120TH CONGRESS

1ST SESSION

H. R. _____

A BILL

To amend title 10, United States Code, to strengthen accountability for abuse of military authority, cruelty, oppression, maltreatment, retaliation, and falsification of official military records; to expand independent investigations and the prosecutorial authority of the Office of Special Trial Counsel; to establish administrative accountability for substantiated misconduct; to improve review following certain service member deaths; to strengthen procedural protections; establish maltreatment response coordination, confidential reporting, victim legal assistance, protective measures, and investigative-record review; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Accountability and Service Member Protection Act of 2027".

SEC. 2. PURPOSES.

The purposes of this Act are to establish criminal accountability for wrongful abuse of military authority; strengthen protections against maltreatment, retaliation, and intentional falsification of official records; provide independent investigation and prosecutorial disposition of covered offenses; establish administrative accountability after final substantiation of qualifying misconduct; improve review of certain service member deaths and command climates; preserve lawful command authority and due process; establish maltreatment response coordinators and proportionate victim safeguards; ensure fair criminal-record correction; and require congressional oversight.

SEC. 3. DEFINITIONS.

(1) Covered reform offense.—An offense designated under section 301 of this Act.

(2) MCIO.—The Army Criminal Investigation Division, Naval Criminal Investigative Service, Air Force Office of Special Investigations, or another military criminal investigative organization with competent jurisdiction.

(3) OSTC.—The Office of Special Trial Counsel established under Article 24a of the Uniform Code of Military Justice.

(4) Secretary concerned.—The term as defined by applicable federal law, with appropriate coordination for the Coast Guard.

(5) Substantiated misconduct.—Misconduct established by a final administrative determination under section 305.

TITLE I—ABUSE OF MILITARY AUTHORITY, CRUELTY, OPPRESSION, AND MALTREATMENT

SEC. 101. EXPANSION AND REDESIGNATION OF ARTICLE 93.

Section 893 of title 10, United States Code, is amended to read as follows:

"§ 893. Art. 93. Abuse of Military Authority, Cruelty, Oppression, and Maltreatment

"(a) Abuse of Military Authority.—

"(1) Offense.—Any person subject to this chapter who knowingly and wrongfully exercises military authority over another person, with the specific intent to accomplish a prohibited purpose described in paragraph (3), and commits a substantial abuse of that authority, shall be punished as provided under this article.

"(2) Elements.—The Government shall prove beyond a reasonable doubt that (A) the accused possessed or exercised actual military authority relevant to the conduct; (B) knowingly used that authority through an identified official act, threatened official act, or deliberate misuse of entrusted official power; (C) acted with the specific intent described in paragraph (3); (D) knew the use of authority was unauthorized or directed to an unlawful purpose; and (E) committed a substantial and objectively wrongful abuse of entrusted military authority.

"(3) Prohibited purposes.—(A) compelling unlawful conduct; (B) knowingly depriving another person of a specific legal right or protection; (C) imposing or threatening official adverse action known to be unlawful; (D) intentionally obstructing or punishing a communication or activity protected by federal military law; or (E) knowingly using official authority for objectively severe intimidation, humiliation, or degradation unrelated to a legitimate military purpose.

"(4) Lawful command decisions.—Mere disagreement with a lawful command decision, without proof of the elements of this subsection, shall not constitute an offense.

"(b) Cruelty, Oppression, or Maltreatment.—

"(1) Persons subject to orders.—Any person subject to this chapter who knowingly engages in objectively cruel, oppressive, or maltreating conduct toward a person who, by reason of military duty, is subject to the lawful orders of the accused commits an offense under this subsection.

"(2) Bullying and maltreatment outside a superior-subordinate relationship.—Any person subject to this chapter who knowingly engages in objectively severe and wrongful bullying, harassment, intimidation, or degradation directed toward another person subject to this chapter, regardless of relative rank, grade, or position, commits an offense when the conduct (A) constitutes a sustained course involving two or more distinct qualifying acts; or (B) consists of a single act involving a credible threat of unlawful physical harm, unlawful restraint, serious coercion, or comparably severe maltreatment.

"(3) Objective severity.—Conduct is objectively severe and wrongful when, viewed in the totality of circumstances from the perspective of a reasonable person in the affected person's position, it constitutes a substantial departure from lawful military conduct and involves serious humiliation, coercion, intimidation, degradation, or interference with the person's ability to perform military duties or exercise protected rights.

"(4) Relevant circumstances.—The trier of fact may consider the nature, frequency, and duration of conduct; use or threat of force; threats affecting military status or protected rights; deliberate public humiliation; coercive exploitation of rank or group influence; the accused's knowledge; legitimate military purpose; and cumulative severity.

“(5) Protected leadership and ordinary interactions.—Lawful orders, authorized discipline, legitimate performance criticism, professional disagreements, good-faith counseling, rigorous lawful training, and isolated offensive remarks not independently satisfying paragraph (2)(B) shall not constitute an offense under paragraph (2).

“(6) Required proof.—The Government shall prove knowing conduct and the objective severity threshold beyond a reasonable doubt.

“(7) Rank neutrality.—This subsection applies to superiors, peers, and subordinates. Rank alone neither establishes nor defeats criminal liability.

“(8) Preservation of protections.—A person subject to the accused’s lawful orders remains protected regardless of whether that person is subject to this chapter.

“(c) Aggravated Abuse of Military Authority, Cruelty, Oppression, or Maltreatment.—

“(1) General rule.—An offense under subsection (a) or (b) is aggravated when the Government proves beyond a reasonable doubt the underlying offense and at least one of the following circumstances:

“(A) Sustained severe misconduct.—A related course of at least two distinct qualifying acts, each involving objectively severe wrongful conduct, committed knowingly with specific intent to subject another person to unlawful coercion, intimidation, or degradation.

