

(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.

(Added Pub. L. 106-398, § 1 [[div. A], title V, § 542(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-114; amended Pub. L. 108-136, div. A, title X, § 1031(a)(11), Nov. 24, 2003, 117 Stat. 1597; Pub. L. 116-283, div. A, title V, § 523(b), Jan. 1, 2021, 134 Stat. 3598; Pub. L. 118-31, div. A, title XVII, § 1741(a)(6), Dec. 22, 2023, 137 Stat. 680.)

Editorial Notes

AMENDMENTS

2023—Subsec. (c)(1). Pub. L. 118-31 substituted “general or” for “general,” and struck out “, or an equivalent grade in the Space Force” after “rear admiral (upper half)”.

2021—Pub. L. 116-283, § 523(b)(3), substituted “Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion” for “Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review” in section catchline.

Subsec. (a). Pub. L. 116-283, § 523(b)(1)(A), substituted, in first sentence, “the honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces” for “the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified,” and, in second sentence, “the promotion” for “the posthumous or honorary promotion or appointment”.

Subsec. (b). Pub. L. 116-283, § 523(b)(1)(B), substituted “the honorary promotion” for “the posthumous or honorary promotion or appointment”.

Subsecs. (c), (d). Pub. L. 116-283, § 523(b)(2), added subsec. (c) and redesignated former subsec. (c) as (d).

2003—Pub. L. 108-136, § 1031(a)(11)(B), struck out “and recommendation” after “review” in section catchline.

Subsec. (a). Pub. L. 108-136, § 1031(a)(11)(A)(i), struck out “and the other determinations necessary to comply with subsection (b)” before period at end.

Subsec. (b). Pub. L. 108-136, § 1031(a)(11)(A)(ii), substituted “a detailed discussion of the rationale supporting the determination.” for “notice in writing of one of the following:

“(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.

“(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.

“(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.

“(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.”

§ 1563a. Honorary promotions on the initiative of the Department of Defense

(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general or rear admiral (upper half) if the Secretary determines that the promotion is merited.

(2) The authority to make an honorary promotion under this subsection shall apply not-

withstanding that the promotion is not otherwise authorized by law.

(b) NOTICE TO CONGRESS.—The Secretary may not make an honorary promotion pursuant to subsection (a) 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 notice of the determination to make the promotion, including a detailed discussion of the rationale supporting the determination.

(c) NOTICE OF PROMOTION.—Upon making an honorary promotion pursuant to subsection (a), the Secretary shall expeditiously notify the former member or retired member concerned, or the next of kin of such former member or retired member if such former member or retired member is deceased, of the promotion.

(d) NATURE OF PROMOTION.—Any promotion pursuant to this section is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is entitled or would have been entitled based on the military service of such former member or retired member, nor affect any benefits to which any other person is or may become entitled based on the military service of such former member or retired member.

(Added Pub. L. 116-283, div. A, title V, § 523(a), Jan. 1, 2021, 134 Stat. 3597; amended Pub. L. 118-31, div. A, title XVII, § 1741(a)(6), Dec. 22, 2023, 137 Stat. 680.)

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§ 1564. Security clearance investigations

(a) EXPEDITED PROCESS.—The Secretary of Defense may prescribe a process for expediting the completion of the background investigations necessary for granting security clearances for—

(1) Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security; and

(2) any individual who—

(A) submits an application for a position as an employee of the Department of Defense for which—

(i) the individual is qualified; and

(ii) a security clearance is required; and

(B) is—

(i) a member of the armed forces who was retired or separated, or is expected to be retired or separated, for physical disability pursuant to chapter 61 of this title;

(ii) the spouse of a member of the armed forces who retires or is separated, after January 7, 2011, for a physical disability as a result of a wound, injuries or illness incurred or aggravated in the line of duty (as determined by the Secretary concerned); or

(iii) the spouse of a member of the armed forces who dies, after January 7, 2011, as a