

118-159, div. A, title V, § 509(b), Dec. 23, 2024, 138 Stat. 1872.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (a)(3). Pub. L. 118-159, § 509(b)(1), substituted “subject to subsection (c), shall be” for “shall be”.

Subsec. (c). Pub. L. 118-159, § 509(b)(2), 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.

#### § 14905. Officer considered for removal: retirement or discharge

(a) VOLUNTARY RETIREMENT OR DISCHARGE.—At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

(1) for voluntary retirement, if the officer is qualified for retirement;

(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

(3) for discharge in accordance with subsection (b)(3).

(b) REQUIRED RETIREMENT OR DISCHARGE.—An officer removed from an active status under section 14903 of this title shall—

(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

(c) SEPARATION PAY.—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2959.)

#### 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.

#### § 14906. Officers eligible to serve on boards

(a) COMPOSITION OF BOARDS.—Each board convened under this chapter shall consist of officers appointed as follows:

(1) Each member of the board shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

(2) Each member of the board shall hold a grade above major or lieutenant commander, except that at least one member of the board shall hold a grade above lieutenant colonel or commander.

(3) Each member of the board shall be senior in grade to any officer to be considered by the board.

(b) LIMITATION.—A person may not be a member of more than one board convened under this chapter to consider the same officer.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2960; amended Pub. L. 106-65, div. A, title V, § 504(b), Oct. 5, 1999, 113 Stat. 591.)

#### Editorial Notes

##### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-65 amended heading and text generally. Prior to amendment, text read as follows:

“(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

“(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.”

#### 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.

#### § 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

(a) AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

(1) terminate the reserve appointment of the officer; and

(2) withdraw the officer’s Federal recognition as an officer of the National Guard.

(b) DISCHARGE FROM RESERVE APPOINTMENT.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer’s appointment as a reserve officer of the Army or the Air Force, as the case may be.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2960.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to those in this section were contained in sections 3820(a), (b) and 8820 of this title, prior to repeal by Pub. L. 103-337, § 1629(a)(2), (c)(2).

**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.

**CHAPTER 1413—ALTERNATIVE PROMOTION AUTHORITY FOR OFFICERS IN DESIGNATED COMPETITIVE CATEGORIES**

Sec.	
15101.	Officers in designated competitive categories.
15102.	Selection for promotion.
15103.	Eligibility for consideration for promotion.
15104.	Opportunities for consideration for promotion.
15105.	Promotions.
15106.	Failure of selection for promotion.
15107.	Retirement: retirement for years of service; selective early retirement.
15108.	Continuation on the Reserve Active-Status List.
15109.	Other administrative authorities.
15110.	Regulations.

**§ 15101. Officers in designated competitive categories**

(a) **AUTHORITY TO DESIGNATE COMPETITIVE CATEGORIES OF OFFICERS.**—Each Secretary of a military department may designate one or more competitive categories for promotion of officers under section 14005 of this title that are under the jurisdiction of such Secretary as a competitive category of officers whose promotion, retirement, and continuation on the reserve active-status list shall be subject to the provisions of this chapter.

(b) **LIMITATION ON EXERCISE OF AUTHORITY.**—The Secretary of a military department may not designate a competitive category of officers for purposes of this chapter until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the designation of the competitive category. The report on the designation of a competitive category shall set forth the following:

(1) A detailed description of officer requirements for officers within the competitive category.

(2) An explanation of the number of opportunities for consideration for promotion to each particular grade, and an estimate of promotion timing, within the competitive category.

(3) An estimate of the size of the promotion zone for each grade within the competitive category.

(4) A description of any other matters the Secretary considered in determining to designate the competitive category for purposes of this chapter.

(Added Pub. L. 118-31, div. A, title V, § 514(a), Dec. 22, 2023, 137 Stat. 245.)

**§ 15102. Selection for promotion**

(a) **IN GENERAL.**—Except as provided in this section, the selection for promotion of officers

in any competitive category of officers designated for purposes of this chapter shall be governed by the provisions under chapter 1403 of this title.

(b) **NO RECOMMENDATION FOR PROMOTION OF OFFICERS BELOW PROMOTION ZONE.**—Section 14301(d) of this title shall not apply to the selection for promotion of officers described in subsection (a).

(c) **RECOMMENDATION FOR OFFICERS TO BE EXCLUDED FROM FUTURE CONSIDERATION FOR PROMOTION.**—In making recommendations pursuant to chapter 1403 of this title for purposes of the administration of this chapter, a selection board convened under section 14101(a) of this title may recommend that an officer considered by the board be excluded from future consideration for promotion under this chapter.

(Added Pub. L. 118-31, div. A, title V, § 514(a), Dec. 22, 2023, 137 Stat. 246.)

**§ 15103. Eligibility for consideration for promotion**

(a) **IN GENERAL.**—Except as provided by this section, eligibility for promotion of officers in any competitive category of officers designated for purposes of this chapter shall be governed by the provisions of sections 14301, 14303, and 14304 of this title.

(b) **INAPPLICABILITY OF CERTAIN TIME-IN-GRADE REQUIREMENTS.**—Sections 14303 and 14304 of this title shall not apply to the promotion of officers described in subsection (a).

(c) **INAPPLICABILITY TO OFFICERS ABOVE AND BELOW PROMOTION ZONE.**—The following provisions of this title shall not apply to the promotion of officers described in subsection (a):

(1) The reference in section 14301(b) to an officer above the promotion zone.

(2) Section 14301(d).

(d) **INELIGIBILITY OF CERTAIN OFFICERS.**—The following officers are not eligible for promotion under this chapter:

(1) An officer described in section 14301(c) of this title.

(2) An officer not included within the promotion zone.

(3) An officer who has failed of promotion to a higher grade the maximum number of times specified for opportunities for promotion for such grade within the competitive category concerned pursuant to section 15104 of this title.

(4) An officer recommended by a selection board to be removed from consideration for promotion in accordance with section 15102(c) of this title.

(Added Pub. L. 118-31, div. A, title V, § 514(a), Dec. 22, 2023, 137 Stat. 246.)

**§ 15104. Opportunities for consideration for promotion**

(a) **SPECIFICATION OF NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.**—In designating a competitive category of officers pursuant to section 15101 of this title, the Secretary of a military department shall specify the number of opportunities for consideration for promotion to be afforded officers of the armed force