

(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.