

been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this title.

“(e) OFFICERS WHOSE NAMES HAVE BEEN OMITTED FROM A LIST FURNISHED TO A SELECTION BOARD.—A covered officer whose name, as of the effective date of this title, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this title. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this title.

“(f) COVERED OFFICERS.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this title is in an active status, and (2) on the effective date of this title is subject to placement on the reserve active-status list of the Navy or Marine Corps.”

§ 14002. Reserve active-status lists: requirement for each armed force

(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary’s jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Navy Reserve and the Marine Corps Reserve.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2922; amended Pub. L. 109-163, div. A, title V, §515(b)(1)(OO), Jan. 6, 2006, 119 Stat. 3234.)

AMENDMENTS

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

EFFECTIVE DATE

Section 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.

ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST

Section 1686 of title XVI of div. A of Pub. L. 103-337 provided that:

“(a) SIX-MONTH DEADLINE.—Not later than six months after the effective date of this title [Oct. 1, 1996, see section 1691(b)(1), (2) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title], the Secretary of the military department concerned shall ensure that—

“(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this title, shall be placed on the list for their armed force and in their competitive category; and

“(2) the relative seniority of those officers on each such list shall be established.

“(b) REGULATIONS.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this title, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this title. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this title.”

PRESERVATION OF RELATIVE SENIORITY UNDER INITIAL ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST

Section 1687 of title XVI of div. A of Pub. L. 103-337 provided that: “In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 1686 [set out above], the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this title [Oct. 1, 1996, see section 1691(b)(1), (2) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title], adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.”

§ 14003. Reserve active-status lists: position of officers on the list

(a) POSITION ON LIST.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

(b) EFFECT ON POSITION HELD BY REASON OF TEMPORARY APPOINTMENT OR ASSIGNMENT.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2923; amended Pub. L. 104-106, div. A, title XV, §1501(b)(22), Feb. 10, 1996, 110 Stat. 497.)

AMENDMENTS

1996—Pub. L. 104-106 inserted “lists” in section catchline.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

EFFECTIVE DATE

Section 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.

§ 14004. Reserve active-status lists: eligibility for Reserve promotion

Except as otherwise provided by law, an officer must be on a reserve active-status list to be

eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

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

EFFECTIVE DATE

Section 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.

§ 14005. Competitive categories

Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

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

EFFECTIVE DATE

Section 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.

§ 14006. Determination of years in grade

For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a 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.)

EFFECTIVE DATE

Section 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.

CHAPTER 1403—SELECTION BOARDS

Sec.	
14101.	Convening of selection boards.
14102.	Selection boards: appointment and composition.
14103.	Oath of members.
14104.	Nondisclosure of board proceedings.
14105.	Notice of convening of promotion board.
14106.	Communication with board by officers under consideration.
14107.	Information furnished by the Secretary concerned to promotion boards.
14108.	Recommendations by promotion boards.
14109.	Reports of promotion boards: in general.
14110.	Reports of promotion boards: review by Secretary.
14111.	Reports of selection boards: transmittal to President.
14112.	Dissemination of names of officers selected.

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

Section 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.