

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsec. (c) to appoint officers in grades of first lieutenant and captain in Army, Air Force, and Marine Corps or in grades of lieutenant (junior grade) and lieutenant in Navy delegated to Secretary of Defense to perform, without approval, ratification, or other action by President, and with authority for Secretary to redelegate, see Ex. Ord. No. 12396, §§1(c), 3, Dec. 9, 1982, 47 F.R. 55897, 55898, set out as a note under section 301 of Title 3, The President.

§ 625. Authority to vacate promotions to grades of brigadier general and rear admiral (lower half)

(a) The President may vacate the promotion to the grade of brigadier general or rear admiral (lower half) of an officer who has served less than 18 months in that grade after promotion to that grade under this chapter.

(b) An officer of the Army, Air Force, or Marine Corps whose promotion is vacated under this section holds the regular grade of colonel, if he is a regular officer, or the reserve grade of colonel, if he is a reserve officer. An officer of the Navy whose promotion is vacated under this section holds the regular grade of captain, if he is a regular officer, or the reserve grade of captain, if he is a reserve officer.

(c) The position on the active-duty list of an officer whose promotion is vacated under this section is the position he would have held had he not been promoted to the grade of brigadier general or rear admiral (lower half).

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2858; amended Pub. L. 97-86, title IV, §405(b)(1), (4)(A), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 99-145, title V, §514(b)(1), (4)(A), Nov. 8, 1985, 99 Stat. 628; Pub. L. 116-283, div. A, title IX, §924(b)(3)(H), Jan. 1, 2021, 134 Stat. 3821; Pub. L. 118-31, div. A, title XVII, §1722(b)(4), Dec. 22, 2023, 137 Stat. 668.)

Editorial Notes

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31 substituted “or Marine Corps” for “Marine Corps, or Space Force”.

2021—Subsec. (b). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

1985—Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore” in section catchline and subsecs. (a) and (c).

1981—Pub. L. 97-86 substituted “commodore” for “commodore admiral” in section catchline and subsecs. (a) and (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 626. Acceptance of promotions; oath of office

(a) An officer who is appointed to a higher grade under section 624 of this title is considered

to have accepted such appointment on the date on which the appointment is made unless he expressly declines the appointment.

(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under section 624 of this title.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2858.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

SUBCHAPTER III—FAILURE OF SELECTION FOR PROMOTION AND RETIREMENT FOR YEARS OF SERVICE

Sec.

- 627. Failure of selection for promotion.
- 628. Special selection boards.
- 628a. Special selection review boards.
- 629. Removal from a list of officers recommended for promotion.
- 630. Discharge of commissioned officers with less than six years of active commissioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade).
- 631. Effect of failure of selection for promotion: first lieutenants and lieutenants (junior grade).
- 632. Effect of failure of selection for promotion: captains and majors of the Army, Air Force, Marine Corps, and Space Force and lieutenants and lieutenant commanders of the Navy.
- 633. Retirement for years of service: regular and Space Force lieutenant colonels; regular Navy commanders.
- 634. Retirement for years of service: regular and Space Force colonels; regular Navy captains.
- 635. Retirement for years of service: regular and Space Force brigadier generals; regular Navy rear admirals (lower half).
- 636. Retirement for years of service: regular and Space Force officers in grades above brigadier general; regular Navy officers in grades above rear admiral (lower half).

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, div. A, title XVII, §1722(b)(6)(E), Dec. 22, 2023, 137 Stat. 670, substituted “and Space Force lieutenant colonels; regular Navy” for “lieutenant colonels and” in item 633, “and Space Force colonels; regular” for “colonels and” in item 634, “and Space Force brigadier generals; regular Navy” for “brigadier generals and” in item 635, and “and Space Force officers in grades above brigadier general; regular Navy officers in grades above” for “officers in grades above brigadier general and” in item 636. Amendments were made pursuant to operation of section 102 of this title.

Pub. L. 118-31, div. A, title V, §508(a)(2), Dec. 22, 2023, 137 Stat. 242, which directed amendment of the analysis for this chapter by adding item 632 and striking out former item 632 “Effect of failure of selection for promotion: captains and majors of the Army, Air Force, and Marine Corps and lieutenants and lieutenant com-