

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

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§ 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

concerned within the category for promotion to each grade above the grade of first lieutenant or lieutenant (junior grade), as applicable.

(b) LIMITED AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of a military department may modify the number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as previously specified by the Secretary pursuant subsection (a) of this subsection, not more frequently than once every five years.

(c) DISCRETIONARY AUTHORITY OF SECRETARY OF DEFENSE TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of Defense may modify the number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as previously specified or modified pursuant to any provision of this section, at the discretion of the Secretary.

(d) LIMITATION ON NUMBER OF OPPORTUNITIES SPECIFIED.—The number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as specified or modified pursuant to any provision of this section, may not exceed five opportunities.

(e) EFFECT OF CERTAIN REDUCTION IN NUMBER OF OPPORTUNITIES SPECIFIED.—If, by reason of a reduction in the number of opportunities for consideration for promotion under this section, an officer would no longer have one or more opportunities for consideration for promotion that were available to the officer before the reduction, the officer shall be afforded one additional opportunity for consideration for promotion after the reduction.

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

§ 15105. Promotions

Sections 14307 through 14317 of this title shall apply in promotions of officers in competitive categories of officers designated for purposes of this chapter.

(Added Pub. L. 118–31, div. A, title V, §514(a), Dec. 22, 2023, 137 Stat. 247.)

§ 15106. Failure of selection for promotion

(a) IN GENERAL.—Except as provided in this section, sections 14501 through 14513 of this title shall apply to promotions of officers in competitive categories of officers designated for purposes of this chapter.

(b) INAPPLICABILITY OF FAILURE OF SELECTION FOR PROMOTION TO OFFICERS ABOVE PROMOTION ZONE.—The reference in section 14501 of this title to an officer above the promotion zone shall not apply in the promotion of officers described in subsection (a).

(c) SPECIAL SELECTION BOARD MATTERS.—The reference in section 14502(a)(1) of this title to a person above the promotion zone shall not apply in the promotion of officers described in subsection (a).

(d) EFFECT OF FAILURE OF SELECTION.—In the administration of this chapter pursuant to subsection (a)—

(1) an officer described in subsection (a) shall not be deemed to have failed twice of selection for promotion for purposes of section 14502(b)¹ of this title until the officer has failed selection of promotion to the next higher grade the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned pursuant to section 15104 of this title; and

(2) any reference in sections 14504 through 14506 of this title to an officer who has failed of selection for promotion to the next higher grade for the second time shall be deemed to refer instead to an officer described in subsection (a) who has failed of selection for promotion to the next higher grade for the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned pursuant to such section 15104.

(Added Pub. L. 118–31, div. A, title V, §514(a), Dec. 22, 2023, 137 Stat. 247.)

Editorial Notes

REFERENCES IN TEXT

Section 14502(b) of this title, referred to in subsec. (d)(1), probably should be section 14501(b) of this title, which relates to officers twice failed of selection. Section 14502(b) of this title relates to officers considered but not selected due to material error.

§ 15107. Retirement: retirement for years of service; selective early retirement

(a) RETIREMENT FOR YEARS OF SERVICE.—Sections 14507 through 14515 of this title shall apply to the retirement of officers in competitive categories of officers designated for purposes of this chapter.

(b) SELECTIVE EARLY RETIREMENT.—Section 14101(b) of this title shall apply to the retirement of officers described in subsection (a).

(Added Pub. L. 118–31, div. A, title V, §514(a), Dec. 22, 2023, 137 Stat. 248.)

§ 15108. Continuation on the Reserve Active-Status List

Sections 14701 through 14703 of this title shall apply in continuation or retention on a reserve active-status list of officers designated for purposes of this chapter.

(Added Pub. L. 118–31, div. A, title V, §514(a), Dec. 22, 2023, 137 Stat. 248.)

§ 15109. Other administrative authorities

The following provisions of this title shall apply to officers in competitive categories of officers designated for purposes of this chapter:

(1) Section 14518, relating to continuation of officers to complete disciplinary action.

(2) Section 14519, relating to deferment of retirement or separation for medical reasons.

(3) Section 14704, relating to the selective early removal from the reserve active-status list.

(4) Section 14705, relating to the selective early retirement of reserve general and flag officers of the Navy and Marine Corps.

¹ See References in Text note below.