

grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2923.)

CHAPTER 1403—SELECTION BOARDS

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AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, §547(d)(2), Oct. 17, 2006, 120 Stat. 2216, substituted “Nondisclosure” for “Confidentiality” in item 14104.

1996—Pub. L. 104-106, div. A, title XV, §1501(b)(23), Feb. 10, 1996, 110 Stat. 497, substituted “promotion” for “selection” in item 14105.

§ 14101. Convening of selection boards

(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Navy Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a “promotion board”.

(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall be known as a “vacancy promotion board”. Any other promotion board convened under this subsection shall be known as a “mandatory promotion board”.

(3) Paragraph (1) does not require the convening of a selection board in the case of officers in the permanent grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) when the Secretary concerned recommends for promotion to the next higher grade under section 14308(b)(4) of this title all such officers whom the Secretary finds to be fully qualified for promotion.

(b) SELECTIVE EARLY SEPARATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

(1) for selective early removal from the reserve active-status list under section 14704 of this title; or

(2) for selective early retirement under section 14705 of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2924; amended Pub. L. 105-85, div. A, title V, §514(a), Nov. 18, 1997, 111 Stat. 1732; Pub. L. 107-107, div. A, title V, §505(b)(3), Dec. 28, 2001, 115 Stat. 1087; Pub. L. 108-136, div. A, title V, §511(b)(1), Nov. 24, 2003, 117 Stat. 1459; Pub. L. 109-163, div. A, title V, §515(b)(1)(PP), Jan. 6, 2006, 119 Stat. 3234.)

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

2003—Subsec. (b). Pub. L. 108-136, §511(b)(1)(A), (D), substituted “Selective Early Separation Boards” for “Continuation Boards” in heading and struck out concluding provisions which read as follows: “A selection board convened under this subsection shall be known as a ‘continuation board’.”

Subsec. (b)(1) to (3). Pub. L. 108-136, §511(b)(1)(B), (C), redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: “for continuation on the reserve active-status list under section 14701 of this title;”.

2001—Subsec. (a)(3). Pub. L. 107-107 added par. (3).

1997—Subsec. (a)(2). Pub. L. 105-85 struck out “(except in the case of a board convened to consider officers as provided in section 14301(e) of this title)” before “be known as a ‘vacancy promotion board’.”

EFFECTIVE DATE

Chapter effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14102. Selection boards: appointment and composition

(a) APPOINTMENT.—Members of selection boards convened under section 14101 of this title shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Selection boards convened under section 14101(b) of this title shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department con-