

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

Sec. 649a.	Officers in designated competitive categories.
649b.	Selection for promotion.
649c.	Eligibility for consideration for promotion.
649d.	Opportunities for consideration for promotion.
649e.	Promotions.
649f.	Failure of selection for promotion.
649g.	Retirement: retirement for years of service; selective early retirement.
649h.	Continuation on active duty.
649i.	Continuation on active duty: officers in certain military specialties and career tracks.
649j.	Other administrative authorities.
649k.	Regulations.

§ 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.

(4) A description of any other matters the Secretary considered in determining to designate the competitive category for purposes of this subchapter.

(Added Pub. L. 115-232, div. A, title V, § 507(a)(1), Aug. 13, 2018, 132 Stat. 1744.)

§ 649b. 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 subchapter shall be governed by the provisions of subchapter I of this chapter.

(b) NO RECOMMENDATION FOR PROMOTION OF OFFICERS BELOW PROMOTION ZONE.—Section 616(b) 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 section 616 of this title for purposes of the administration of this subchapter, a selection board convened under section 611(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. 115-232, div. A, title V, § 507(a)(1), Aug. 13, 2018, 132 Stat. 1744.)

§ 649c. 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 subchapter shall be governed by the provisions of section 619 of this title.

(b) INAPPLICABILITY OF CERTAIN TIME-IN-GRADE REQUIREMENTS.—Paragraphs (2) through (4)¹ of section 619(a) 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 section 619(c) of this title shall not apply to the promotion of officers described in subsection (a):

- (1) The reference in paragraph (1) of that section to an officer above the promotion zone.
- (2) Paragraph (2)(A) of that section.

(d) INAPPLICABILITY OF REQUIREMENT RELATING TO OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—Section 645(1)(A)(i)(I) of this title shall not apply to the promotion of officers described in subsection (a) to the extent that such section is inconsistent with a number of opportunities for promotion specified pursuant to section 649d of this title.

(e) INELIGIBILITY OF CERTAIN OFFICERS.—The following officers are not eligible for promotion under this subchapter:

- (1) An officer described in section 619(d) 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 649d of this title.

(4) An officer recommended by a selection board to be removed from consideration for promotion in accordance with section 649b(c) of this title.

(Added Pub. L. 115-232, div. A, title V, § 507(a)(1), Aug. 13, 2018, 132 Stat. 1745; amended Pub. L. 116-283, div. A, title V, § 506, Jan. 1, 2021, 134 Stat. 3573.)

Editorial Notes

REFERENCES IN TEXT

Paragraph (4) of section 619(a) of this title, referred to in subsec. (b), was redesignated paragraph (5) of section 619(a) of this title by Pub. L. 117-81, div. A, title V, § 502(2), Dec. 27, 2021, 135 Stat. 1680.

AMENDMENTS

2021—Subsecs. (d), (e). Pub. L. 116-283 added subsec. (d) and redesignated former subsec. (d) as (e).

§ 649d. 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 649a 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) or 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.

¹ See References in Text note below.