

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective on the first day of the fourth month beginning after Oct. 5, 1994, see section 541(h) of Pub. L. 103-337, set out as a note under section 571 of this title.

EFFECTIVE DATE

Section effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as an Effective Date of 1991 Amendment note under section 521 of this title.

CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

Sec.

591. Reference to chapters 1205 and 1207.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1662(d)(3), Oct. 5, 1994, 108 Stat. 2991, amended analysis generally, substituting item 591 for former items 591 to 600a.

1992—Pub. L. 102-484, div. A, title V, §515(b), Oct. 23, 1992, 106 Stat. 2407, added item 596.

1986—Pub. L. 99-661, div. A, title V, §508(d)(1)(B), Nov. 14, 1986, 100 Stat. 3867, added item 600a.

1980—Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2849, substituted “34” for “35” as chapter number.

1958—Pub. L. 85-861, §1(11), Sept. 2, 1958, 72 Stat. 1440, added item 592 and struck out item 596 “Officers: promotion”.

§ 591. Reference to chapters 1205 and 1207

Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).

(Added Pub. L. 103-337, div. A, title XVI, §1662(d)(3), Oct. 5, 1994, 108 Stat. 2991.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 591 to 594, 595, and 596 were renumbered sections 12201 to 12204, 12208, and 12205 of this title, respectively.

Another prior section 596, act Aug. 10, 1956, ch. 1041, 70A Stat. 25, related to promotion of officers in the Reserve components, prior to repeal by Pub. L. 85-861, §36B(2), Sept. 2, 1958, 72 Stat. 1570.

Prior sections 596a, 596b, 597 to 599, 600, and 600a were renumbered sections 12206, 12207, 12241 to 12243, 12209, and 12210 of this title, respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

CHAPTER 35—TEMPORARY APPOINTMENTS IN OFFICER GRADES

Sec.

601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals.

602. Flexibility in determining terms of appointment for certain senior officer positions.

Sec.

603. Appointments in time of war or national emergency.

604. Senior joint officer positions: recommendations to the Secretary of Defense.

605. Promotion to certain grades for officers with critical skills: colonel, lieutenant colonel, major, captain; captain, commander, lieutenant commander, lieutenant.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, div. A, title V, §504(b), Dec. 22, 2023, 137 Stat. 241, added item 602.

2018—Pub. L. 115-232, div. A, title V, §503(a)(2), Aug. 13, 2018, 132 Stat. 1742, added item 605.

1994—Pub. L. 103-337, div. A, title IV, §405(c)(2), Oct. 5, 1994, 108 Stat. 2745, added item 604.

1991—Pub. L. 102-190, div. A, title XI, §1113(d)(1)(B), Dec. 5, 1991, 105 Stat. 1502, struck out item 602 “Warrant officers: temporary promotions” and substituted “Appointments in time of war or national emergency” for “Commissioned officer grades: time of war or national emergency” in item 603.

§ 601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals

(a) The President may designate positions of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral. The President may assign to any such position an officer of the Army, Navy, Air Force, Marine Corps, or Space Force who is serving on active duty in any grade above colonel or, in the case of an officer of the Navy, any grade above captain. An officer assigned to any such position has the grade specified for that position if he is appointed to that grade by the President, by and with the advice and consent of the Senate. Except as provided in subsection (b), the appointment of an officer to a grade under this section for service in a position of importance and responsibility ends on the date of the termination of the assignment of the officer to that position.

(b) An officer who is appointed to the grade of general, admiral, lieutenant general, or vice admiral for service in a position designated under subsection (a) or by law to carry that grade shall continue to hold that grade—

(1) while serving in that position;

(2) while under orders transferring him to another position designated under subsection (a) or by law to carry one of those grades, beginning on the day his assignment to the first position is terminated and ending on the day before the day on which he assumes the second position;

(3) while hospitalized, beginning on the day of the hospitalization and ending on the day he is discharged from the hospital, but not for more than 180 days;

(4) at the discretion of the Secretary of Defense, while the officer is awaiting orders after being relieved from the position designated under subsection (a) or by law to carry one of those grades, but not for more than 60 days beginning on the day the officer is relieved from the position, unless, during such period, the officer is placed under orders to another position designated under subsection (a) or by law

to carry one of those grades, in which case paragraph (2) will also apply to the officer; and

(5) while awaiting retirement, beginning on the day he is relieved from the position designated under subsection (a) or by law to carry one of those grades and ending on the day before his retirement, but—

(A) subject to subparagraph (B), not for more than 60 days; and

(B) with respect to an officer awaiting retirement following not less than one year of consecutive deployment outside of the United States to a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986) or in support of a contingency operation, not for more than 90 days.