“(B) Deliberate exploitation of authority.—Knowing exploitation of command or supervisory authority to compel unlawful conduct, impose unlawful adverse action, or subject another person to objectively severe coercion or degradation.

“(C) Threats and obstruction of protected reporting.—Knowing threats of unlawful adverse action with specific intent to prevent, obstruct, or retaliate against protected reporting or participation in an authorized investigation.

“(D) Serious bodily injury.—Intentional, knowing, or reckless causation of serious bodily injury through commission of the underlying offense.

“(E) Permanent disability or disfigurement.—Intentional, knowing, or reckless causation of permanent physical disability, permanent impairment of bodily function, or serious permanent disfigurement through commission of the underlying offense.

“(F) Serious psychological injury.—Intentional, knowing, or reckless causation of serious psychological injury, established by competent evidence of substantial impairment of functioning, through commission of the underlying offense.

“(G) Interference with care.—Knowing and unlawful obstruction, denial, or interference with necessary medical or behavioral health care that causes serious bodily injury or serious psychological injury.

“(H) Threats of death or serious bodily harm.—A knowing, credible threat of death or serious bodily injury through conduct constituting an underlying offense.

“(I) Serious endangerment.—The accused, through commission of the underlying offense, knowingly or recklessly created a substantial and unjustifiable risk of death or serious bodily injury to another person, whether or not such injury or death occurred. The Government shall separately prove the risk and the required mental state beyond a reasonable doubt.

“(2) Ordinary bodily injury.—Bodily injury not meeting the statutory definition of serious bodily injury shall not, standing alone, establish aggravation. Such injury may be considered at sentencing for the underlying offense under applicable evidentiary and sentencing rules.

“(3) Causation and mental state.—For an injury-based aggravator, the Government shall prove beyond a reasonable doubt actual and proximate causation and intentional, knowing, or reckless culpability with respect to the risk of the specified injury.

“(4) Pleading and proof.—An aggravating circumstance increasing authorized punishment shall be separately alleged and proved beyond a reasonable doubt or validly admitted.

“(5) Multiple punishment.—This subsection does not authorize impermissible multiple punishments for the same offense.

“(d) Abuse of Military Authority, Cruelty, Oppression, or Maltreatment Resulting in Death.—

“(1) Offense.—Any person subject to this chapter who commits an offense under subsection (a) or (b), and whose criminal conduct causes the death of another person, commits an offense under this subsection when the Government proves beyond a reasonable doubt that—

“(A) the accused committed an offense under subsection (a) or (b);

“(B) the criminal conduct created or materially increased a substantial and unjustifiable risk of death;

“(C) the accused acted with culpable negligence concerning that risk;

“(D) the criminal conduct was an actual and proximate cause of the death; and

“(E) the death occurred within the scope of the foreseeable risk created or materially increased by the accused's criminal conduct.

“(2) Culpable negligence.—Culpable negligence means a gross departure from the care reasonably required under the circumstances, involving culpable disregard of a substantial and unjustifiable risk of death that the accused knew or reasonably should have recognized. Ordinary negligence, mere error in judgment, and lawful military leadership shall not independently satisfy this requirement.

“(3) Actual causation.—The Government shall establish beyond a reasonable doubt that—

“(A) the death would not have occurred when and as it did but for the accused's criminal conduct; or

“(B) where two or more independently sufficient causes operated concurrently to produce the death, the accused's criminal conduct constituted an independently sufficient cause of death.

“(4) Proximate causation.—The Government shall establish beyond a reasonable doubt that the death was a reasonably foreseeable consequence of the criminal conduct and that the causal relationship was not severed by an independent, unforeseeable, and legally superseding intervening cause.

“(5) Death by suicide.—

“(A) A death by suicide shall not, standing alone, establish that the accused committed an offense under this subsection.

“(B) When the death resulted from suicide, the Government shall prove each element of this subsection beyond a reasonable doubt, including culpable negligence and actual and proximate causation.

“(C) The fact that the deceased person performed the final act resulting in death shall not, by itself, establish or negate proximate causation; that determination depends on the evidence and applicable rules governing intervening causes.

“(D) Evidence of documented threats, coercion, serious psychological injury, unlawful interference with medical care, known safety warnings, and other relevant circumstances may be considered in determining whether the statutory elements are proved.

“(6) No automatic command responsibility.—Military rank, command authority, supervisory status, or responsibility for the deceased person shall not independently establish criminal liability.

“(7) Separate pleading and proof.—The death-resulting elements shall be expressly alleged and proved beyond a reasonable doubt or validly admitted.

“(8) Relationship to other homicide offenses.—Nothing in this subsection prohibits prosecution under Article 118 or Article 119 when legally supported, subject to restrictions against double jeopardy and impermissible multiple punishment.

“(9) Punishment.—Punishment shall be governed by section 102(d) of this Act and conforming amendments to Article 56; no separate or cumulative penalty is created by this paragraph.

“(e) Definitions.—

“(1) Military authority.—Command, supervisory, training, evaluative, disciplinary, or other official authority entrusted through military office, assignment, duty, or position.

“(2) Protected reporting.—Communications and activities protected by applicable federal military law, including qualifying communications under section 1034 of this title.

“(3) Bodily injury.—Physical pain, illness, or impairment of physical condition resulting from the accused’s criminal conduct.

“(4) Serious bodily injury.—Injury involving a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of a bodily member, organ, or mental faculty.

“(5) Permanent physical disability.—Lasting, medically substantiated impairment of bodily function caused by criminal conduct.

“(6) Serious psychological injury.—Substantial impairment of psychological functioning, established by competent evidence, materially interfering with major life activities or ordinary functioning; a formal psychiatric diagnosis is not the exclusive means of proof.

“(7) Recklessly.—Conscious disregard of a substantial and unjustifiable risk constituting a gross deviation from reasonable conduct.

“(8) Actual causation.—A legally sufficient causal relationship between criminal conduct and the specified injury or death.

“(9) Proximate causation.—A causal relationship in which the injury or death falls within reasonably foreseeable risks created by the criminal conduct without a legally superseding intervening cause.

“(10) Sustained course of conduct.—At least two distinct qualifying acts forming a related pattern, not multiple descriptions of a single incident.

“(11) Bullying.—A knowing course of targeted, objectively severe and wrongful conduct involving repeated humiliation, intimidation, coercion, threats, or degradation lacking legitimate military purpose; a single act qualifies only under subsection (b)(2)(B).

“(12) Harassment.—Knowing, targeted, unwelcome conduct satisfying the objective severity and course-of-conduct requirements of subsection (b).

“(13) Intimidation.—Knowing conduct involving a credible threat of unlawful harm, retaliation, coercion, or serious adverse consequences intended to place another under unlawful pressure or fear.

“(14) Degradation.—Knowing conduct intended to subject another to objectively severe humiliation or debasement without legitimate military justification and satisfying subsection (b).

“(15) Legitimate military purpose.—A lawful, objectively supportable military objective reasonably connected to command, supervision, training, readiness, discipline, evaluation, safety, or mission accomplishment.

“(16) Objectively severe and wrongful.—Conduct a reasonable person, considering the military context and totality of circumstances, would recognize as substantially exceeding lawful military conduct and meeting subsection (b)’s severity requirements; subjective offense or embarrassment alone is insufficient.

“(f) Protection of Lawful Leadership.— “Nothing in this article criminalizes lawful orders, authorized discipline, rigorous lawful training, legitimate performance evaluations, lawful corrective training, or good-faith command decisions that do not satisfy the elements of an offense. The Government bears the burden of proving every element beyond a reasonable doubt.

"(g) Relationship to Other Offenses.— "Nothing in this article precludes another legally supported charge, subject to double-jeopardy protections, multiplicity principles, and prohibitions on impermissible multiple punishment."

SEC. 102. MANDATORY SENTENCING FOR ARTICLE 93 OFFENSES.

(a) Abuse of military authority.—Upon conviction under Article 93(a) by general court-martial, the sentence shall include confinement for not less than 2 years and not more than 8 years and, for an enlisted member, a bad-conduct or dishonorable discharge; or, for a commissioned officer, dismissal.

(b) Cruelty, oppression, or maltreatment.—Upon conviction under Article 93(b) by general court-martial, the sentence shall include confinement for not less than 2 years and not more than 8 years and, for an enlisted member, a bad-conduct or dishonorable discharge; or, for a commissioned officer, dismissal.

(c) Aggravated offense.—Upon conviction under Article 93(c) by general court-martial, the sentence shall include confinement for not less than 5 years and not more than 15 years and, for an enlisted member, a dishonorable discharge; or, for a commissioned officer, dismissal.

(d) Resulting in death.—Upon conviction under Article 93(d) by general court-martial, the sentence shall include confinement for not less than 5 years and not more than 30 years and, for an enlisted member, a dishonorable discharge; or, for a commissioned officer, dismissal.

(e) Conforming sentencing law.—Article 56 and related provisions shall be amended to implement these minimums, maximums, and punitive separations, including any expressly authorized statutory exceptions and reconciliation with Article 53a.

(f) Individualized sentencing.—Within each authorized range, the sentencing authority shall consider admissible aggravating and mitigating evidence. Non-serious bodily injury may be considered at sentencing but does not, standing alone, establish an aggravated offense.

(g) Prospective application.—Increased punishments apply only to conduct occurring on or after the effective date.

TITLE II—RETALIATION AND FALSIFICATION OF OFFICIAL MILITARY RECORDS

SEC. 201. ARTICLE 132 RETALIATION ENHANCEMENT.

Article 132 shall be amended to clarify prohibited retaliation against lawful reporting of misconduct; participation in protected investigative interviews or authorized command-climate surveys; protected communications with oversight authorities; and requests for authorized assistance. The Government must prove the applicable retaliatory intent or required mental state. Lawful personnel actions supported by legitimate, independently justified reasons remain permissible.

SEC. 202. AGGRAVATED ARTICLE 107 FALSIFICATION.

(a) Offense.—Article 107 shall be amended to establish an aggravated offense for knowingly and intentionally making a materially false official statement or falsifying a material official military record with specific intent to (1) cause unlawful adverse action against another person; (2) cause substantial material harm; (3) conceal serious misconduct; or (4) obstruct an official investigation or proceeding.

(b) Records.—Covered records may include personnel evaluations, investigative findings, sworn statements, disciplinary records, and other material official documents.

(c) Material harm.—Substantial, objectively demonstrable injury to military career, professional reputation, status, financial interests, benefits eligibility, legal rights, or access to a fair investigative or administrative process.

(d) Proof and protection.—The Government must prove knowing falsity and specific intent, together with any separately required harm and causation. Inadvertent errors, reasonable professional disagreement, good-faith factual mistakes, and lawful evaluative judgments do not alone constitute the aggravated offense.

(e) OSTC jurisdiction.—The aggravated Article 107 offense shall be a covered reform offense; ordinary Article 107 violations are not newly covered solely by this section.

