

5371, set out as notes under section 301 of Title 3, The President.

**§ 14112. Dissemination of names of officers selected**

(a) **TIME FOR DISSEMINATION.**—The names of the officers recommended for promotion in the report of a selection board shall be disseminated to the armed force concerned as follows:

(1) In the case of officers recommended for promotion to a grade below brigadier general or rear admiral (lower half), such names may be disseminated upon, or at any time after, the transmittal of the report to the President.

(2) In the case of officers recommended for promotion to a grade above colonel or, in the case of the Navy, captain, such names may be disseminated upon, or at any time after, the approval of the report by the President.

(3) In the case of officers whose names have not been sooner disseminated, such names shall be promptly disseminated—

(A) upon confirmation of the promotion of the officers by the Senate (in the case of promotions required to be submitted to the Senate for confirmation); or

(B) upon the approval of the report by the President (in the case of promotions not required to be submitted to the Senate for confirmation).

(b) **NAMES NOT DISSEMINATED.**—A list of names of officers disseminated under subsection (a) may not include—

(1) any name removed by the President from the report of the selection board containing that name, if dissemination is under the authority of paragraph (2) or (3)(B) of that subsection; or

(2) the name of any officer whose promotion the Senate failed to confirm, if dissemination is under the authority of paragraph (3)(A) of that subsection.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2930; amended Pub. L. 106-398, §1 [[div. A], title V, §503(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-101.)

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 5898(d) of this title, prior to repeal by Pub. L. 103-337, §1629(b)(2).

**AMENDMENTS**

2000—Pub. L. 106-398 amended text generally. Prior to amendment, text read as follows: “Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.”

**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 1405—PROMOTIONS**

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Sec.  
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14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general.  
14315. Position vacancy promotions: Army and Air Force officers.  
14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion.  
14317. Officers in transition to and from the active-status list or active-duty list.

**AMENDMENTS**

2006—Pub. L. 109-163, div. A, title V, §1515(b)(4)(I), Jan. 6, 2006, 119 Stat. 3235, substituted “Navy Reserve” for “Naval Reserve” in item 14306.

1996—Pub. L. 104-106, div. A, title XV, §1501(b)(24), Feb. 10, 1996, 110 Stat. 497, substituted “Number” for “Numbers” in item 14307, a semicolon for a colon in item 14309, and “state” for “State” in item 14314.

**§ 14301. Eligibility for consideration for promotion: general rules**

(a) **ONE-YEAR RULE.**—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

(b) **REQUIREMENT FOR CONSIDERATION OF ALL OFFICERS IN AND ABOVE THE ZONE.**—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

(c) **PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE TO BE CONSIDERED.**—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade any of the following officers: