



Request Feedback by January 11th, 2025 – Proposed 2026 NDAA Legislation – Military Investigative Competency Enhancement Act of 2026

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We're calling on everyone who cares about the rights of our service members to provide feedback on our proposed *Military Investigative Competency Enhancement Act of 2026*. This proposed legislation is an **interim step** as the [Walk the Talk Foundation](https://www.walkthetalkfoundation.org/) works toward the achievement of [fully independent investigatory bodies](#) in the DoD and DHS (relevant to U.S. Coast Guard personnel).

To ensure we meet congressional deadlines for proposed NDAA amendment language, please send your feedback citing the relevant paragraph number to francescagraham@walkthetalkfoundation.org or ryansweazey@walkthetalkfoundation.org no later than **January 11th, 2025**.

This Act will standardize investigative training, strengthen protections against command influence, and enhance oversight, restoring confidence in the processes that profoundly impact the careers and well-being of those who serve our nation.

Your input is invaluable in shaping this critical legislation. Join us in advocating for these changes, and let's work together to ensure transparency, accountability, and fairness for our service members as we pursue a fully independent Inspector General system.

BEGIN DRAFT LEGISLATION

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Investigative Competency Enhancement Act of 2026."

SECTION 2. FINDINGS AND PURPOSE.

(a) **Findings.** Congress finds that:



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1. Investigations within the Department of Defense (DoD) and the Department of Homeland Security (DHS) significantly impact the careers, reputations, well-being of service members, and operational readiness. However, inconsistent and non-standardized training for Inspectors General and investigating officers, as well as findings unduly influenced by command, undermine procedural fairness, due process, and the accuracy of findings.

(b) Purpose. The purpose of this Act is to:

1. Standardize mandatory training requirements for all IGs and appointed, designated, or assigned investigating officers and non-commissioned officers.
2. Ensure objectivity and impartiality throughout the investigative process and to focus on identifying findings of fact conducted within the Armed Services and the U.S. Coast Guard.
3. Strengthen service member confidence in the investigative processes of the Armed Services and the U.S. Coast Guard.
4. Establish mechanisms within DoD and DHS to reduce institutional bias and remove conflicts of interest in the inspectors' general system.

SECTION 3. MANDATORY TRAINING REQUIREMENTS AND IMPLEMENTATION

(a) Development of Standardized Training Curriculum.

1. **Directive to the Secretary of Defense and the Secretary of Homeland Security:**

- Within 12 months of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall develop a standardized investigative training curriculum to ensure consistency, procedural fairness, and professionalism in investigations. The curriculum shall be applicable to:
 - Inspectors General assigned to the Department of Defense and the Department of Homeland Security (for U.S. Coast Guard personnel).
 - Investigating officers and non-commissioned officers in the Armed Services and the U.S. Coast Guard leadership appointed, designated, or assigned to conduct administrative investigations in support of potential administrative punishments (whether punitive or non-punitive) and non-judicial punishment within the DoD or DHS.

2. **Curriculum Requirements:**

- The curriculum shall include, but not be limited to:
 - Principles of procedural fairness, due process, objectivity, impartiality, and findings of fact.
 - Investigative procedures and methodologies.
 - Ethical standards in investigations.
 - Whistleblower protections that are available to subjects and/or witnesses in an investigation.
 - Techniques for evidence collection, documentation, and chain of custody.



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- Report writing and proper adjudication of investigative findings, including proper documentation, preservation of evidence, and documentation of all reasons for failing to interview any individuals identified by any participant as having knowledge relevant to the scope of the investigation.
- Recognition and mitigation of conflicts of interest, as well as conscious and unconscious biases.
- Interviewing processes and procedures.
- Legal and regulatory requirements relevant to administrative investigations, including whistleblower protection laws and applicable service-specific regulations.
- Protection of individual rights under the U.S. Constitution, applicable laws, and regulations.

3. **Coordination with the Military Services:**

- Each Secretary of a Military Department and the Commandant of the U.S. Coast Guard shall ensure adherence to, and implementation of the curriculum developed pursuant to the provisions of this subsection.
- Curriculum developed shall be retained and be presented as a joint standard. Departments may choose to add additional information subject to unique departmental requirements and will be required to report these additions to the DOD or DHS IG via their service secretary.

(b) Implementation of Training Requirements.

1. **Completion Deadline:**

- All Inspectors General, investigating officers and non-commissioned officers in the DoD and DHS (for U.S. Coast Guard personnel) must complete the mandatory training prior to assuming investigative duties or within six months of the effective date of this Act if already serving in such a billet.