(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

(2) An officer serving in a grade above major general or rear admiral who holds the permanent grade of brigadier general or rear admiral (lower half) shall be considered for promotion to the permanent grade of major general or rear admiral, as appropriate, as if he were serving in his permanent grade.

(d)(1) When an officer is recommended to the President for an initial appointment to the grade of lieutenant general or vice admiral, or for an initial appointment to the grade of general or admiral, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of that officer as a member of the Joint Staff and in other joint duty assignments. The Secretary of Defense shall submit the Chairman's evaluation to the President at the same time the recommendation for the appointment is submitted to the President.

(2) Whenever a vacancy occurs in a position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral or in an office that is designated by law to carry such a grade, the Secretary of Defense shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.

(e) Prior to making a recommendation to the Secretary of Defense for the nomination of an officer for appointment to a position of importance and responsibility under this section, which appointment would result in the initial appointment of the officer concerned in the grade of lieutenant general or general in the Army, Air Force, Marine Corps, or Space Force or vice admiral or admiral in the Navy, the Secretary concerned shall consider all officers determined to be among the best qualified for such position.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2849; amended Pub. L. 97-86, title IV, §405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 98-525, title V, §523, Oct. 19, 1984, 98 Stat. 2523; Pub. L. 99-145, title V, §514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 99-433, title IV, §403, Oct. 1, 1986, 100 Stat. 1031; Pub. L. 102-190, div. A, title V, §502(a), Dec. 5, 1991, 105 Stat. 1354; Pub. L.

104-106, div. A, title IV, §403(c), Feb. 10, 1996, 110 Stat. 287; Pub. L. 110-181, div. A, title V, §501(a), Jan. 28, 2008, 122 Stat. 94; Pub. L. 116-283, div. A, title V, §551(b)(1), title IX, §924(b)(3)(C), Jan. 1, 2021, 134 Stat. 3630, 3821; Pub. L. 117-263, div. A, title V, §505, Dec. 23, 2022, 136 Stat. 2558; Pub. L. 118-31, div. A, title XVII, §1741(a)(4), Dec. 22, 2023, 137 Stat. 679.)

Editorial Notes

REFERENCES IN TEXT

Section 112 of the Internal Revenue Code of 1986, referred to in subsec. (b)(5)(B), is classified to section 112 of Title 26, Internal Revenue Code.

AMENDMENTS

2023—Subsec. (e). Pub. L. 118-31 substituted “Marine Corps, or Space Force or” for “or Marine Corps,” and struck out “or the commensurate grades in the Space Force,” after “in the Navy.”

2022—Subsec. (b)(5). Pub. L. 117-263 substituted “retirement, but—” and subpars. (A) and (B) for “retirement, but not for more than 60 days.”

2021—Subsec. (a). Pub. L. 116-283, §924(b)(3)(C), substituted “Marine Corps, or Space Force” for “or Marine Corps”.

Subsec. (e). Pub. L. 116-283, §551(b)(1), added subsec. (e).

2008—Subsec. (b)(4), (5). Pub. L. 110-181 added par. (4) and redesignated former par. (4) as (5).

1996—Subsec. (b). Pub. L. 104-106, §403(c)(1), in introductory provisions substituted “designated under subsection (a) or by law” for “of importance and responsibility designated”.

Subsec. (b)(1). Pub. L. 104-106, §403(c)(2), struck out “of importance and responsibility” after “position”.

Subsec. (b)(2). Pub. L. 104-106, §403(c)(3), substituted “designated under subsection (a) or by law” for “designating”.

Subsec. (b)(4). Pub. L. 104-106, §403(c)(4), inserted “under subsection (a) or by law” after “designated”.

1991—Subsec. (b)(4). Pub. L. 102-190 substituted “60 days” for “90 days”.

1986—Subsec. (d). Pub. L. 99-433 added subsec. (d).

