

signment give appropriate consideration to the performance of an officer as a member of the Joint Staff.

(Added Pub. L. 98-525, title XIII, §1301(d)(1), Oct. 19, 1984, 98 Stat. 2612; amended Pub. L. 116-283, div. A, title IX, §924(b)(1)(C), Jan. 1, 2021, 134 Stat. 3820.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “Marine Corps, and Space Force” for “and Marine Corps”.

§ 647. Force shaping authority

(a) **AUTHORITY.**—The Secretary concerned may, solely for the purpose of restructuring an armed force under the jurisdiction of that Secretary—

(1) discharge an officer described in subsection (b); or

(2) transfer such an officer from the active-duty list of that armed force to the reserve active-status list of a reserve component.

(b) **COVERED OFFICERS.**—(1) The authority under this section may be exercised in the case of an officer (other than an officer of the Space Force) who—

(A) has completed not more than six years of service as a commissioned officer in the armed forces; or

(B) has completed more than six years of service as a commissioned officer in the armed forces, but has not completed a minimum service obligation applicable to that member.

(2) In this subsection, the term “minimum service obligation” means the initial period of required active duty service together with any additional period of required active duty service incurred during the initial period of required active duty service.

(c) **APPOINTMENT OF TRANSFERRED OFFICERS.**—An officer of the Regular Army, Regular Air Force, Regular Navy, or Regular Marine Corps who is transferred to a reserve active-status list under this section shall be discharged from the regular component concerned and appointed as a reserve commissioned officer under section 12203 of this title.

(d) **REGULATIONS.**—The Secretary concerned shall prescribe regulations for the exercise of the Secretary’s authority under this section.

(e) **SPACE FORCE.**—For a similar provision with respect to officers of the Space Force, see section 20405 of this title.

(Added Pub. L. 108-375, div. A, title V, §501(c)(1)(A), Oct. 28, 2004, 118 Stat. 1873; amended Pub. L. 110-181, div. A, title V, §503(b), Jan. 28, 2008, 122 Stat. 95; Pub. L. 116-283, div. A, title IX, §924(b)(4)(H), (16), Jan. 1, 2021, 134 Stat. 3822, 3823; Pub. L. 118-31, div. A, title XVII, §1718(b), Dec. 22, 2023, 137 Stat. 658.)

Editorial Notes

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31, §1718(b)(1), inserted “(other than an officer of the Space Force)” after “in the case of an officer” in introductory provisions.

Subsec. (c). Pub. L. 118-31, §1718(b)(2), which directed amendment of subsec. (c) by substituting “or Regular Marine Corps” for “Regular Marine Corps, of Regular Space Force”, was executed by making the substitution for “Regular Marine Corps, or Regular Space Force” to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 118-31, §1718(b)(3), added subsec. (e).

2021—Subsec. (a)(2). Pub. L. 116-283, §924(b)(16), struck out “of that armed force” before period at end.

Subsec. (c). Pub. L. 116-283, §924(b)(4)(H), substituted “Regular Marine Corps, or Regular Space Force” for “or Regular Marine Corps”.

2008—Subsec. (b)(1)(A), (B). Pub. L. 110-181 substituted “six years” for “5 years”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the first day of the first month beginning more than 180 days after Oct. 28, 2004, see section 501(g) of Pub. L. 108-375, set out as an Effective Date of 2004 Amendment note under section 531 of this title.

SUBCHAPTER VI—ALTERNATIVE PROMOTION AUTHORITY FOR OFFICERS IN DESIGNATED COMPETITIVE CATEGORIES

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| Sec. 649a. | Officers in designated competitive categories. |
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§ 649a. 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 621 of this title that are under the jurisdiction of such Secretary as a competitive category of officers whose promotion, retirement, and continuation on active duty shall be subject to the provisions of this subchapter.

(b) **LIMITATION ON EXERCISE OF AUTHORITY.**—The Secretary of a military department may not designate a competitive category of officers for purposes of this subchapter 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.