

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)<sup>1</sup> 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.

<sup>1</sup> See References in Text note below.