1985—Subsec. (c)(2). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Subsec. (b). Pub. L. 98-525 amended subsec. (b) generally, which prior to amendment had provided that if the assignment of an officer who was serving in a position designated to carry the grade of general, admiral, lieutenant general, or vice admiral was terminated (1) by the assignment of such officer to another position designated to carry one of those grades, such officers would hold, during the period beginning on the day of that termination and ending on the day before the day on which he assumed the other position, the grade that he had held on the day before the termination; (2) by the hospitalization of such officer, such officer would hold, during the period beginning on the day of that termination and ending on the day he was discharged from the hospital, but not for more than 180 days, the grade that he had held on the day before the termination; or (3) by the retirement of such officer, such officer would hold, during the period beginning on the day of that termination and ending on the day before his retirement, but not for more than 90 days, the grade that he had held on the day before the termination.

1981—Subsec. (c)(2). Pub. L. 97-86 substituted “commodore” for “commodore admiral”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title V, §502(b), Dec. 5, 1991, 105 Stat. 1355, provided that: “The amendment made by subsection (a) [amending this section] shall take effect

on the first day of the first month that begins more than 90 days after the date of the enactment of this Act [Dec. 5, 1991].”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this chapter effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions relating to temporary appointments of officers serving in grades above major general or rear admiral, see section 623 of Pub. L. 96-513, set out as a note under section 611 of this title.

§ 602. Flexibility in determining terms of appointment for certain senior officer positions

The Secretary of Defense may extend or reduce the duration of an appointment made under section 152, 154, 7033, 8033, 8043, 9033, or 9082 of this title by up to six months if the Secretary determines that such an extension or reduction is necessary either in the interests of national defense, or to ensure an appropriate staggering of terms of senior military leadership.

(Added Pub. L. 118-31, div. A, title V, §504(a), Dec. 22, 2023, 137 Stat. 241.)

Editorial Notes

PRIOR PROVISIONS

A prior section 602, Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2849, related to temporary promotions of warrant officers, prior to repeal by Pub. L. 102-190, div. A, title XI, §1113(a), Dec. 5, 1991, 105 Stat. 1502.

§ 603. Appointments in time of war or national emergency

(a) In time of war, or of national emergency declared by the Congress or the President after November 30, 1980, the President may appoint any qualified person (whether or not already a member of the armed forces) to any officer grade in the Army, Navy, Air Force, Marine Corps, or Space Force, except that appointments under this section may not be made in grades above major general or rear admiral. Appointments under this section shall be made by the President alone, except that an appointment in the grade warrant officer, W-1, shall be made by warrant by the Secretary concerned.

(b) Any appointment under this section is a temporary appointment and may be vacated by the President at any time.

(c)(1) Any person receiving an original appointment under this section is entitled to service credit as authorized under section 533 of this title.

(2) An appointment under this section of a person who is not on active duty becomes effective when that person begins active duty under that appointment.

(d) An appointment under this section does not change the permanent status of a member of

the armed forces so appointed. A member who is appointed under this section shall not incur any reduction in the pay and allowances to which the member was entitled, by virtue of his permanent status, at the time of his appointment under this section.

(e)(1) An officer who receives an appointment to a higher grade under this section is considered to have accepted such appointment on the date of the order announcing the appointment unless he expressly declines the appointment.

(2) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.

(f) Unless sooner terminated, an appointment under this section terminates on the earliest of the following:

(1) The second anniversary of the appointment.

(2) The end of the six-month period beginning on the last day of the war or national emergency during which the appointment was made.

(3) The date the person appointed is released from active duty.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2850; amended Pub. L. 101-189, div. A, title VI, §653(a)(2), Nov. 29, 1989, 103 Stat. 1462; Pub. L. 102-190, div. A, title XI, §1113(b), (d)(1)(A), Dec. 5, 1991, 105 Stat. 1502; Pub. L. 116-283, div. A, title IX, §924(b)(3)(D), Jan. 1, 2021, 134 Stat. 3821.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

1991—Pub. L. 102-190, §1113(d)(1)(A), substituted “Appointments in time of war or national emergency” for “Commissioned officer grades: time of war or national emergency” in section catchline.

Subsec. (a). Pub. L. 102-190, §1113(b), struck out “commissioned” before “officer grade in the Army” and “in warrant officer grades or” before “in grades above major general” and inserted before period at end “, except that an appointment in the grade warrant officer, W-1, shall be made by warrant by the Secretary concerned”.