2. **Ongoing Training:**

- Refresher training shall be conducted annually for all personnel assigned as Inspectors General (IGs), as well as all officers and non-commissioned officers within the Department of Defense (DoD) and the Department of Homeland Security (DHS) (applicable to U.S. Coast Guard personnel). DoD and DHS shall verify completion.
- Personnel responsible for developing refresher training shall ensure it remains current with updates to federal and state statutes, as well as DoD and DHS policies relevant to administrative investigations and whistleblower protection.

(c) Directives to the Secretaries of Defense and Homeland Security

1. **Consolidation of Training Programs:**

- Within 180 days of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall issue directives consolidating all investigative training requirements under a single program for their respective departments.

2. **Policy Updates and Revisions:**



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- The Secretaries shall repeal or update conflicting or redundant provisions in existing DoD and DHS policies, directives, and instructions to align with the standardized training curriculum and implementation requirements established by this Act.

SECTION 4. OVERSIGHT AND COMPLIANCE.

(a) Certification of Training Completion.

1. The Secretary of Defense and Secretary of Homeland Security shall establish and operationalize a centralized tracking system to certify and monitor the completion of mandatory training by all affected personnel. This system must be fully implemented within 12 months, with quarterly progress updates provided to the appropriate oversight authorities.
2. Leadership within the DoD and DHS authorized to initiate an IG or administrative investigation shall verify, via the tracking system, that appointed, designated, or assigned officers and NCOs have completed the required training within the six months preceding their investigative duties. Failure to verify compliance will result in immediate suspension of investigative authority for the non-compliant personnel until training requirements are fulfilled.
3. Investigators must provide interviewees with verifiable copies of their training credentials before conducting an interview. Failure to comply will invalidate the interview, render any findings obtained inadmissible in subsequent proceedings, and trigger a mandatory review of the investigator's qualifications and compliance history.
4. Supervisors or leadership found to have appointed or authorized untrained or non-compliant personnel for investigative duties will be subject to administrative sanctions, including potential removal from their supervisory role.
5. Investigators who repeatedly fail to adhere to procedural requirements, such as providing training credentials, will face suspension from investigative duties and mandatory retraining.
6. A comprehensive auditing system shall be implemented within 18 months to ensure ongoing compliance with training and procedural requirements. This system will include regular internal audits and biannual external audits conducted by an independent oversight body.
7. Audit findings will be reported to the Secretary of Defense, Secretary of Homeland Security, and relevant congressional oversight committees, with corrective action plans required for any deficiencies identified.

(b) Government Accountability Office Audit.

1. The Government Accountability Office shall conduct an annual audit to ensure compliance, accuracy, and reliability with the training requirements established under this Act.
2. A report on compliance and recommendations shall be addressed in the Annual Report to Congress Pursuant.

SECTION 5. ASSESSMENT OF EFFECTIVENESS AND SERVICE MEMBER CONFIDENCE.

(a) Measurable Outcomes for Training Effectiveness:

Within 12 months of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall establish measurable outcomes to evaluate the effectiveness of investigative training programs. These outcomes shall include:

1. Competency Metrics:

- Assess the knowledge, skills, and abilities of trained personnel through standardized testing and practical evaluations.



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2. Accuracy and Quality of Investigations:

- Measure improvements in the accuracy, thoroughness, and procedural compliance of investigations.

3. Reduction in Procedural Errors:

- Track and analyze instances of procedural errors or invalidated investigations due to non-compliance with training standards.

(b) Measurable Outcomes for Service Member Confidence:

The Secretaries shall develop methods to assess and enhance service member confidence in the investigative process, including:

1. Periodic Surveys:

- Conduct annual surveys of service members to gauge perceptions of fairness, impartiality, and procedural transparency in administrative investigations.

2. Complaint Resolution Analysis:

- Evaluate trends in complaints, appeals, or grievances related to investigative outcomes to identify systemic issues and areas for improvement.

3. Feedback Mechanisms:

- Implement channels for service members to provide anonymous feedback on their experience with the investigative process.

(c) Reporting and Continuous Improvement:

1. Annual Reports:

- The Secretary of Defense and Secretary of Homeland Security shall submit an annual report to the appropriate congressional committees summarizing:
 - The effectiveness of investigative training programs based on established metrics.
 - The level of service member confidence in the investigative process.
 - Actions taken to address deficiencies and enhance training outcomes.

2. Periodic Reviews:

- Review and update the training curriculum, procedures, and evaluation criteria at least once every three years to ensure alignment with evolving best practices and service member needs.

SECTION 6. INDEPENDENCE OF INVESTIGATING OFFICERS AND PROTECTION AGAINST COMMAND INFLUENCE.

