

§ 313(2), Nov. 25, 2002, 116 Stat. 2103; Pub. L. 111-281, title II, § 212(4), Oct. 15, 2010, 124 Stat. 2915; renumbered § 2117 and amended Pub. L. 115-282, title I, §§ 112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

### Editorial Notes

#### AMENDMENTS

2018—Pub. L. 115-282, § 112(b), renumbered section 260 of this title as this section.

Subsec. (a). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251” and “section 2121(a)” for “section 271(a)”.

Subsec. (b). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251” and “section 2115” for “section 258”.

2010—Subsec. (b). Pub. L. 111-281 inserted “to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)” after “qualified for promotion”.

2002—Subsec. (a). Pub. L. 107-295 inserted “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” before period at end.

### § 2118. Selection boards; submission of reports

(a) A board convened under section 2106 of this title shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review, the Secretary shall submit the report of the board to the President for his approval, modification, or disapproval.

(b) If any officer recommended for promotion is not acceptable to the President, the President may remove the name of that officer from the report of the board.

(c) Upon approval by the President the names of officers selected for promotion by a board convened under section 2106 of this title shall be promptly disseminated to the service at large.

(d) Except as required by this section, the proceedings of a selection board, including a special selection board convened under section 2120, shall not be disclosed to any individual who is not a member of the board.

(e) If the Secretary makes a recommendation under this section that the name of an officer be removed from a report of a selection board and the recommendation is accompanied by information that was not presented to that selection board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 181, § 261; amended Pub. L. 112-213, title II, § 208(b), Dec. 20, 2012, 126 Stat. 1549; renumbered § 2118 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 LVXXXV [LXXXV], § 8505(a)(16), Jan. 1, 2021, 134 Stat. 4748; Pub. L.

117-263, div. K, title CXII, § 11245(c), Dec. 23, 2022, 136 Stat. 4045.)

### Editorial Notes

#### AMENDMENTS

2022—Subsec. (e). Pub. L. 117-263 added subsec. (e).

2021—Subsec. (d). Pub. L. 116-283 substituted “individual who is” for “person”.

2018—Pub. L. 115-282, § 112(b), renumbered section 261 of this title as this section.

Subsecs. (a), (c). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251”.

Subsec. (d). Pub. L. 115-282, § 123(b)(2), substituted “section 2120” for “section 263”.

2012—Subsec. (d). Pub. L. 112-213 substituted “selection board, including a special selection board convened under section 263,” for “selection board”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-213, title II, § 208(e)(1), Dec. 20, 2012, 126 Stat. 1549, provided that: “The amendments made by this section [enacting section 263 of this title and amending this section and section 262 of this title] shall take effect on the date of enactment of this Act [Dec. 20, 2012] and the Secretary may convene a special selection board on or after that date under section 263 [now 2120] of title 14, United States Code, with respect to any error or other action for which such a board may be convened if that error or other action occurred on or after the date that is 1 year before the date of enactment of this Act.”

### Executive Documents

#### DELEGATION OF AUTHORITY

Authority of President under subsecs. (a) and (b) of this section to approve, modify, or disapprove the report of a selection board, and to remove a name of an officer from a selection board report, respectively, delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, § 1(a), (b), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

### § 2119. Failure of selection for promotion

An officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade under section 2111 of this title, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 181, § 262; amended Pub. L. 112-213, title II, § 208(c), Dec. 20, 2012, 126 Stat. 1549; renumbered § 2119 and amended Pub. L. 115-282, title I, §§ 112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

### Editorial Notes

#### AMENDMENTS

2018—Pub. L. 115-282, § 123(b)(2), substituted “section 2111” for “section 256”.

Pub. L. 115-282, § 112(b), renumbered section 262 of this title as this section.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) describing failure of selection for promotion with an exception made if an officer was not considered because of administrative error.