TITLE III—INDEPENDENT INVESTIGATIONS, EXCLUSIVE OSTC AUTHORITY, AND ADMINISTRATIVE ACCOUNTABILITY

SEC. 301. COVERED REFORM OFFENSES.

(a) The definition of "covered offense" in section 801 of title 10 shall be amended to include (1) every offense under Article 93, including underlying, aggravated, and death-resulting offenses; (2) every offense under Article 132; and (3) the aggravated Article 107 offense established under section 202.

(b) Article 93 offenses shall be covered independently of any connection to another covered offense. Existing covered offenses shall remain covered. Derivative and related offenses shall be addressed through conforming amendments to Articles 1 and 24a.

SEC. 302. EXCLUSIVE OSTC PROSECUTORIAL AUTHORITY.

(a) Article 24a shall be amended to vest special trial counsel with exclusive criminal prosecutorial disposition authority over the covered reform offenses established by this Act.

(b) OSTC shall make initial prosecutorial classification decisions, subject to judicial review where applicable; direct or conduct preferral and referral as authorized by law; determine whether to decline, withdraw, dismiss, or negotiate covered charges; and address related or mixed-charge cases under applicable joinder, severance, and jurisdictional rules.

(c) A commander or convening authority may not override an OSTC declination by independently preferring or referring the same covered offense for criminal prosecution. An OSTC declination does not bar lawful administrative action.

(d) A qualifying declination may be reviewed by a senior special trial counsel independent of the original decision-making team. Such review does not authorize command-directed prosecution or charges unsupported by legally sufficient evidence.

(e) OSTC authority shall not displace judicial decision-making, existing covered-offense jurisdiction, or lawful Department of Justice prosecution.

SEC. 303. INDEPENDENT MCIO INVESTIGATIVE ASSESSMENT.

(a) Credible allegations of covered reform offenses shall be promptly referred to the competent MCIO and OSTC. The MCIO shall independently assess jurisdiction, credibility, investigative thresholds, and the appropriate response.

(b) When investigative thresholds are met, the MCIO shall investigate or coordinate an investigation, preserve relevant inculpatory and exculpatory evidence, and provide findings to OSTC. No commander may improperly suppress allegations, direct conclusions, or interfere with evidence preservation.

(c) Decisions not to initiate or continue an investigation shall be documented and independently reviewed as appropriate. An allegation or investigation does not establish guilt.

SEC. 303A. STANDARDIZED INTAKE, TRIAGE, AND INDEPENDENT REVIEW.

(a) Assessment rather than automatic full investigation.—Each allegation of a covered reform offense shall receive a documented, timely, trauma-informed and impartial initial assessment by trained personnel.

A report shall not automatically require a full criminal investigation where applicable law does not require one; a commander or intake officer may not prevent a mandatory referral or suppress a credible criminal allegation.

(b) Required triage.—The initial assessment shall address immediate safety; jurisdiction; mandatory reporting; available evidence and its preservation; applicable investigative thresholds; alleged conflicts of interest; potential retaliation; and referral to MCIO, OSTC, independent administrative investigators, inspector general, or ordinary personnel channels as legally appropriate.

(c) Independent review.—A decision not to open, to discontinue, or to divert a criminal investigation shall state the basis and be subject to appropriate independent supervisory review. The alleged victim may request review of a nonreferral decision without obtaining control over prosecutorial discretion.

(d) No penalty for lack of corroboration.—A good-faith report shall not be deemed knowingly false, frivolous, or malicious solely because corroboration is unavailable, charges are declined, or an allegation is not substantiated.

(e) Capacity and implementation.—The Secretary concerned shall provide trained intake personnel, staffing standards, secure case tracking, conflict screening, documented handoffs, and annual aggregate reporting. Mandatory investigations and evidence preservation required by law shall not be displaced.

SEC. 304. CONFORMING UCMJ AMENDMENTS.

Articles 1, 22 through 24a, 30 through 34, 53a, 56, 60, and other applicable provisions shall be conformed to preserve lawful command functions while ensuring exclusive OSTC disposition of covered reform offenses, including following declination. Federal civilian jurisdiction shall be preserved; transition rules shall be prospective.

SEC. 305. MANDATORY ADMINISTRATIVE SEPARATION AFTER SUBSTANTIATED ARTICLE 93 MISCONDUCT.

(a) Initiation.—If OSTC declines prosecution of an alleged Article 93 offense and an independent investigation supplies specific, articulable evidence which, if credited, could establish a qualifying offense by a preponderance of the evidence, the Secretary concerned shall initiate an independent administrative screening for potential separation proceedings. Such screening shall assess the sufficiency and reliability of the evidence, notice requirements, and any exculpatory material. An OSTC declination, allegation, or investigative titling alone is insufficient. Formal separation proceedings shall be initiated only upon a documented independent determination that the statutory initiation threshold is met.

(b) Independent adjudication.—An impartial administrative separation board or legally constituted adjudicative body shall determine by a preponderance of the evidence whether the respondent committed conduct satisfying the elements of Article 93(a), (b), or (c). An investigative finding alone shall not be a final adjudication.

(c) Mandatory separation.—Following a final qualifying finding and required review, the Secretary concerned shall direct misconduct separation. The characterization shall be determined under applicable statutory and regulatory standards after individualized consideration of the nature and gravity of the misconduct, service record, mitigation, and due process; an under other than honorable conditions characterization is not automatic solely because an Article 93 finding was entered.

(d) Procedural protections.—The respondent shall receive written notice, meaningful evidence access subject to lawful restrictions, qualified counsel, opportunity to present and challenge evidence and call reasonably available witnesses, an impartial hearing, written findings on each element, and legally available independent administrative and judicial review.

(e) Independent decision-maker.—Final separation authority shall reside outside the implicated chain of command. Officer proceedings shall comply with applicable officer elimination statutes and required boards.

(f) No conviction by implication.—An administrative finding is not a criminal conviction. An allegation, opened investigation, or OSTC declination alone shall not establish a basis for separation under this section.

SEC. 306. PERMANENT MILITARY SERVICE DISQUALIFICATION; PROHIBITION ON WAIVERS AND EXCEPTIONS.

(a) Permanent disqualification.—A person finally separated for substantiated qualifying misconduct pursuant to section 305 shall be permanently ineligible for enlistment, reenlistment, commissioning, appointment as a warrant officer, accession or reaccession into any regular or reserve component, interservice transfer for continued military service, or other continuation in military status under title 10 or title 14.

(b) Absolute prohibition on waivers.—Subject to constitutional requirements and judicial or administrative correction of a legally erroneous or unjust finding, no accession authority may grant a routine discretionary waiver solely to circumvent a final qualifying disqualification while it remains valid.

(c) Uniform application.—This prohibition applies to the Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard and all regular and reserve components.

(d) No military-necessity exception.—Recruiting or retention shortages, military specialty, professional qualifications, decorations, rank, official recommendations, or interservice transfer alone shall not establish an exception.

(e) Centralized enforcement.—The Secretary of Defense, coordinating with the Secretary of Homeland Security as appropriate for the Coast Guard, shall establish interservice identification, eligibility verification, accurate records, and prompt correction procedures.

(f) Judicial and administrative correction.—Disqualification shall cease if the underlying qualifying misconduct finding or separation is vacated, reversed, or set aside through expressly authorized judicial or administrative review or correction of records. Such correction is not a waiver of a valid disqualification.

(g) No discretionary restoration.—A valid disqualification may not be removed solely through clemency, favorable recommendation, exception to policy, or accession waiver; lawful review for legal error or injustice is preserved.

(h) Prospective application.—This section applies prospectively as provided by this Act.

(i) Rule of construction.—An administrative misconduct finding is not a criminal conviction; otherwise available judicial review remains preserved.

(j) Civilian service.—This section does not itself bar federal civilian employment or contracting; such restrictions require separate legal authority.

SEC. 307. STANDARDIZED SEPARATION DOCUMENTATION.

(a) The Secretary of Defense shall establish a distinct separation classification and separation program designator for administrative separation for substantiated Article 93 misconduct, distinguishing abuse of authority, cruelty or maltreatment, and aggravated misconduct as appropriate.

(b) DD Form 214 or successor separation documentation shall accurately reflect the applicable authority, characterization, separation program designator, reentry classification, and standardized narrative reason. The documentation shall distinguish administrative findings from criminal convictions and protect legally restricted information.

(c) A reversed or corrected misconduct finding shall prompt correction of related discharge records, reentry restrictions, and personnel databases. Implementation shall be uniform across the Armed Forces, with appropriate Coast Guard coordination.

SEC. 308. PROTECTION OF LAWFUL MILITARY LEADERSHIP AND INTEGRITY OF INVESTIGATIVE PROCEEDINGS.

(a) Protection of lawful leadership.—No noncommissioned officer, warrant officer, commissioned officer, or other person exercising lawful military authority shall incur criminal liability under Article 93 solely for lawful orders, authorized training, lawful corrective action, truthful good-faith evaluations or counseling, lawful administrative recommendations, or good-faith leadership decisions.

(b) Impartial investigation.—Investigations shall impartially assess material evidence tending to establish or negate misconduct, including intent, authority, and lawful justification.

(c) Knowingly false allegations.—Credible, independently corroborated grounds to suspect knowing fabrication of material allegations or evidence may be referred to an independent investigative authority under applicable law.

(d) Good-faith reporting.—An unsubstantiated complaint, uncorroborated account, or good-faith report shall not alone support adverse action. Failure to prove misconduct does not establish knowing falsity.

(e) Retaliatory counterinvestigations prohibited.—No person may initiate or improperly influence an investigation to retaliate against or deter protected reporting.

(f) Review of consequential actions.—Before substantial adverse administrative action primarily based on alleged covered misconduct, appropriate notice, response opportunity, exculpatory-evidence consideration, and independent review shall be afforded consistent with law.

(g) Equal application and protected communications.—These safeguards apply without regard to rank, preserve lawful command authority, and do not diminish section 1034 protected communications.

SEC. 309. POST-INVESTIGATION TITLING, INDEXING, AND PERSONNEL-RECORD REVIEW.

(a) Automatic disposition audit.—Upon final investigative closure or final prosecutorial disposition of a covered reform offense, the responsible MCIO shall record the accurate disposition and initiate a review of the accuracy, legal sufficiency, and continued retention of titling, indexing, and associated personnel records in accordance with applicable federal law.

(b) No automatic expungement by declination.—An OSTC declination, acquittal, or absence of criminal charges does not, standing alone, establish that initial titling or indexing was improper or require expungement. Review shall consider whether the governing standard for initial inclusion or continued retention was met, whether the individual was erroneously identified, and whether correction or removal is required or authorized by law.

(c) Notice and opportunity to petition.—To the extent consistent with investigative confidentiality and law, a titled person shall receive notice of available review, correction, and appeal procedures, including the ability to submit exculpatory information and a final OSTC disposition. The reviewing authority shall issue a reasoned written determination and provide independent reconsideration.

(d) Coordinated correction.—When correction, removal, or expungement is legally warranted, the responsible authorities shall coordinate accurate updates to the Defense Central Index of Investigations, relevant MCIO records, service personnel systems, and external repositories to the extent authorized by law. Required investigative records may be retained under lawful restrictions, with corrected disposition annotations.

(e) No adverse presumption.—Titling or indexing alone is not proof of misconduct and shall not be characterized as a conviction or final substantiation in personnel decision-making. Applicable security and suitability authorities retain their lawful independent responsibilities.

(f) Rule of construction.—This section supplements, and does not narrow, existing correction and expungement rights under title 10 and applicable implementing directives.

SEC. 310. CONTINUITY OF RIGHTS AFTER SEPARATION.

(a) A qualifying complainant whose report arose during military service shall not lose access to authorized information about investigative disposition, retaliation reporting, or appropriate legal referral solely because of separation from service.

(b) The Secretary concerned shall establish a warm-handoff process to appropriate veteran, civilian, and military resources, without expanding UCMJ jurisdiction over civilians or creating a general entitlement to representation beyond the express provisions of this Act.

TITLE IV—MALTREATMENT RESPONSE COORDINATION, REPORTING, AND VICTIM LEGAL ASSISTANCE

SEC. 401. MALTREATMENT RESPONSE COORDINATOR; ESTABLISHMENT AND INDEPENDENCE.

(a) Establishment.—Each Secretary concerned shall designate a sufficient number of trained Maltreatment Response Coordinators (MRCs) at installation, regional, and deployable levels to receive allegations of abuse of military authority, cruelty, oppression, bullying, hazing, severe harassment, and related retaliation under this Act.

(b) Organizational placement.—The MRC function shall be administratively aligned with the Military Equal Opportunity (MEO) program, but shall operate through an independent reporting and oversight chain outside any implicated unit command. The Secretary concerned may use qualified civilian or uniformed MEO professionals, with independent regional escalation and direct access to MCIO, OSTC, counsel, and appropriate safety officials. MRCs are not criminal investigators, prosecutors, defense counsel, or substitute Special Victims' Counsel.

(c) Duties.—MRCs shall receive restricted and unrestricted reports as authorized by section 402; explain confidentiality limits before obtaining details; document reporting elections; conduct initial safety screening; facilitate medical, behavioral-health, legal, and victim services; assist with requests for protective orders and transfers; preserve the reporting person's choices to the extent permitted by law; and coordinate appropriate referrals and follow-up.

(d) Training and conflicts.—MRCs shall receive initial and recurring training in military law, MEO, safeguarding, evidence handling, mandatory reporting, trauma-informed practices, due process, impartiality, retaliation, and privacy. MRCs with a personal or command conflict shall recuse and arrange independent intake.

(e) Availability.—An MRC or designated independent alternative shall be accessible without requiring the reporting person to first notify an implicated commander. After-hours and remote reporting channels shall be established.

SEC. 402. RESTRICTED AND UNRESTRICTED MALTREATMENT REPORTING.

(a) Election.—A covered service member may make an unrestricted report requesting appropriate investigative and command notification, or a restricted report seeking confidential support without automatically initiating an ordinary criminal investigation or routine command notification, subject to subsections (c) through (f).

(b) Authorized recipients.—A restricted report may be accepted only by an MRC or another specifically designated recipient whose confidentiality duties are expressly established by this Act and implementing law. Statements to ordinary command personnel, general MEO staff not designated as MRCs, or criminal investigators shall not automatically qualify as restricted reports. MRCs shall give a written and oral explanation of the boundaries of confidentiality before receiving substantive details whenever practicable.

(c) Mandatory exceptions.—Restricted reporting shall not prevent disclosures required by controlling federal law, a valid court order, an imminent and serious threat to safety, mandatory child-abuse reporting, or other narrowly defined statutory obligations. This Act does not create an evidentiary privilege merely by naming a report restricted. Implementing rules shall identify authorized access, minimization, notice where lawful, and protection against unauthorized disclosure.

(d) Conversion.—A reporting person may elect to convert a restricted report to unrestricted reporting at any time. An MRC shall explain that conversion cannot guarantee the availability of evidence or reverse a legally required prior disclosure.

(e) Independent evidence.—A restricted election does not prevent a lawfully initiated investigation based on independent information or mandatory jurisdictional requirements. Where a covered offense is otherwise reportable to MCIO or OSTC, required referrals shall occur under controlling law; the Secretary concerned shall prescribe how a confidential support election can operate without misleading the reporting person about those obligations.

(f) Data safeguards.—Restricted reports shall be maintained in a segregated access-controlled system with retention limits, audit trails, aggregate deidentified reporting, and sanctions for unauthorized access or disclosure. The statute shall not be implemented as a blanket promise of anonymity.

(g) Existing programs.—Sex-related allegations covered by existing SAPR procedures shall remain governed by those procedures and shall be referred to the appropriate SARC and SVC, with coordination only on a lawful, need-to-know basis. The MRC program shall not diminish existing sexual-assault, domestic-abuse, inspector-general, or whistleblower reporting rights.

SEC. 403. SPECIAL VICTIMS' COUNSEL FOR COVERED MALTREATMENT COMPLAINANTS.

(a) Entitlement.—A service member who makes a qualifying report alleging an Article 93 offense or related criminal retaliation under Article 132 shall be offered confidential consultation with qualified Special Victims' Counsel, or a separately designated Maltreatment Victims' Counsel with equivalent independence, qualifications, and attorney-client protections, without requiring an unrestricted report or a charging decision.

(b) Scope.—Authorized assistance shall include advice about reporting choices, confidentiality, investigative participation, privacy, retaliation, protective orders, transfer requests, military justice proceedings, correction of related personnel records, and legally available review of adverse actions. Counsel shall not control criminal prosecution or represent the Government.

(c) Timely access.—Absent documented exigent circumstances, initial consultation shall be made available as soon as practicable and ordinarily not later than 72 hours after request. Remote consultation shall be available when local counsel is unavailable.

(d) Eligibility and continuity.—Regulations shall specify eligible active and reserve members and limited continuation for cases arising during military service after separation. Existing rights under 10 U.S.C. 1044e shall not be reduced. Congress shall enact precise conforming amendments to section 1044e or create a parallel statutory entitlement, as legislative counsel determines appropriate.

(e) Independence and staffing.—Counsel shall be independent of the implicated command and shall receive training and resources proportionate to caseload. Attorney-client privilege and professional duties shall be governed by applicable law.

SEC. 404. MRC RESPONSE, EVIDENCE, AND DUE PROCESS.

(a) An MRC shall not make final criminal credibility or guilt findings, direct MCIO investigative outcomes, or recommend punitive action based solely on an untested allegation.

(b) An MRC receiving an unrestricted allegation shall make timely referrals required by sections 303 and 303A, preserve available information without undertaking unauthorized investigative interviews, and document referral and follow-up.

(c) MRC procedures shall respect Article 31 rights, the presumption of innocence, and the privacy of complainants, witnesses, and subjects. An MRC shall not provide legal advice reserved to counsel.

(d) No person shall retaliate against a complainant, subject, witness, MRC, or counsel for good-faith participation or exercise of legal rights. Knowingly false allegations remain subject to applicable law only when required elements are independently proved.

SEC. 405. IMPLEMENTATION OF REPORTING PROTECTIONS.

The Secretary of Defense, with appropriate Coast Guard coordination, shall submit proposed statutory confidentiality and evidentiary-privilege conforming amendments for congressional consideration before a restricted-reporting election is represented as legally protected against otherwise compulsory disclosure. Regulations shall prescribe MRC staffing, training, privacy notices, reporting pathways, escalation, and independent quality review.

TITLE V—PROTECTIVE MEASURES, MILITARY PROTECTIVE ORDERS, AND EXPEDITED TRANSFERS

SEC. 501. INDIVIDUALIZED SAFETY ASSESSMENT AND PROTECTIVE MEASURES.

(a) Upon a qualifying unrestricted report, or upon credible independent information indicating imminent danger, an authorized official independent of any implicated commander shall promptly assess safety and retaliation risks and consider protective measures. A finding of probable cause is not a prerequisite for emergency safety assessment or nonpunitive assistance.

(b) Available measures may include no-contact directives, schedule or duty-location adjustments, temporary lodging, escort or access restrictions, civilian protection-order assistance, and referral for military protective orders where legally appropriate.

(c) Measures shall be individualized, no broader than necessary, time-limited or periodically reviewed, and based on articulable facts. They shall not be punitive by implication and shall not presume a subject's guilt. The subject shall receive notice and an opportunity for review as soon as consistent with immediate safety.

SEC. 502. MILITARY PROTECTIVE ORDER REVIEW.

(a) A covered complainant may request an assessment for a military protective order concerning each specifically identified subject whose conduct presents an independently supported safety or retaliation risk. No order shall issue automatically against every person named in a complaint.

(b) The competent issuing commander or other authority authorized by law shall decide the request under applicable standards, with independent legal review where the issuing authority has a conflict. The official shall consider the severity and credibility of threats, proximity, prior conduct, necessity, and less restrictive alternatives.

(c) A probable-cause determination relating to a covered offense shall require prompt renewed consideration of protective measures but shall not automatically compel an MPO against a person lacking an individualized basis for an order.

(d) Orders shall state their scope, duration or review schedule, notice requirements, and enforcement consequences. The rights of subjects and complainants to request modification or review shall be specified. Existing requirements under 10 U.S.C. 1567 and related provisions remain applicable.

SEC. 503. EXPEDITED TRANSFER AND LOCAL REASSIGNMENT.

(a) A covered service member making an unrestricted report may request expedited local reassignment, temporary duty or housing change, or permanent change of station when reasonably necessary to reduce exposure to alleged maltreatment, retaliation, or serious safety risk.

(b) A documented probable-cause finding for a covered offense shall establish a strong presumption in favor of prompt approval of a feasible protective reassignment requested by the affected service member, unless an independent authority makes written findings that a specific legal, safety, or compelling operational reason requires a different protective arrangement. Such finding shall not establish the subject's guilt.

(c) Emergency safety measures may be ordered before probable cause where warranted; restricted reporters shall be eligible for confidential support and emergency safety planning, but any transfer requiring disclosure to assignment or command authorities shall proceed only with informed consent or a lawful disclosure exception.

(d) An initial written decision shall ordinarily issue within five calendar days for a routine expedited request, with immediate interim action when necessary for safety. A denial shall state reasons to the extent lawful and be subject to prompt independent appeal. Regulations shall address deployment, mission-critical specialties, family needs, career impacts, costs, and coordination among services.

(e) A complainant shall not be required to transfer rather than the subject solely for administrative convenience. Assignment decisions shall consider the preferences and professional interests of the complainant, subject to law and readiness. No person shall be transferred as punishment without authorized process.

SEC. 504. SAFEGUARDS AND COORDINATION.

(a) Protective measures shall be reviewed periodically and when material circumstances change; they shall not replace investigation, prosecution, or independent administrative process.

(b) MRCs and victim counsel may assist with requests, but shall not issue MPOs or direct assignments. Any implicated commander shall be screened for conflict and replaced in the decision chain when legally appropriate.

(c) The Secretary concerned shall establish confidential data practices, independent review, retaliation monitoring, and consistent guidance across installations and components.

TITLE VI—SERVICE MEMBER DEATH INVESTIGATIONS AND COMMAND-CLIMATE ACCOUNTABILITY

SEC. 601. INDEPENDENT INVESTIGATIVE TRIGGERS.

The competent MCIO shall initiate or assume an independent investigative review following

(1) suspected suicide;

(2) confirmed suicide;

(3) death of undetermined manner where suicide cannot reasonably be excluded;

(4) an initially accidental death where credible evidence suggests possible suicide; or

(5) a serious nonfatal suicide attempt accompanied by credible information suggesting a covered reform offense. Existing death-investigation and medical-examiner responsibilities remain in force. No suicide or attempt independently establishes another person's criminal liability.

SEC. 602. INDEPENDENT COMMAND-CLIMATE REVIEW.

Within 30 days of a qualifying trigger, an independent official outside the implicated chain of command shall commence an appropriate command-climate review, including confidential survey opportunities, voluntary interviews where appropriate, and review of reporting and leadership practices. The review may assess possible Article 93 offenses, retaliation, bullying, hazing, coercion, interference with care, prior complaints, and command responses. Privacy, privilege, classified-information, and constitutional safeguards apply. Survey responses are investigative leads, not independent proof of guilt.

SEC. 603. PROTECTED COMMUNICATIONS.

Section 1034 of title 10 shall be amended to protect qualifying participation in interviews, surveys, disclosures, and investigations under this title against unlawful reprisal. Suspected criminal retaliation shall be referred to the MCIO and OSTC where applicable. This section does not authorize unlawful classified disclosures or immunize independently criminal conduct.

SEC. 604. REQUIRED ARTICLE 93 SCREENING AND REPORT.

The MCIO shall document whether evidence supports investigation of Article 93 or another covered reform offense and transmit qualifying information to OSTC. Reports shall distinguish substantiated findings, disputed allegations, limitations, and referrals. OSTC shall independently determine prosecutorial disposition. No adverse inference arises solely from a death, suicide attempt, survey response, or exercise of legal rights.

TITLE VII—UNANIMOUS COURT-MARTIAL FINDINGS AND DUE PROCESS

SEC. 701. AMENDMENT TO ARTICLE 52.

Article 52 shall be amended to require concurrence of all voting court-martial members for a finding of guilty in a members court-martial. Implementing rules shall address deliberations, deadlock, mistrial, retrial, applicable constitutional protections, and preservation of capital-case safeguards. This amendment applies prospectively.

TITLE VIII—OVERSIGHT, IMPLEMENTATION, AND EFFECTIVE DATES

SEC. 801. ANNUAL CONGRESSIONAL REPORT.

The Secretary of Defense, with appropriate coordination for the Coast Guard, shall submit annual aggregate reports to the congressional defense committees covering Article 93 allegations and investigative referrals; OSTC dispositions; retaliation; death-investigation triggers; command-climate assessments; administrative separation proceedings and outcomes; permanent military disqualifications; costs; staffing; and operational impacts; MRC restricted and unrestricted intake; counsel consultations; protective-order requests and dispositions; expedited-transfer decisions and appeals; titling and indexing reviews and corrections; intake referrals; and average processing times. Reports shall protect personally identifying and otherwise protected information.

SEC. 802. IMPLEMENTATION.

Within 180 days after enactment, the Secretaries concerned shall prepare implementation plans addressing conforming regulations and Manual for Courts-Martial amendments; MCIO and OSTC capacity; training; evidence preservation; privacy; administrative separation boards and independent review; separation codes and accession systems; MRC/MEO staffing and independence; legal confidentiality safeguards; counsel capacity; MPO and transfer review; titling correction; and costs.

SEC. 803. SAVINGS; PROSPECTIVE EFFECT.

Nothing in this Act creates automatic criminal liability following suicide or attempted suicide; removes the presumption of innocence; reduces the beyond-a-reasonable-doubt burden; eliminates Article 31 or constitutional protections; authorizes retroactive criminal punishment; displaces otherwise available judicial review; or treats an administrative finding as a criminal conviction. New offenses and increased penalties apply prospectively. Invalidity of one provision shall not invalidate the remainder to the extent legally permissible.

SEC. 804. TECHNICAL CONFORMING AMENDMENTS.

Legislative counsel shall prepare precise amendments governing covered offenses, OSTC authority, command functions, criminal investigation, court-martial procedure and sentencing, administrative separation and officer elimination, accession restrictions, discharge documentation, correction of records, and judicial review.

SEC. 805. EFFECTIVE DATES AND TRANSITION.

(a) Effective dates of substantive criminal amendments shall be specified following legislative review. (b) Transition rules shall address pending investigations, proceedings, and mixed-date allegations. (c) Administrative separation and disqualification provisions shall apply prospectively under rules prescribed by Congress. (d) Implementation shall comply with constitutional protections against retroactive punishment and other applicable requirements.

This is a proposed legislative policy document, not an introduced bill or an official document of Congress or any federal agency. Exact statutory conforming amendments and constitutional, sentencing, administrative, and personnel-law review remain necessary before introduction.

PROPOSED LEGISLATION — NOT INTRODUCED 14

DRAFTING AND LEGAL REVIEW NOTE. This integrated draft preserves the prior policy architecture while adding proposed sections. It is not enactment-ready. Legislative counsel must verify and enact precise UCMJ and Title 10 conforming amendments, reconcile restricted reporting with mandatory referrals and evidentiary privileges, review OSTC jurisdiction, calibrate sentencing, and complete constitutional, privacy, fiscal, and administrative review.