(a) Independence of Investigating Officers:



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1. Assignment Criteria:

- Investigating officers assigned to conduct administrative investigations must be independent of the command involved in the matter under investigation.
- Officers must not have a personal, professional, or supervisory relationship with any individual directly involved in the case, including the complainant, the accused, or any witnesses.

2. Special Protections for Whistleblower and Harassment Cases:

- In cases involving allegations of whistleblowing, harassment, or retaliation, investigating officers must be appointed from outside the chain of command of both the complainant and the accused to prevent actual or perceived command influence.
- Investigating officers in such cases must receive specialized training on handling sensitive cases to ensure fairness, impartiality, and protection of all parties' rights.

(b) Oversight of Assignments:

1. Certification of Independence:

- Prior to initiating an investigation, the appointing authority must certify in writing that the assigned investigating officer meets the independence requirements outlined in subsection (a).

2. Review by Oversight Authorities:

- An oversight authority, such as an Inspector General or equivalent entity, shall have the authority to review and confirm compliance with the independence requirements for investigations involving whistleblowers or harassment.

(c) Accountability for Non-Compliance:

1. Invalidation of Investigations:

- Failure to comply with the independence requirements shall render the investigation procedurally flawed, with findings subject to invalidation.

2. Corrective Action:

- Appointing authorities who fail to adhere to these requirements may face administrative sanctions or additional oversight measures.

SECTION 7. AMENDMENTS TO EXISTING LEGISLATION.

(a) Repeals and Modifications.

1. Repeals:

- Repeal any existing provisions in U.S. Code Title 5, 6, 10, and 32, or other statutes that provide conflicting or redundant training directives for investigative personnel.

2. Additions:



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- Add section to **6 U.S.C. Chapter 1 (Homeland Security Organization)** specifying:
 - Requirement that officers/NCOs appointed, designated, or assigned to conduct administrative investigations leading to either administrative punishment, punitive or non-punitive, or non-judicial punishment must receive the training specified in this act.
 - Requirement that DHS must publish quarterly compliance reports on the independence of investigative officer assignments, particularly in cases involving whistleblowers or harassment.
- Add sections to **10 U.S.C. Chapter 47 (UCMJ)** specifying:
 - Requirement that officers or non-commissioned officers appointed, designated, or assigned to conduct administrative investigations leading to either administrative punishment, punitive or non-punitive, or non-judicial punishment must receive the training specified in this act.
 - Extend prohibitions against unlawful command influence to cover administrative investigations, ensuring impartiality in cases involving harassment, retaliation, or whistleblowing.
 - Mandate that investigators handling such cases are appointed outside the chain of command of the complainant and the accused.
 - Specify DoD and DHS inspectors' general responsibility for auditing compliance with the investigative training curriculum across all branches.

3. Amendments:

- Amend **5 U.S.C. § 2301 (Merit System Principles)** to include a reference to this proposed legislation's training requirements to ensure consistency in investigations involving DoD and DHS (relevant to U.S. Coast Guard) personnel.
- Amend **5 U.S.C. § 2302(c)(2) (Prohibited Personnel Practices)** to include:
 - A reference to this proposed legislation's training requirements to ensure consistency in investigations involving DoD and DHS (relevant to U.S. Coast Guard) personnel.
 - Add a subsection requiring investigators assigned to whistleblower, harassment, or retaliation cases to complete the specialized training curriculum established by this Act.
- Amend **10 U.S.C. § 1561 (Sexual Harassment Investigations)** to incorporate a requirement that all investigating officers assigned to sexual harassment cases must complete the training mandated by this Act.
- Amend **10 U.S.C. § 802 – Art. 2. (Persons Subject to the UCMJ)** to update relevant UCMJ procedures to align with standardized investigative training, ensuring consistency across all military branches.
- Amend **10 U.S.C. § 815 – Art. 15 (Commanding Officer's Non-Judicial Punishment (NJP))** to require that all investigating officers involved in NJP cases complete the standardized training before conducting investigations.
- Amend **10 U.S.C. § 1034 (Protected Communications; Prohibition of Retaliatory Personnel Actions)** to include:



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- A training requirement for all personnel conducting investigations into protected communications and whistleblower complaints.
- Incorporate explicit requirements for investigative independence and specialized training for cases involving whistleblower complaints.
- Mandate oversight authority review of investigator assignments in retaliation investigations.
- Amend **Inspector General Act of 1978 (5 U.S.C. Compiled Act. 95-542)** to:
 - Mandate compliance with the standardized training program for military Inspectors General.
 - Mandate implementation of centralized tracking systems to monitor investigator training completion and compliance with procedural requirements for all DoD and DHS Inspectors General.
- Amend **6 CFR (Homeland Security - Part 115: Standards To Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities)** to include training mandates for investigators handling administrative cases.
- Amend **32 CFR (National Defense - Part 516: Litigation; Release of Information; Appearance of Witnesses)** to reflect training requirements for DoD personnel conducting administrative investigations.

