

FY2027 NDAA: Military Officer Promotions and Dismissal

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In the exercise of its constitutional responsibilities to shape and oversee the U.S. Armed Forces, Congress has enacted a [statutory framework](#) for military officer career management. This includes a series of laws governing officer appointments, promotions, nominations, separations, retirements, and other administrative or [punitive](#) actions. Congress also has investigative and oversight authority over military personnel actions, which it typically exercises through inquiries or hearings. The Senate has the authority to confirm officers nominated by the President in its advice and consent role. Within this framework, Congress has delegated authority to the Secretaries of Defense and other military departments to take certain personnel actions. (The Secretary of Defense is using “Secretary of War” as a “secondary title” under [Executive Order](#) 14347 dated September 5, 2025). [By law](#), certain senior military officers (e.g., the Joint Chiefs of Staff) serve “at the pleasure of the President,” giving the Executive discretion to select and remove officers in top posts.

During the 119th Congress, press reports cite [questions raised by some Members](#) about personnel actions taken by Secretary of Defense Pete Hegseth with respect to [General and Flag officers \(GFOs\)](#). These include Secretary Hegseth’s reported actions to [delay or block promotions](#), and to [remove](#) or [reassign](#) officers prior to the end of their expected term of service in senior positions. Reported [congressional concerns](#) include insufficient justification for these actions, a [lack of transparency in the decisionmaking process](#), and [perceptions of military politicization](#) that some observers argue could [erode public trust or servicemember morale](#).

Legislative Activity

Several provisions in the House and Senate Armed Services Committees (HASC and SASC) versions of a National Defense Authorization Act for fiscal year 2027 (FY2027 NDAA) would amend existing statutes to enhance congressional oversight of officer personnel actions for GFOs as well as the broader officer corps (see [Table 1](#)).

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Table I. Selected Legislation for a FY2027 NDAA

HASC-reported	SASC-reported
Sec. 502 would add a new section under Chapter 49 of Title 10, U.S. Code to require written congressional notification and explanation within 5 days of relief or early departure of certain general and flag officers (GFOs).	Sec. 507 would add a new section under Chapter 35 of Title 10, U.S. Code to require written congressional notification within 5 days of early departure of covered general and flag officers (GFOs) from their positions. It would also specify the contents of the 5-day notice and require a detailed report within 30 days with additional justification for the action.
No similar provision.	Sec. 502 would place a 30-day limit on the Secretary of Defense's authority to withhold an officer nomination or promotion prior to disposition and congressional notification.
No similar provision.	Sec. 501 would require congressional notification of delays in appointments for officers on the promotion list with rationale for the delay and would remove exceptions from the requirement that an officer subject to a delay receive written notice of the reason.

Source: CRS analysis of legislation.

Senior Officer Removal: Positions of Importance and Responsibility

Section 507 of the SASC-reported bill and Section 503 of the HASC-reported bill include similar provisions that would require the Secretary of Defense to provide written notice to the Armed Services Committees no later than five days after taking certain actions to remove GFOs serving in “[positions of importance and responsibility](#)” under 10 U.S.C. §601. The Senate version would require the Secretary to additionally provide specific details in the initial five-day notice as well as a more detailed report within 30 days to include the reason for the action, expected duration, and status of any associated review or investigation.

Delays in Processing Selection Board Recommendations

Under [10 U.S.C. §§611-618](#), the Secretaries of the military departments may convene selection boards to recommend officers “of particular merit” to be placed on a promotion list. Per [10 U.S.C. §616\(g\)](#), officials exercising authority over the selection board may not “censure, reprimand, or admonish” or “attempt to coerce or, by any unauthorized means, influence” the board members with respect to their recommendations or exercise of lawful functions. The relevant Department Secretary is [to review selection board recommendations](#) and adjudicate any concerns. If the board considered officers who are serving or have served on the Joint Staff or are [joint qualified](#), the board’s report is also to go to the Chairman of the Joint Chiefs of Staff for consideration and coordination. The Secretary’s recommendation is then to be “transmitted to the Secretary of Defense for transmittal to the President for his approval or disapproval.”

In the FY2026 NDAA (Section 503 of P.L. 119-60), Congress added a congressional notification requirement if the President or Secretary of Defense removes the name of an officer from a selection board report “for any reason other than misconduct.” Section 502 of the SASC-reported bill would allow the Secretary of Defense to temporarily withhold officer nominations for promotion prior to disposition but would require written congressional notification if such withholding exceeded 30 days. The notification would require a “detailed explanation of the basis for such continued withholding.”

Delays in Appointments of Officers Selected for Promotion

Under 10 U.S.C. §624(d), the Secretary of Defense or Secretary of a military Department may delay appointment of an officer who is approved for promotion to the next grade under certain circumstances. These may include credible adverse information, investigation, pending disciplinary actions, conduct issues, or if the officer is “is mentally, physically, morally, or professionally unqualified to perform the duties of the grade for which he was selected for promotion.” This law entitles an officer subject to a delay to receive written notice of the grounds for the delay prior to the effective date of promotion, “unless it is impracticable ... in which case such written notice shall be given as soon as practicable.” The law also establishes a six-month timeline for action on a delay, unless the “Secretary concerned specifies a further period of delay.” The law includes additional timelines for action on a promotion in criminal cases—no more than 90 days following a court’s final action, or 18 months from when the officer would have otherwise been appointed, whichever is later.

Existing law does not mandate congressional notification in the case of promotion delays. Section 501 of the SASC-reported bill would add a requirement that the Secretary of Defense notify the congressional defense committees within 30 days of a delay and provide a rationale for the delay with a status update on any review or investigation. This provision would also remove the exception to the requirement to provide written notice to the officer in cases where providing such notice is determined to be “impracticable.”

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