1989—Subsec. (f). Pub. L. 101-189 substituted “terminates on the earliest of the following:” for “terminates—” in introductory provisions, and made numerous amendments to style and punctuation. Prior to amendment, subsec. (f) read as follows: “Unless sooner terminated, an appointment under this section terminates—

“(1) on the second anniversary of the appointment;

“(2) at the end of the six-month period beginning on the last day of the war or national emergency during which the appointment was made; or

“(3) on the date the person appointed is released from active duty; whichever is earliest.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on

Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsecs. (a) and (b) to make or vacate certain temporary commissioned appointments delegated to Secretary of Defense to perform during a time of war or national emergency, without approval, ratification, or other action by President, and with authority for Secretary to redelegate, provided that, during a national emergency declared by President, exercise of any such authority be specifically directed by President in accordance with section 1631 of Title 50, War and National Defense, and that Secretary ensure any authority so delegated be accounted for as required by section 1641 of Title 50, see Ex. Ord. No. 12396, §§ 2, 3, Dec. 9, 1982, 47 F.R. 55897, 55898, set out as a note under section 301 of Title 3, The President.

EX. ORD. NO. 13321. APPOINTMENTS DURING NATIONAL EMERGENCY

Ex. Ord. No. 13321, Dec. 17, 2003, 68 F.R. 74465, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, and in order to further respond to the national emergency I declared in Proclamation 7463 of September 14, 2001 [50 U.S.C. 1621 note], I hereby order as follows:

SECTION 1. *Emergency Appointments Authority.* The emergency appointments authority at section 603 of title 10, United States Code, is invoked and made available to the Secretary of Defense in accordance with the terms of that statute and of Executive Order 12396 of December 9, 1982 [3 U.S.C. 301 note].

SEC. 2. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any person.

SEC. 3. *Administration.* This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

§ 604. Senior joint officer positions: recommendations to the Secretary of Defense

(a) JOINT 4-STAR OFFICER POSITIONS.—(1) Whenever a vacancy occurs, or is anticipated to occur, in a position specified in subsection (b)—

(A) the Secretary of Defense shall require the Secretary of the Army to submit the name of at least one Army officer, the Secretary of the Navy to submit the name of at least one Navy officer and the name of at least one Marine Corps officer, and the Secretary of the Air Force to submit the name of at least one Air Force officer and the name of at least one Space Force officer for consideration by the Secretary for recommendation to the President for appointment to that position; and

(B) the Chairman of the Joint Chiefs of Staff may submit to the Secretary of Defense the name of one or more officers (in addition to the officers whose names are submitted pursuant to subparagraph (A)) for consideration by the Secretary for recommendation to the President for appointment to that position.

(2) Whenever the Secretaries of the military departments are required to submit the names

of officers under paragraph (1)(A), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of each officer whose name is submitted under that paragraph (and of any officer whose name the Chairman submits to the Secretary under paragraph (1)(B) for consideration for the same vacancy). The Chairman's evaluation shall primarily consider the performance of the officer as a member of the Joint Staff and in other joint duty assignments, but may include consideration of other aspects of the officer's performance as the Chairman considers appropriate.

(b) COVERED POSITIONS.—Subsection (a) applies to the following positions:

(1) Commander of a combatant command.

(2) Commander, United States Forces, Korea.

(Added Pub. L. 103-337, div. A, title IV, § 405(c)(1), Oct. 5, 1994, 108 Stat. 2745; amended Pub. L. 104-201, div. A, title IV, § 404(a), Sept. 23, 1996, 110 Stat. 2506; Pub. L. 106-65, div. A, title V, § 509(a), Oct. 5, 1999, 113 Stat. 592; Pub. L. 107-314, div. A, title IV, § 405(a), Dec. 2, 2002, 116 Stat. 2526; Pub. L. 108-136, div. A, title V, § 504(a), Nov. 24, 2003, 117 Stat. 1456; Pub. L. 114-328, div. A, title V, § 502(e), Dec. 23, 2016, 130 Stat. 2102; Pub. L. 116-283, div. A, title IX, § 924(b)(15), Jan. 1, 2021, 134 Stat. 3823.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(1)(A). Pub. L. 116-283 inserted “and the name of at least one Space Force officer” after “Air Force officer”.

2016—Subsec. (b)(3). Pub. L. 114-328 struck out par. (3) which read as follows: “Deputy commander, United States European Command, but only if the commander of that command is also the Supreme Allied Commander, Europe.”

