

title IV, § 405(a), Dec. 2, 2002, 116 Stat. 2526; Pub. L. 108-136, div. A, title V, § 504(a), Nov. 24, 2003, 117 Stat. 1456.)

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-136 struck out heading and text of subsec. (c). Text read as follows: "This section shall cease to be effective at the end of December 31, 2004."

2002—Subsec. (c). Pub. L. 107-314 substituted "December 31, 2004" for "September 30, 2003".

1999—Subsec. (c). Pub. L. 106-65 substituted "September 30, 2003" for "September 30, 2000".

1996—Subsec. (c). Pub. L. 104-201 substituted "September 30, 2000" for "September 30, 1997".

CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

Subchapter I. Selection Boards ..... 611
II. Promotions ..... 619
III. Failure of Selection for Promotion and Retirement for Years of Service ..... 627
IV. Continuation on Active Duty and Selective Early Retirement ..... 637
V. Additional Provisions Relating to Promotion, Separation, and Retirement ..... 641

SUBCHAPTER I—SELECTION BOARDS

Sec. 611. Convening of selection boards.
612. Composition of selection boards.
613. Oath of members of selection boards.
613a. Nondisclosure of board proceedings.
614. Notice of convening of selection boards.
615. Information furnished to selection boards.
616. Recommendations for promotion by selection boards.
617. Reports of selection boards.
618. Action on reports of selection boards.

AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, § 547(d)(1), Oct. 17, 2006, 120 Stat. 2216, added item 613a.

1991—Pub. L. 102-190, div. A, title V, § 504(a)(2)(B), Dec. 5, 1991, 105 Stat. 1357, struck out "; communications with boards" after "selection boards" in item 614.

§ 611. Convening of selection boards

(a) Whenever the needs of the service require, the Secretary of the military department concerned shall convene selection boards to recommend for promotion to the next higher permanent grade, under subchapter II of this chapter, officers on the active-duty list in each permanent grade from first lieutenant through brigadier general in the Army, Air Force, or Marine Corps and from lieutenant (junior grade) through rear admiral (lower half) in the Navy. The preceding sentence 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 624(a)(3) of this title all such officers whom the Secretary finds to be fully qualified for promotion.

(b) Whenever the needs of the service require, the Secretary of the military department concerned may convene selection boards to recommend officers for continuation on active duty

under section 637 of this title or for early retirement under section 638 of this title.

(c) The convening of selection boards under subsections (a) and (b) shall be under regulations prescribed by the Secretary of Defense.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2851; amended Pub. L. 97-86, title IV, § 405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 99-145, title V, § 514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 107-107, div. A, title V, § 505(a)(3), Dec. 28, 2001, 115 Stat. 1086.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107, § 505(a)(3)(A), substituted "Whenever the needs of the service require, the Secretary of the military department concerned" for "Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned, whenever the needs of the service require," and inserted at end "The preceding sentence 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 624(a)(3) of this title all such officers whom the Secretary finds to be fully qualified for promotion."

Subsec. (b). Pub. L. 107-107, § 505(a)(3)(B), substituted "Whenever the needs of the service require, the Secretary of the military department concerned" for "Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned, whenever the needs of the service require,".

Subsec. (c). Pub. L. 107-107, § 505(a)(3)(C), added subsec. (c).

1985—Subsec. (a). Pub. L. 99-145 substituted "rear admiral (lower half)" for "commodore".

1981—Subsec. (a). 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.

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.

TRANSITION FROM GRADE OF COMMODORE TO GRADE OF REAR ADMIRAL (LOWER HALF)

Pub. L. 99-145, title V, § 514(e), Nov. 8, 1985, 99 Stat. 630, provided that:

"(1) An officer who on the day before the date of the enactment of this Act [Nov. 8, 1985] is serving in or has the grade of commodore shall as of the date of the enactment of this Act be serving in or have the grade of rear admiral (lower half).

"(2) An officer who on the day before the date of the enactment of this Act is on a list of officers selected for promotion to the grade of commodore shall as of the date of the enactment of this Act be considered to be on a list of officers selected for promotion to the grade of rear admiral (lower half)."

TRANSITION PROVISIONS COVERING 1980 AMENDMENTS BY DEFENSE OFFICER PERSONNEL MANAGEMENT ACT [Pub. L. 96-513]

Parts A to C of title VI of Pub. L. 96-513, Dec. 12, 1980, 94 Stat. 2940, as amended by Pub. L. 97-22, § 8(a)-(n), July 10, 1981, 95 Stat. 132-135; Pub. L. 97-86, title IV, § 405(d)(1), (2)(A), (e), (f), Dec. 1, 1981, 95 Stat. 1106, eff. Sept. 15, 1981; Pub. L. 98-525, title V, §§ 530-532, Oct. 19, 1984, 98 Stat. 2527; Pub. L. 100-456, div. A, title V, § 503, Sept. 29, 1988, 102 Stat. 1967, provided that: