FOR IMPLEMENTATION OF MILITARY**
5 **JUSTICE REFORM.**

6 (a) BRIEFING AND REPORT REQUIRED.—

7 (1) BRIEFING.—Not later than March 1, 2023,
8 and no less frequently than once every 180 days
9 thereafter through December 31, 2024, each Sec-
10 retary concerned shall provide to the appropriate
11 congressional committees a briefing that details the
12 resourcing necessary to implement subtitle D of title
13 V of the National Defense Authorization Act for
14 Fiscal Year 2022 (Public Law 117–81) and the
15 amendments made by that subtitle.

16 (2) REPORT.—Not later than one year after the
17 date of the enactment of this Act, each Secretary
18 concerned shall submit to the appropriate congres-
19 sional committees a report that details the
20 resourcing necessary to implement subtitle D of title
21 V of the National Defense Authorization Act for
22 Fiscal Year 2022 (Public Law 117–81) and the
23 amendments made by that subtitle.

24 (3) FORM OF BRIEFING AND REPORT.—The
25 Secretaries concerned may provide the briefings and

1 report required under paragraphs (1) and (2) joint-
2 ly, or separately, as determined appropriate by such
3 Secretaries.

4 (b) ELEMENTS.—The briefing and report required
5 under subsection (a) shall address the following:

6 (1) The number of personnel and personnel au-
7 thorizations (military and civilian) required by the
8 Armed Forces to implement and execute the provi-
9 sions of subtitle D of title V of the National Defense
10 Authorization Act for Fiscal Year 2022 (Public Law
11 117–81) and the amendments made by that subtitle.

12 (2) The basis for the numbers provided pursu-
13 ant to paragraph (1), including the following:

14 (A) A description of the organizational
15 structure in which such personnel or groups of
16 personnel are or will be aligned.

17 (B) The nature of the duties and functions
18 to be performed by any such personnel or
19 groups of personnel across the domains of pol-
20 icy-making, execution, assessment, and over-
21 sight.

22 (C) The optimum caseload goal assigned to
23 the following categories of personnel who are or
24 will participate in the military justice process:
25 criminal investigators of different levels and ex-

1 pertise, laboratory personnel, defense counsel,
2 special trial counsel, military defense counsel,
3 military judges, military magistrates, and para-
4 legals.

5 (D) Any required increase in the number
6 of personnel currently authorized in law to be
7 assigned to the Armed Force concerned.

8 (3) The nature and scope of any contract re-
9 quired by the Armed Force concerned to implement
10 and execute the provisions of subtitle D of title V of
11 the National Defense Authorization Act for Fiscal
12 Year 2022 (Public Law 117–81) and the amend-
13 ments made by that subtitle.

14 (4) The amount and types of additional funding
15 required by the Armed Force concerned to imple-
16 ment the provisions of subtitle D of title V of the
17 National Defense Authorization Act for Fiscal Year
18 2022 (Public Law 117–81) and the amendments
19 made by that subtitle.

20 (5) Any additional authorities required to im-
21 plement the provisions of subtitle D of title V of the
22 National Defense Authorization Act for Fiscal Year
23 2022 (Public Law 117–81) and the amendments
24 made by that subtitle.

1 (6) Any additional information the Secretary
2 concerned determines is necessary to ensure the
3 manning, equipping, and resourcing of the Armed
4 Forces to implement and execute the provisions of
5 subtitle D of title V of the National Defense Author-
6 ization Act for Fiscal Year 2022 (Public Law 117–
7 81) and the amendments made by that subtitle.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Armed Services, the
12 Committee on Commerce, Science, and Trans-
13 portation, and the Committee on Appropria-
14 tions of the Senate; and

15 (B) the Committee on Armed Services, the
16 Committee on Transportation and Infrastruc-
17 ture, and the Committee on Appropriations of
18 the House of Representatives.

19 (2) The term “Secretary concerned” has the
20 meaning given that term in section 101(a) of title
21 10, United States Code.

1 **SEC. 549B. REPORT ON SHARING INFORMATION WITH**
2 **COUNSEL FOR VICTIMS OF OFFENSES UNDER**
3 **THE UNIFORM CODE OF MILITARY JUSTICE.**

4 (a) **REPORT REQUIRED.**—Not later than one year
5 after the date of the enactment of this Act, the Defense
6 Advisory Committee on Investigation, Prosecution, and
7 Defense of Sexual Assault in the Armed Forces (referred
8 to in this section as the “Advisory Committee”) shall sub-
9 mit to the Committees on Armed Services of the Senate
10 and the House of Representatives and each Secretary con-
11 cerned a report on the feasibility and advisability of estab-
12 lishing a uniform policy for the sharing of the information
13 described in subsection (c) with a Special Victims’ Coun-
14 sel, Victims’ Legal Counsel, or other counsel representing
15 a victim of an offense under chapter 47 of title 10, United
16 States Code (the Uniform Code of Military Justice).

17 (b) **ELEMENTS.**—The report under subsection (a)
18 shall include the following:

19 (1) An assessment of the feasibility and advis-
20 ability of establishing the uniform policy described in
21 subsection (a), including an assessment of the poten-
22 tial effects of such a policy on—

23 (A) the privacy of individuals;

24 (B) the criminal investigative process; and

25 (C) the military justice system generally.

1 (2) If the Advisory Committee determines that
2 the establishment of such a policy is feasible and ad-
3 visable, a description of—

4 (A) the stages of the military justice proc-
5 ess at which the information described in sub-
6 section (c) should be made available to counsel
7 representing a victim; and

8 (B) any circumstances under which some
9 or all of such information should not be shared.

10 (3) Such recommendations for legislative or ad-
11 ministrative action as the Advisory Committee con-
12 siders appropriate.

13 (c) INFORMATION DESCRIBED.—The information de-
14 scribed in this subsection is the following:

15 (1) Any recorded statements of the victim to in-
16 vestigators.

17 (2) The record of any forensic examination of
18 the person or property of the victim, including the
19 record of any sexual assault forensic exam of the vic-
20 tim that is in possession of investigators or the Gov-
21 ernment.

22 (3) Any medical record of the victim that is in
23 the possession of investigators or the Government.

24 (d) SECRETARY CONCERNED DEFINED.—In this sec-
25 tion, the term “Secretary concerned” has the meaning

1 given that term in section 101(a)(9) of title 10, United
2 States Code.

3 **SEC. 549C. DISSEMINATION OF CIVILIAN LEGAL SERVICES**
4 **INFORMATION.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Secretary of Defense, acting through
7 the head of the Sexual Assault Prevention and Response
8 Office of the Department of Defense, shall ensure that in-
9 formation on the availability of legal resources from civil-
10 ian legal service organizations is distributed to military-
11 connected sexual assault victims in an organized and con-
12 sistent manner.