

a vote of a majority of the members of the special selection review board.

(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustenance and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

(2) The provisions of sections 14109(c), 14110, and 14111 of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustenance of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with section 14308 of this title.

(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly across the military departments.

(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.

(h) PROMOTION BOARD DEFINED.—In this section, the term “promotion board” means a selection board convened by the Secretary of a military department under section 14101(a) of this title.

(Added Pub. L. 116–283, div. A, title V, § 505(b)(1), Jan. 1, 2021, 134 Stat. 3569; amended Pub. L. 118–31, div. A, title V, § 507(b), Dec. 22, 2023, 137 Stat. 242; Pub. L. 118–159, div. A, title V, § 506(b), Dec. 23, 2024, 138 Stat. 1871.)

Editorial Notes

AMENDMENTS

2024—Subsec. (d)(4)(A). Pub. L. 118–159 inserted “ranks in the upper half of an order of merit created by the special selection review board or” before “ranks on an order of merit created by the special selection review board as better qualified”.

2023—Subsec. (a)(2)(B). Pub. L. 118–31 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 14308(a) of this title.”

§ 14503. Discharge of officers with less than six years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

(a) AUTHORIZED DISCHARGES.—The Secretary of the military department concerned may discharge any reserve officer who—

(1) has less than six years of service in an active status as a commissioned officer; or

(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

(b) TIME FOR DISCHARGE.—(1) An officer described in subsection (a)(2)—

(A) may be discharged at any time after being found not qualified for promotion; and

(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

(2) Paragraph (1) shall not apply if the officer is sooner promoted.

(c) REGULATIONS.—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

(Added Pub. L. 103–337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2949; amended Pub. L. 110–181, div. A, title V, § 503(c)(1), (2), Jan. 28, 2008, 122 Stat. 95.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in subssecs. (a) and (b) of this section were contained in sections 3819(b) and 8819(c) of this title, prior to repeal by Pub. L. 103–337, § 1629(a)(2), (c)(2).

AMENDMENTS

2008—Pub. L. 110–181, § 503(c)(2), substituted “six years” for “five years” in section catchline.

Subsec. (a)(1). Pub. L. 110–181, § 503(c)(1), substituted “six years” for “five years”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as a note under section 10001 of this title.

RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE

Pub. L. 103–337, div. A, title XVI, § 1689, Oct. 5, 1994, 108 Stat. 3025, provided that: “A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this title [Oct. 1, 1996, see section 1691(b)(1), (2) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title] and who was subject to placement of the reserve active-status list on the effective date of this title may not be discharged under section 14503 of title 10, United States Code, as added by this

title, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.”

§ 14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

(a) GENERAL RULE.—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public.

(b) EXCEPTIONS.—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the the¹ Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public, or (2) as provided in section 12646 or 12686 of this title.

(c) OFFICERS IN GRADE OF FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE) FOUND NOT FULLY QUALIFIED FOR PROMOTION.—For the purposes of this chapter, an officer of the Army, Air Force, or Marine Corps on a reserve active-status list who holds the grade of first lieutenant, and an officer of the Navy on a reserve active-status list who holds the grade of lieutenant (junior grade), shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title if such a board were convened but is not fully qualified for promotion when recommending for promotion under section 14308(b)(4) of this title all fully qualified officers of the officer’s armed force in such grade who would be eligible for such consideration.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2950; amended Pub. L. 107-107, div. A, title V, § 505(b)(2), Dec. 28, 2001, 115 Stat. 1087; Pub. L. 118-159, div. A, title V, § 505(b)(4), Dec. 23, 2024, 138 Stat. 1870.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-159, § 505(b)(4)(A), substituted “the Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public” for “the President approves the report of the board which considered the officer for the second time”.

Subsec. (b). Pub. L. 118-159, § 505(b)(4)(B), substituted “the Secretary concerned releases the promotion re-

sults of the board which considered the officer for the second time to the public” for “President approves the report of the selection board which resulted in the second failure”.

2001—Subsec. (c). Pub. L. 107-107 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 or 14701a of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2950; amended Pub. L. 118-159, div. A, title V, §§ 505(b)(5), 513(c)(2), Dec. 23, 2024, 138 Stat. 1870, 1876.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118-159, § 513(c)(2), inserted “or 14701a” after “14701”.

Pub. L. 118-159, § 505(b)(5), substituted “the Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public” for “the President approves the report of the board which considered the officer for the second time”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and reserve lieutenant commanders of the Navy

Unless retained as provided in section 12646, 12686, 14701, 14701a, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that

¹ So in original.