

(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

“with:” in introductory provisions, and added subsec. (b).

1996—Cl. (2). Pub. L. 104-324 struck out “, with identification of those officers who are in the promotion zone” after “officers for promotion”.

1966—Pub. L. 89-444 substituted “officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion” for “officers to be considered by the board” in cl. 2.

### § 2116. Officers to be recommended for promotion

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 2115 of this title, considers best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(b) The number of officers that a board convened under section 2106 of this title may recommend for promotion to a grade below rear admiral (lower half) from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

(1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;

(2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and

(3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.

(c)(1) In selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed three times the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date on which the Secretary

publishes a finding, based upon the results of the survey, that implementation of this subsection will improve Coast Guard officer retention.

(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180, §259; amended Pub. L. 97-417, §2(4), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 107-295, title III, §313(1), Nov. 25, 2002, 116 Stat. 2102; Pub. L. 111-281, title II, §212(3), Oct. 15, 2010, 124 Stat. 2915; Pub. L. 112-213, title II, §217(3), Dec. 20, 2012, 126 Stat. 1557; renumbered §2116 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, §11238, Dec. 23, 2022, 136 Stat. 4037.)

### Editorial Notes

#### AMENDMENTS

2022—Subsec. (c)(1). Pub. L. 117-263 inserted “three times” after “may not exceed”.

2018—Pub. L. 115-282, §112(b), renumbered section 259 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2115” for “section 258”.

Subsec. (b). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251” in introductory provisions.

Subsec. (c)(1). Pub. L. 115-282, §123(b)(2), substituted “section 2121(a)” for “section 271(a)”.

2012—Subsec. (c)(1). Pub. L. 112-213 substituted “In selecting” for “After selecting”.

2010—Subsec. (a). Pub. L. 111-281 inserted “, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,” after “whom the board”.

2002—Subsec. (c). Pub. L. 107-295 added subsec. (c).

1985—Subsec. (b). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commadore”.

1983—Subsec. (b). Pub. L. 97-417 substituted “commadore” for “real admiral”.

### § 2117. Selection boards; reports

(a) Each board convened under section 2106 of this title shall submit a report in writing, signed by all the members thereof, containing the names of the officers recommended for promotion and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 2121(a) of this title.

(b) A board convened under section 2106 of this title shall certify that, in the opinion of at least a majority of the members if the board has five members, or in the opinion of at least two-thirds of the members if the board has more than five members, the officers recommended for promotion are the best qualified for promotion to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 2115 of this title) of those officers whose names have been furnished to the board.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180, §260; amended Pub. L. 107-295, title III,