

(d) Except when his name is on a list of selectees, each officer who becomes eligible for consideration for promotion to the next higher grade remains eligible so long as he—

- (1) continues on active duty; and
- (2) is not promoted to that grade.

(e) An officer whose involuntary retirement or separation is deferred under section 2156 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment.

(f) The Secretary may waive subsection (a) to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

(g)(1) Notwithstanding subsection (a), the Commandant may provide that an officer may, upon the officer's request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 2106.

(2) The Commandant shall approve a request under paragraph (1) only if—

(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §257; amended Pub. L. 94-546, §1(19), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 98-557, §17(b)(1), Oct. 30, 1984, 98 Stat. 2867; Pub. L. 109-241, title II, §203, July 11, 2006, 120 Stat. 520; renumbered §2113 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8202(a), Jan. 1, 2021, 134 Stat. 4642.)

#### Editorial Notes

##### AMENDMENTS

- 2021—Subsec. (g). Pub. L. 116-283 added subsec. (g).
- 2018—Pub. L. 115-282, §112(b), renumbered section 257 of this title as this section.
- Subsec. (b). Pub. L. 115-282, §123(b)(2), substituted “section 2125” for “section 275”.
- Subsec. (e). Pub. L. 115-282, §123(b)(2), substituted “section 2156” for “section 295”.
- 2006—Subsec. (f). Pub. L. 109-241 added subsec. (f).
- 1984—Subsec. (e). Pub. L. 98-557 added subsec. (e).
- 1976—Subsec. (a). Pub. L. 94-546, §1(19)(a), substituted “promotion year” for “fiscal year”.
- Subsec. (d). Pub. L. 94-546, §1(19)(b), struck out cl. (3) “if serving in a grade below captain, has not twice failed of selection for promotion to the next higher grade.”

#### § 2114. United States Deputy Marshals in Alaska

Commissioned officers may be appointed as United States Deputy Marshals in Alaska.

(Added Pub. L. 115-282, title I, §112(c)(3), Dec. 4, 2018, 132 Stat. 4221.)

#### § 2115. Selection boards; information to be furnished boards

(a) IN GENERAL.—The Secretary shall furnish the appropriate selection board convened under section 2106 of this title with—

(1) the number of officers that the board may recommend for promotion to the next higher grade;

(2) the names and records of all officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion; and

(3) in the case of an eligible officer considered for promotion to a rank above lieutenant, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry and any information placed in the personnel service record of the officer under section 1745(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1561 note), shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary.

(b) PROVISION OF DIRECTION AND GUIDANCE.—

(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 2106 of this title.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180, §258; amended Pub. L. 89-444, §1(17), June 9, 1966, 80 Stat. 196; Pub. L. 104-324, title II, §212, Oct. 19, 1996, 110 Stat. 3915; Pub. L. 111-281, title II, §212(2), Oct. 15, 2010, 124 Stat. 2914; renumbered §2115 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 117-263, div. K, title CXII, §11245(a), Dec. 23, 2022, 136 Stat. 4043.)

#### Editorial Notes

##### AMENDMENTS

- 2022—Subsec. (a)(3). Pub. L. 117-263 added par. (3).
- 2018—Pub. L. 115-282, §112(b), renumbered section 258 of this title as this section.
- Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251” in introductory provisions.
- Subsec. (b)(2). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251”.
- 2010—Pub. L. 111-281 designated existing provisions as subsec. (a), inserted heading, substituted “with—” for