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H. R. 10710

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2026

Ms. STRICKLAND (for herself and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

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

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 Officer Promotion Integrity Act of 2026".

SEC. 2. FINDINGS.

Congress makes the following findings:

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

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

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

(3) Officers selected for promotion by a duly constituted promotion selection board should not be removed from promotion consideration except pursuant to objective standards, established procedures, and documented findings consistent with law.

(4) Transparency, objectivity, and meaningful oversight promote servicemember and public confidence in the military promotion system, protect the rights of servicemembers, and strengthen the readiness and effectiveness of the Armed Forces.

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

SEC. 3. STANDARDS FOR REMOVAL FROM PROMOTION RECOMMENDATIONS.

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

(1) in subsection (d)(2), by striking ''In the case'' and inserting ''Subject to subsection (g), in the case'';

(2) by redesignating subsection (g) as subsection (f); and

(3) by inserting after subsection (f), as so redesignated, the following new subsection:

''(g) REMOVAL FROM PROMOTION RECOMMENDATIONS.—(1) The Secretary of Defense may remove an officer selected for promotion by a promotion selection board under subsection (d)(2) only upon a written determination that—

''(A) the officer engaged in misconduct;

''(B) newly discovered, material adverse information unavailable to the promotion selection board materially affects the qualifications of the officer for promotion;

''(C) the officer no longer satisfies statutory qualifications for promotion; or

''(D) removal is required for reasons of national security or military necessity.

"(2) The written determination shall identify the specific ground for removal under paragraph (1), set forth the factual findings and evidence supporting the determination, and be supported by substantial evidence.

"(3) A written determination under paragraph (1) may not be based upon an officer's participation in, implementation of, or statements made in connection with a lawful Department of Defense policy, directive, program, ceremony, or official activity that was authorized at the time such conduct occurred.

"(4) Not later than 15 days after making a final determination under this subsection, the Secretary shall provide—

"(A) written notice to the affected officer; and

"(B) written notification to the congressional defense committees.

"(5) In this subsection, the term 'adverse information' has the meaning given the term in Department of Defense Instruction (DoDI) 1320.4, or successor regulations.".

SEC. 4. DEFINITION OF MISCONDUCT.

Subsection (g) of section 618 of title 10, United States Code, as added by section 3(2) of this Act, is amended by adding at the end the following new paragraph:

"(6) For purposes of this subsection, the term 'misconduct' means—

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

"(B) substantiated adverse findings by an Inspector General, board of inquiry, or other competent authority;

"(C) conduct resulting in removal from command or the initiation of administrative separation proceedings; or

"(D) conduct that materially demonstrates the officer's inability to perform the duties of the grade for which selected.".

SEC. 5. NOTICE AND OPPORTUNITY TO RESPOND.

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

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

"(A) provide the officer written notice of the proposed action and the factual basis supporting such action;

"(B) provide the officer an opportunity to submit written matters for consideration within a reasonable period; and

"(C) consider any matters submitted by the officer before issuing a final determination.

"(2) If, not later than 15 days after receiving notice of a final determination under subsection (g), the officer subject to the determination petitions a board for correction of military records under section 1552(k) of this title for review of the determination, the Secretary of Defense shall stay the removal of the officer from the promotion recommendation until the board completes its review.".

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

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

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k)(1) An officer removed from a promotion recommendation under section 618 of this title may petition the applicable board established under subsection (a)(1) for expedited review. The board shall complete review not later than 180 days after receipt of such petition.

"(2) If the board removes from the officer's promotion record the adverse information upon which the Secretary's removal decision was based or determines that the Secretary's removal of the officer violated section 618 of this title, or regulations prescribed pursuant to such section, the Secretary shall vacate the prior determination, reconsider the officer's promotion recommendation in accordance with such section, and issue a new written determination.".

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

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