4. Exception:

- No part of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No-FEAR Act) shall be repealed.

SECTION 8. AUTHORIZATION OF APPROPRIATIONS.

1. Financial Impact Study:

- Within 60 days of the enactment of this requirement, the Secretary of Defense and the Secretary of Homeland Security shall commission a comprehensive financial impact study. This study will assess the costs associated with implementing and maintaining the required training programs, tracking systems, and audit procedures for the following personnel:
 - Inspectors General:
 - Assigned to the Department of Defense and the Department of Homeland Security (for U.S. Coast Guard personnel).
 - Investigating Officers and Non-Commissioned Officers:
 - Armed Services and U.S. Coast Guard leadership appointed, designated, or assigned to conduct administrative investigations supporting potential administrative punishments, whether punitive or non-punitive, as well as non-judicial punishment within the Department of Defense and Department of Homeland Security (for U.S. Coast Guard personnel).
- The financial impact study shall include:
 - A detailed breakdown of initial implementation costs, including training development, delivery, and credential verification systems.



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- Projections of ongoing operational costs for maintaining compliance, such as tracking and auditing systems.
- An analysis of potential cost savings or avoidance related to improved procedural fairness, reduced legal challenges, and enhanced investigative accuracy.
- A detailed report of findings, including recommendations for resource allocation and funding strategies, shall be submitted to the appropriate congressional oversight committees and made available to relevant stakeholders.

2. Funding Allocation:

The Secretary of Defense and Secretary of Homeland Security are authorized to allocate such funds as may be necessary to implement the training programs, tracking systems, audit procedures, and oversight mechanisms established under this Act. Funding decisions shall be informed by the findings of the financial impact study, ensuring that resources are allocated efficiently and effectively to meet program requirements.

3. Budget Neutrality:

- Efforts shall be made to integrate this program within existing budgets, leveraging current training platforms, personnel, and resources to minimize additional costs. The financial impact study will provide a detailed analysis of potential cost-neutral strategies, including opportunities for cost-saving measures and reallocations within existing structures. Adjustments to funding strategies may be made based on the study's recommendations to maintain fiscal responsibility.

SECTION 9. EFFECTIVE DATE.

This Act and the regulations prescribed under it shall take effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2026, as published into law.

SECTION 10. SUNSET CLAUSES FOR OUTDATED PROVISIONS.

Any DoD or DHS (for U.S. Coast Guard personnel) investigative training requirements established prior to the enactment of the *Military Investigative Competency Enhancement Act of 2026* that conflict with or duplicate the provisions of this Act shall be repealed only after the replacement provisions are verified as fully operational, but no later than December 31, 2028.

SECTION 11. DEFINITIONS.

1. For purposes of this Act:

- **“Armed Services”** includes the Army, Navy, Marines, Air Force, and Space Force.
- The term **“Officers”** applies to both uniformed personnel and DoD/DHS civilian employees tasked with investigative duties involving the Armed Services and U.S. Coast Guard personnel.
- **“Administrative investigation”** refers to any inquiry, investigation, or fact-finding process conducted to support the issuance of adverse administrative actions, such as Letters of Reprimand (LOR), General Officer Memoranda of Reprimand (GOMAR), Letters of Admonition (LOA), or similar measures.
- **“Administrative punishment”** refers to non-judicial or administrative corrective actions imposed on service members or civilian personnel.



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END DRAFT LEGISLATION

Send this newsletter to your elected officials if you believe they need to correct the issues discussed.

- Find your Representative here: <https://www.house.gov/representatives/find-your-representative>
- Find your Senator here: <https://www.senate.gov/senators/senators-contact.htm>

Feel free to reach out privately at francescagraham@walkthetalkfoundation.org or in the comments.

PETITIONS:

1. [SIGN THIS PETITION](#) demanding that our leaders in Congress change the DoD's unjust administrative investigatory system.
2. [SIGN THIS PETITION](#) demanding real anti-harassment reform in the Military and Coast Guard now.
3. [SIGN THIS PETITION](#) urging the Supreme Court of the United States to hear the case of Staff Sergeant Ryan Carter who was paralyzed from the chest down following a routine surgery at Walter Reed.

If you would like to help us fight these issues, please consider donating to the [Walk the Talk Foundation](#) via either [Venmo](#) or [PayPal](#). We greatly appreciate your support.

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