

119TH CONGRESS
2D SESSION

S. 5542

To establish objective standards, procedural protections, and independent review for the Secretary of Defense’s removal of officers from promotion recommendations.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2026

Mr. BLUMENTHAL (for himself, Mrs. SHAHEEN, Ms. HIRONO, Ms. ROSEN, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish objective standards, procedural protections, and independent review for the Secretary of Defense’s removal of officers from promotion recommendations.

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 “Military Officer Pro-
5 motion Integrity Act of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The officer promotion system established
9 under chapter 36 of title 10, United States Code, is

1 intended to ensure that officers are advanced based
2 on merit, demonstrated performance, professional
3 qualifications, and the needs of the Armed Forces.

4 (2) Promotion selection boards convened under
5 chapter 36 of title 10, United States Code, play a
6 critical role in preserving the professionalism, merit-
7 based character, and apolitical nature of the Armed
8 Forces.

9 (3) Officers selected for promotion by a duly
10 constituted promotion selection board should not be
11 removed from promotion consideration except pursu-
12 ant to objective standards, established procedures,
13 and documented findings consistent with law.

14 (4) Transparency, objectivity, and meaningful
15 oversight promote servicemember and public con-
16 fidence in the military promotion system, protect the
17 rights of servicemembers, and strengthen the readi-
18 ness and effectiveness of the Armed Forces.

19 (5) Congress has a constitutional responsibility
20 to make rules for the government and regulation of
21 the Armed Forces, including establishing statutory
22 standards governing the promotion of commissioned
23 officers.

1 **SEC. 3. STANDARDS FOR REMOVAL FROM PROMOTION**
2 **RECOMMENDATIONS.**

3 Section 618 of title 10, United States Code, is
4 amended—

5 (1) in subsection (d)(2), by striking “In the
6 case” and inserting “Subject to subsection (g), in
7 the case”;

8 (2) by redesignating subsection (g) as sub-
9 section (f); and

10 (3) by inserting after subsection (f), as so re-
11 designated, the following new subsection:

12 “(g) REMOVAL FROM PROMOTION RECOMMENDA-
13 TIONS.—(1) The Secretary of Defense may remove an offi-
14 cer selected for promotion by a promotion selection board
15 under subsection (d)(2) only upon a written determination
16 that—

17 “(A) the officer engaged in misconduct;

18 “(B) newly discovered, material adverse infor-
19 mation unavailable to the promotion selection board
20 materially affects the qualifications of the officer for
21 promotion;

22 “(C) the officer no longer satisfies statutory
23 qualifications for promotion; or

24 “(D) removal is required for reasons of national
25 security or military necessity.

1 “(2) The written determination shall identify the spe-
2 cific ground for removal under paragraph (1), set forth
3 the factual findings and evidence supporting the deter-
4 mination, and be supported by substantial evidence.

5 “(3) A written determination under paragraph (1)
6 may not be based upon an officer’s participation in, imple-
7 mentation of, or statements made in connection with a
8 lawful Department of Defense policy, directive, program,
9 ceremony, or official activity that was authorized at the
10 time such conduct occurred.

11 “(4) Not later than 15 days after making a final de-
12 termination under this subsection, the Secretary shall pro-
13 vide—

14 “(A) written notice to the affected officer; and

15 “(B) written notification to the congressional
16 defense committees.

17 “(5) In this subsection, the term ‘adverse informa-
18 tion’ has the meaning given the term in Department of
19 Defense Instruction (DoDI) 1320.4, or successor regula-
20 tions.”.

21 **SEC. 4. DEFINITION OF MISCONDUCT.**

22 Subsection (g) of section 618 of title 10, United
23 States Code, as added by section 3(2) of this Act, is
24 amended by adding at the end the following new para-
25 graph:

1 “(6) For purposes of this subsection, the term ‘mis-
2 conduct’ means—

3 “(A) a violation of chapter 47 of this title (the
4 Uniform Code of Military Justice);

5 “(B) substantiated adverse findings by an In-
6 spector General, board of inquiry, or other com-
7 petent authority;

8 “(C) conduct resulting in removal from com-
9 mand or the initiation of administrative separation
10 proceedings; or

11 “(D) conduct that materially demonstrates the
12 officer’s inability to perform the duties of the grade
13 for which selected.”.

14 **SEC. 5. NOTICE AND OPPORTUNITY TO RESPOND.**

15 Section 618 of title 10, United States Code, as
16 amended by section 3 of this Act, is further amended by
17 adding at the end the following new subsection:

18 “(h) NOTICE AND OPPORTUNITY TO RESPOND.—(1)
19 Before making a final determination to remove an officer
20 from a promotion recommendation under this section, the
21 Secretary of Defense shall—

22 “(A) provide the officer written notice of the
23 proposed action and the factual basis supporting
24 such action;

1 “(B) provide the officer an opportunity to sub-
 2 mit written matters for consideration within a rea-
 3 sonable period; and

4 “(C) consider any matters submitted by the of-
 5 ficer before issuing a final determination.

6 “(2) If, not later than 15 days after receiving notice
 7 of a final determination under subsection (g), the officer
 8 subject to the determination petitions a board for correc-
 9 tion of military records under section 1552(k) of this title
 10 for review of the determination, the Secretary of Defense
 11 shall stay the removal of the officer from the promotion
 12 recommendation until the board completes its review.”.

13 **SEC. 6. EXPEDITED REVIEW BY BOARDS FOR CORRECTION**
 14 **OF MILITARY RECORDS.**

15 (a) IN GENERAL.—Section 1552 of title 10, United
 16 States Code, is amended—

17 (1) by redesignating subsection (k) as sub-
 18 section (l); and

19 (2) by inserting after subsection (j) the fol-
 20 lowing new subsection:

21 “(k)(1) An officer removed from a promotion rec-
 22 ommendation under section 618 of this title may petition
 23 the applicable board established under subsection (a)(1)
 24 for expedited review. The board shall complete review not
 25 later than 180 days after receipt of such petition.

1 “(2) If the board removes from the officer’s pro-
2 motion record the adverse information upon which the
3 Secretary’s removal decision was based or determines that
4 the Secretary’s removal of the officer violated section 618
5 of this title, or regulations prescribed pursuant to such
6 section, the Secretary shall vacate the prior determination,
7 reconsider the officer’s promotion recommendation in ac-
8 cordance with such section, and issue a new written deter-
9 mination.”.

10 (b) REGULATIONS.—The Secretary concerned shall
11 prescribe procedures to implement this section not later
12 than 180 days after the date of the enactment of this Act.

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