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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 10, United States Code, to authorize the separation of a member of the Armed Forces who accepts a pardon or commutation of sentence from the President.

IN THE HOUSE OF REPRESENTATIVES

Ms. JOHNSON of Texas introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 10, United States Code, to authorize the separation of a member of the Armed Forces who accepts a pardon or commutation of sentence from the President.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enduring Account-
5 ability Act”.

1 **SEC. 2. AUTHORITY TO SEPARATE A MEMBER OF THE**
2 **ARMED FORCES WHO ACCEPTS A PARDON OR**
3 **COMMUTATION OF SENTENCE FROM THE**
4 **PRESIDENT.**

5 Chapter 59 of title 10, United States Code, is amend-
6 ed by inserting after section 1161 the following new sec-
7 tion:

8 **“§ 1162. Authority to separate a member who accepts**
9 **a pardon or commutation of sentence**
10 **from the President**

11 “(a) **AUTHORITY.**—(1) If a member of the armed
12 forces accepts a pardon or commutation of sentence from
13 the President, the Secretary concerned may, in accordance
14 with the recommendation of a board convened under sub-
15 section (b)—

16 “(A) authorize the involuntary administrative
17 separation of the member; or

18 “(B) if the member is a member of the Na-
19 tional Guard, withdraw the Federal recognition of
20 such member under section 323 of title 32.

21 “(2) An involuntary administrative separation under
22 paragraph (1) shall be characterized in accordance with
23 the recommendation of the board.

24 “(b) **CONSIDERATION BY BOARD.**—The Secretary
25 concerned shall convene a board—

1 “(1) not later than 30 days after a member
2 under the jurisdiction of such Secretary accepts a
3 pardon or commutation described in subsection (a);

4 “(2) to consider the conduct to which a pardon
5 or commutation described in subsection (a) relates—

6 “(A) under applicable regulations regard-
7 ing fitness and conduct; and

8 “(B) pursuant to standard procedures; and

9 “(3) to make—

10 “(A) findings of fact regarding the conduct
11 described in paragraph (2); and

12 “(B) a recommendation whether to author-
13 ize the involuntary administrative separation of
14 the member on the basis of such conduct, re-
15 gardless of such pardon or commutation.

16 “(c) NOTIFICATION.—The Secretary of a military de-
17 partment shall notify the Secretary of Defense not later
18 than 30 days after each of the following:

19 “(1) The acceptance of a pardon or commuta-
20 tion of sentence described in subsection (a) by a
21 member under the jurisdiction of such Secretary of
22 a military department.

23 “(2) The convening of a board under subsection
24 (b).

25 “(3) The recommendation of such a board.

1 “(d) REPORTING.—Not later than 30 days after a
2 board makes a recommendation under subsection (b), the
3 Secretary of Defense, or the Secretary of the department
4 in which the Coast Guard is operating when not operating
5 as a service in the Navy, shall submit to the appropriate
6 congressional committees a written report regarding such
7 recommendation. Such a report shall include the following
8 elements:

9 “(1) The findings of fact and recommendation
10 made by such board.

11 “(2) If the board recommended the involuntary
12 administrative separation of the member—

13 “(A) whether the Secretary authorized
14 such involuntary administrative separation; and

15 “(B) if the Secretary did not authorize
16 such involuntary administrative separation, the
17 justification of the Secretary.

18 “(e) DEFINITIONS.—In this section:

19 “(1) The term ‘appropriate congressional com-
20 mittees’ means—

21 “(A) in the case of a member of a covered
22 armed force—

23 “(i) the Committee on Armed Services
24 of the House of Representatives; and

1 “(ii) the Committee on Armed Serv-
2 ices of the Senate; or

3 “(B) in the case of a member of the Coast
4 Guard when the Coast Guard is not operating
5 as a service in the Navy—

6 “(i) the Committee on Transportation
7 and Infrastructure of the House of Rep-
8 resentatives; and

9 “(ii) the Committee on Commerce,
10 Science, and Transportation of the Senate.

11 “(2) The term ‘covered armed force’ means the
12 Army, Navy, Marine Corps, Air Force, or Space
13 Force.”.