2003—Subsec. (c). Pub. L. 108-136 struck out heading and text of subsec. (c). Text read as follows: “This section shall cease to be effective at the end of December 31, 2004.”

2002—Subsec. (c). Pub. L. 107-314 substituted “December 31, 2004” for “September 30, 2003”.

1999—Subsec. (c). Pub. L. 106-65 substituted “September 30, 2003” for “September 30, 2000”.

1996—Subsec. (c). Pub. L. 104-201 substituted “September 30, 2000” for “September 30, 1997”.

§ 605. Promotion to certain grades for officers with critical skills: colonel, lieutenant colonel, major, captain; captain, commander, lieutenant commander, lieutenant

(a) IN GENERAL.—An officer in the grade of first lieutenant, captain, major, or lieutenant colonel in the Army, Air Force, Marine Corps, or Space Force, or lieutenant (junior grade), lieutenant, lieutenant commander, or commander in the Navy, who is described in subsection (b) may be temporarily promoted to the grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, Marine Corps, or Space Force, or lieutenant, lieutenant commander, commander, or captain in the Navy, as applicable, under regulations prescribed by the Secretary of the military department concerned. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

(1) has a skill in which the armed force concerned has a critical shortage of personnel (as determined by the Secretary of the military department concerned); and

(2) is serving in a position (as determined by the Secretary of the military department concerned) that—

(A) is designated to be held by a captain, major, lieutenant colonel, or colonel in the Army, Air Force, Marine Corps, or Space Force, or lieutenant, lieutenant commander, commander, or captain in the Navy, as applicable; and

(B) requires that an officer serving in such position have the skill possessed by such officer.

(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—An appointment under this section does not change the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary of the military department concerned for the purpose of recommending officers for such promotions.

(e) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section from the date the appointment is made.

(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

(1) on the date the officer who received the appointment is promoted to the permanent grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, Marine Corps, or Space Force, or lieutenant, lieutenant commander, commander, or captain in the Navy; or

(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, Marine Corps, or Space Force, or lieutenant, lieutenant commander, commander, or captain in the Navy, in which case the appointment terminates on the date the officer is promoted to that grade.

(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary of the military department concerned for the purposes of this section. The number of positions so designated may not exceed the following:

(1) In the case of the Army—

(A) as captain, 120;
(B) as major, 350;
(C) as lieutenant colonel, 200; and
(D) as colonel, 100.

(2) In the case of the Air Force—
(A) as captain, 95;
(B) as major, 305;
(C) as lieutenant colonel, 165; and
(D) as colonel, 75.

(3) In the case of the Space Force—
(A) as captain, 5;
(B) as major, 20;
(C) as lieutenant colonel, 10; and
(D) as colonel, 5.

(4) In the case of the Marine Corps—
(A) as captain, 50;
(B) as major, 175;
(C) as lieutenant colonel, 100; and
(D) as colonel, 50.

(5) In the case of the Navy—
(A) as lieutenant, 100;
(B) as lieutenant commander, 425;
(C) as commander, 175; and
(D) as captain, 80.

(Added Pub. L. 115-232, div. A, title V, §503(a)(1), Aug. 13, 2018, 132 Stat. 1740; amended Pub. L. 118-31, div. A, title V, §505, title XVII, §1716(d), Dec. 22, 2023, 137 Stat. 241, 653.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, §1716(d)(1), substituted “Marine Corps, or Space Force,” for “or Marine Corps,” wherever appearing.

Subsec. (g)(2) to (4). Pub. L. 118-31, §1716(d)(2), added pars. (2) and (3), redesignated former par. (3) as (4), and struck out former par. (2) which read as follows: “In the case of the Air Force—

“(A) as captain, 100;
“(B) as major, 325;
“(C) as lieutenant colonel, 175; and
“(D) as colonel, 80.”

Former par. (4) redesignated (5).

Subsec. (g)(4)(B). Pub. L. 118-31, §505, substituted “425” for “325”.

Subsec. (g)(5). Pub. L. 118-31, §1716(d)(2), redesignated par. (4) as (5).

CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

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Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title V, §507(a)(2), Aug. 13, 2018, 132 Stat. 1748, added item for subchapter VI.

SUBCHAPTER I—SELECTION BOARDS

Sec.	
611.	Convening of selection boards.