

cer whose name the Chairman submits to the Secretary under paragraph (1)(B) for consideration for the same vacancy). The Chairman's evaluation shall primarily consider the performance of the officer as a member of the Joint Staff and in other joint duty assignments, but may include consideration of other aspects of the officer's performance as the Chairman considers appropriate.

(b) COVERED POSITIONS.—Subsection (a) applies to the following positions:

(1) Commander of a combatant command.

(2) Commander, United States Forces, Korea.

(Added Pub. L. 103-337, div. A, title IV, § 405(c)(1), Oct. 5, 1994, 108 Stat. 2745; amended Pub. L. 104-201, div. A, title IV, § 404(a), Sept. 23, 1996, 110 Stat. 2506; Pub. L. 106-65, div. A, title V, § 509(a), Oct. 5, 1999, 113 Stat. 592; Pub. L. 107-314, div. A, 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; Pub. L. 114-328, div. A, title V, § 502(e), Dec. 23, 2016, 130 Stat. 2102.)

AMENDMENTS

2016—Subsec. (b)(3). Pub. L. 114-328 struck out par. (3) which read as follows: "Deputy commander, United States European Command, but only if the commander of that command is also the Supreme Allied Commander, Europe."

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

Table with 2 columns: Subchapter and Sec. Subchapter I: Selection Boards (611); Subchapter II: Promotions (619); Subchapter III: Failure of Selection for Promotion and Retirement for Years of Service (627); Subchapter IV: Continuation on Active Duty and Selective Early Retirement (637); Subchapter V: Additional Provisions Relating to Promotion, Separation, and Retirement (641)

SUBCHAPTER I—SELECTION BOARDS

Table with 2 columns: Sec. and Description. 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

Section 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.