

2006—Par. (6). Pub. L. 109-364 added par. (6).

2004—Par. (1). Pub. L. 108-375, § 416(j), amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) Reserve officers—

“(A) on active duty for training;

“(B) on active duty under section 3038, 5143, 5144, 8038, 10211, 10301 through 10305, 10502, 10505, 10506(a), 10506(b), 10507, or 12402 of this title or section 708 of title 32;

“(C) on active duty under section 12301(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;

“(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), if the call or order to active duty, under regulations prescribed by the Secretary concerned, specifies a period of three years or less and continued placement on the reserve active-status list;

“(E) on active duty to pursue special work;

“(F) ordered to active duty under section 12304 of this title;

“(G) on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System; or

“(H) on full-time National Guard duty.”

Par. (1)(F). Pub. L. 108-375, § 501(d), which directed substitution of “sections 12302 and 12304” for “section 12304” in subpar. (F), could not be executed because par. (1) did not contain a subpar. (F) subsequent to amendment by Pub. L. 108-375, § 416(j). See above.

2001—Par. (1)(D). Pub. L. 107-107 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “on the reserve active-status list who are on active duty under section 12301(d) of this title, other than as provided in subparagraph (C), under a call or order to active duty specifying a period of three years or less;”.

2000—Par. (1)(D) to (H). Pub. L. 106-398 added subpar. (D) and redesignated former subpars. (D) to (G) as (E) to (H), respectively.

1996—Par. (1)(B). Pub. L. 104-201 inserted “5143, 5144,” after “3038.”

Pub. L. 104-106 substituted “10502, 10505, 10506(a), 10506(b), 10507” for “10501”.

1994—Par. (1)(B). Pub. L. 103-337, § 1671(c)(5)(A), substituted “3038, 8038, 10211, 10301 through 10305, 10501, or 12402” for “175, 265, 3021, 3038, 3040, 3496, 5251, 5252, 8021, 8038, or 8496”.

Par. (1)(C). Pub. L. 103-337, § 1671(c)(5)(B), substituted “12301(d)” for “672(d)”.

Par. (1)(E). Pub. L. 103-337, § 1671(c)(5)(C), substituted “12304” for “673b”.

1986—Par. (1)(B). Pub. L. 99-433 substituted “3021, 3038, 3040, 3496, 5251, 5252, 8021, 8038” for “3015, 3019, 3033, 3496, 5251, 5252, 8019, 8033”.

1984—Pub. L. 98-525, § 527(b), substituted “(other than section 640 and, in the case of warrant officers, section 628)” for “(other than section 640)” in provisions preceding par. (1).

Par. (1)(C). Pub. L. 98-525, § 414(a)(5)(A), struck out “or under section 502 or 503 of title 32” after “section 672(d) of this title”.

Par. (1)(G). Pub. L. 98-525, § 414(a)(5)(B)-(D), added subpar. (G).

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by section 501(d) of Pub. L. 108-375 effective on the first day of the first month beginning more than 180 days after Oct. 28, 2004, see section 501(g) of Pub. L. 108-375, set out as a note under section 531 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XV, § 1501(c), Feb. 10, 1996, 110 Stat. 498, provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer

Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

EFFECTIVE DATE

Subchapter effective Sept. 15, 1981, but the authority to prescribe regulations under this subchapter effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

RETROACTIVE APPLICATION

Pub. L. 107-107, div. A, title V, § 511(b), Dec. 28, 2001, 115 Stat. 1092, provided that:

“(1) The Secretary of the military department concerned may provide that an officer who was excluded from the active-duty list under section 641(1)(D) of title 10, United States Code, as amended by section 521 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-108), shall be considered to have been on the active-duty list during the period beginning on the date on which the officer was so excluded and ending on the date of the enactment of this Act [Dec. 28, 2001].

“(2) The Secretary of the military department concerned may provide that a Reserve officer who was placed on the active-duty list on or after October 30, 1997, shall be placed on the reserve active-status list if the officer otherwise meets the conditions specified in section 641(1)(D) of title 10, United States Code, as amended by subsection (a).”

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

§ 642. Entitlement of officers discharged or retired under this chapter to separation pay or retired pay

(a) An officer who is discharged under this chapter is entitled, if eligible therefor, to separation pay under section 1174 of this title.

(b) An officer who is retired under this chapter is entitled to retired pay computed under chapter 71 of this title.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2867.)

§ 643. Chaplains: discharge or retirement upon loss of professional qualifications

Under regulations prescribed by the Secretary of Defense, a commissioned officer on the active-duty list of the Army, Navy, or Air Force who is appointed or designated as a chaplain may, if he fails to maintain the qualifications needed to perform his professional function, be discharged or, if eligible for retirement, may be retired.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2867.)

[§ 644. Repealed. Pub. L. 103-337, div. A, title XVI, § 1622(b), Oct. 5, 1994, 108 Stat. 2961]

Section, added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2867; amended Pub. L. 102-190, div. A, title XI, § 1115, Dec. 5, 1991, 105 Stat. 1503, related to authority to suspend officer personnel laws. See section 123 of this title.

EFFECTIVE DATE OF REPEAL

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

§ 645. Definitions

In this chapter:

(1) The term “promotion zone” means a promotion eligibility category consisting of the officers on an active-duty list in the same grade and competitive category—

(A) who—

(i) in the case of officers in grades below colonel, for officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Navy, have neither (I) failed of selection for promotion to the next higher grade, nor (II) been removed from a list of officers recommended for promotion to that grade (other than after having been placed on that list after a selection from below the promotion zone); or

(ii) in the case of officers in the grade of colonel or brigadier general, for officers of the Army, Air Force, and Marine Corps, or captain or rear admiral (lower half), for officers of the Navy, have neither (I) not been recommended for promotion to the next higher grade when considered in the promotion zone, nor (II) been removed from a list of officers recommended for promotion to that grade (other than after having been placed on that list after a selection from below the promotion zone); and

(B) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade.

(2) The term “officers above the promotion zone” means a group of officers on an active-duty list in the same grade and competitive category who—

(A) are eligible for consideration for promotion to the next higher grade;

(B) are in the same grade as those officers in the promotion zone for that competitive category; and

(C) are senior to the senior officer in the promotion zone for that competitive category.

(3) The term “officers below the promotion zone” means a group of officers on the active-duty list in the same grade and competitive category who—

(A) are eligible for consideration for promotion to the next higher grade;

(B) are in the same grade as the officers in the promotion zone for that competitive category; and

(C) are junior to the junior officer in the promotion zone for that competitive category.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2867; amended Pub. L. 97-86, title IV, § 405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 98-525, title V, § 533(a), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 99-145, title V, § 514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 102-25, title VII, § 701(i)(1), Apr. 6, 1991, 105 Stat. 115.)

AMENDMENTS

1991—Pars. (1) to (3). Pub. L. 102-25 inserted “The term” after par. designations and lowercased initial letter of quoted phrases.

1985—Par. (1)(A)(ii). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Par. (1)(A)(i)(II), (ii)(II). Pub. L. 98-525, § 533(a)(1), inserted “(other than after having been placed on that list after a selection from below the promotion zone)”.

Par. (1)(B). Pub. L. 98-525, § 533(a)(2), inserted “in the promotion zone” after “the junior officer” and struck out “in the promotion zone” after “higher grade”.

1981—Par. (1)(A)(ii). Pub. L. 97-86 substituted “commodore” for “commodore admiral”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

§ 646. Consideration of performance as a member of the Joint Staff

The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall ensure that officer personnel policies of the Army, Navy, Air Force, and Marine Corps concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.

(Added Pub. L. 98-525, title XIII, § 1301(d)(1), Oct. 19, 1984, 98 Stat. 2612.)

§ 647. Force shaping authority

(a) **AUTHORITY.**—The Secretary concerned may, solely for the purpose of restructuring an armed force under the jurisdiction of that Secretary—

(1) discharge an officer described in subsection (b); or

(2) transfer such an officer from the active-duty list of that armed force to the reserve active-status list of a reserve component of that armed force.

(b) **COVERED OFFICERS.**—(1) The authority under this section may be exercised in the case of an officer who—

(A) has completed not more than six years of service as a commissioned officer in the armed forces; or

(B) has completed more than six years of service as a commissioned officer in the armed forces, but has not completed a minimum service obligation applicable to that member.

(2) In this subsection, the term “minimum service obligation” means the initial period of required active duty service together with any additional period of required active duty service incurred during the initial period of required active duty service.

(c) **APPOINTMENT OF TRANSFERRED OFFICERS.**—An officer of the Regular Army, Regular Air