

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.

list in accordance with section 14513 of this title on the later of (1) the first day of the month after the month in which the officer completes 20 years of commissioned service, or (2) 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. 2951; amended Pub. L. 104-106, div. A, title XV, §1501(b)(29), Feb. 10, 1996, 110 Stat. 498; Pub. L. 106-65, div. A, title V, §514(a), Oct. 5, 1999, 113 Stat. 593; Pub. L. 118-159, div. A, title V, §§505(b)(6), 513(c)(3), Dec. 23, 2024, 138 Stat. 1870, 1876.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118-159, §513(c)(3), inserted “14701a,” after “14701.”

Pub. L. 118-159, §505(b)(6), 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”.

1999—Pub. L. 106-65 inserted “the later of (1)” after “in accordance with section 14513 of this title on” and “, or (2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time” before the period at end.

1996—Pub. L. 104-106 inserted comma after “Force” in section catchline.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, §514(b), Oct. 5, 1999, 113 Stat. 593, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to removals of reserve officers from reserve active-status lists under section 14506 of title 10, United States Code, on or after the date of the enactment of this Act [Oct. 5, 1999].”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

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.

§ 14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy

(a) LIEUTENANT COLONELS AND COMMANDERS.—Unless continued on the reserve active-status list under section 14701, 14701a, or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the re-

serve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

(b) COLONELS AND NAVY CAPTAINS.—Unless continued on the reserve active-status list under section 14701, 14701a, or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who 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 list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

(c) TEMPORARY AUTHORITY TO RETAIN CERTAIN OFFICERS DESIGNATED AS JUDGE ADVOCATES.—(1) Notwithstanding the provisions of subsections (a) and (b), the Secretary of the Air Force may retain on the reserve active-status list any reserve officer of the Air Force who is designated as a judge advocate and who obtained the first professional degree in law while on an educational delay program subsequent to being commissioned through the Reserve Officers' Training Corps.

(2) No more than 50 officers may be retained on the reserve active-status list under the authority of paragraph (1) at any time.

(3) No officer may be retained on the reserve active-status list under the authority of paragraph (1) for a period exceeding three years from the date on which, but for that authority, that officer would have been removed from the reserve active-status list under subsection (a) or (b).

(4) The authority of the Secretary of the Air Force under paragraph (1) expires on September 30, 2003.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2951; amended Pub. L. 104-201, div. A, title V, §508(a), Sept. 23, 1996, 110 Stat. 2513; Pub. L. 118-159, div. A, title V, §513(c)(4), Dec. 23, 2024, 138 Stat. 1876.)

Editorial Notes

AMENDMENTS

2024—Subsecs. (a), (b). Pub. L. 118-159 inserted “, 14701a,” after “14701”.

1996—Subsec. (c). Pub. L. 104-201 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title V, §508(b), Sept. 23, 1996, 110 Stat. 2513, provided that: “Subsection (c) of section 14507 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1996.”

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.