

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 the<sup>1</sup> 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

<sup>1</sup> So in original.