

lines and procedures prescribed by the Secretary concerned, the order in which those officers should be placed on the list.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2852; amended Pub. L. 100-456, div. A, title V, §501(b), Sept. 29, 1988, 102 Stat. 1966; Pub. L. 102-190, div. A, title V, §504(b), Dec. 5, 1991, 105 Stat. 1357; Pub. L. 102-484, div. A, title X, §1052(8), Oct. 23, 1992, 106 Stat. 2499; Pub. L. 109-364, div. A, title V, §512(a), Oct. 17, 2006, 120 Stat. 2184; Pub. L. 115-232, div. A, title V, §504(a), title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1742, 1840; Pub. L. 116-92, div. A, title V, §503(a), Dec. 20, 2019, 133 Stat. 1344; Pub. L. 116-283, div. A, title V, §504(a), Jan. 1, 2021, 134 Stat. 3565.)

AMENDMENTS

2021—Subsec. (h)(1). Pub. L. 116-283, §504(a)(1), substituted “shall” for “may” and inserted “pursuant to guidelines and procedures prescribed by the Secretary,” after “officers of particular merit.”

Subsec. (h)(3). Pub. L. 116-283, §504(a)(2), inserted “, pursuant to guidelines and procedures prescribed by the Secretary concerned,” after “shall recommend”.

2019—Subsecs. (d) to (h). Pub. L. 116-92 added subsec. (d) and redesignated former subsecs. (d) to (g) as (e) to (h), respectively.

2018—Subsec. (c)(3). Pub. L. 115-232, §809(a), substituted “section 7233, 8167, or 9233” for “section 3583, 5947, or 8583”.

Subsec. (g). Pub. L. 115-232, §504(a), added subsec. (g).

2006—Subsec. (c)(3). Pub. L. 109-364 added par. (3).

1992—Pub. L. 102-484 substituted “section 615(b)” for “section 615(a)”.

1991—Subsecs. (e), (f). Pub. L. 102-190 added subsecs. (e) and (f).

1988—Subsec. (a). Pub. L. 100-456 inserted “(as noted in the guidelines or information furnished the board under section 615(a) of this title)” after “particular skills”.

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-283, div. A, title V, §504(b), Jan. 1, 2021, 134 Stat. 3565, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Jan. 1, 2021], and shall apply with respect to officers recommended for promotion by promotion selection boards convened on or after that date.”

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. A, title V, §503(b), Dec. 20, 2019, 133 Stat. 1344, provided that: “The amendments made by this section [amending this section] shall take effect on the date of the enactment of this Act [Dec. 20, 2019], and shall apply with respect to consideration by promotion selection boards convened under section 611(a) of title 10, United States Code, of promotion zones that are established under section 623 of that title on or after that date.”

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 809(a) of Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, §512(c), Oct. 17, 2006, 120 Stat. 2184, provided that: “The amendments made by this section [amending this section and section 14108 of this title] shall take effect on the date of the enactment of this Act [Oct. 17, 2006] and shall apply with respect to selection boards convened on or after that date.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 applicable to selection boards convened under section 611(a) of this title after end of 60-day period beginning Dec. 5, 1991, see section 504(e) of Pub. L. 102-190, set out as a note under section 615 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective 60 days after Sept. 29, 1988, and applicable with respect to selection boards convened under section 611(a) of this title on or after that effective date, see section 501(e) of Pub. L. 100-456, set out as a note under section 615 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section 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.

§ 617. Reports of selection boards

(a) Each selection board convened under section 611(a) of this title shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing a list of the names of the officers it recommends for promotion and certifying (1) that the board has carefully considered the record of each officer whose name was furnished to it under section 615 of this title, and (2) that, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 615(b) of this title) among those officers whose names were furnished to the selection board.

(b) A selection board convened under section 611(a) of this title shall include in its report to the Secretary concerned the name of any regular or reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required under chapter 60 or 1411 of this title to show cause for his retention on active duty.

(c) A selection board convened under section 611(a) of this title shall include in its report to the Secretary concerned the name of any officer considered and not recommended for promotion by the board who submitted to the board a request not to be selected for promotion or who otherwise directly caused his nonselection through written communication to the Board under section 614(b) of this title.

(d) A selection board convened under section 611(a) of this title shall, when authorized under section 616(h) of this title, include in its report to the Secretary concerned the names of those officers recommended by the board to be placed higher on the promotion list and the order in which the board recommends that those officers should be placed on the list.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2853; amended Pub. L. 100-456, div. A, title V, §501(c), Sept. 29, 1988, 102 Stat. 1966; Pub. L. 102-484, div. A, title X, §1052(8), Oct. 23, 1992, 106 Stat. 2499; Pub. L. 103-337, div. A, title XVI, §1623, Oct. 5, 1994, 108 Stat. 2961; Pub. L. 105-261, div. A, title V, §502(b), Oct. 17, 1998, 112 Stat.

2003; Pub. L. 106-65, div. A, title V, §503(a), Oct. 5, 1999, 113 Stat. 590; Pub. L. 115-232, div. A, title V, §504(b), Aug. 13, 2018, 132 Stat. 1742; Pub. L. 116-283, div. A, title X, §1081(a)(18), Jan. 1, 2021, 134 Stat. 3871.)

AMENDMENTS

2021—Subsec. (d). Pub. L. 116-283 substituted “section 616(h)” for “section 616(g)”.

2018—Subsec. (d). Pub. L. 115-232 added subsec. (d).

1999—Subsec. (c). Pub. L. 106-65 struck out “regular” before “officer”.

1998—Subsec. (c). Pub. L. 105-261 added subsec. (c).

1994—Subsec. (b). Pub. L. 103-337 inserted “or reserve” after “any regular” and “or 1411” after “chapter 60”.

1992—Subsec. (a). Pub. L. 102-484 substituted “section 615(b)” for “section 615(a)”.

1988—Subsec. (a)(2). Pub. L. 100-456 inserted “(as noted in the guidelines or information furnished the board under section 615(a) of this title)” after “concerned”.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, §503(b), Oct. 5, 1999, 113 Stat. 590, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to boards convened under section 611(a) of title 10, United States Code, on or after the date of the enactment of this Act [Oct. 5, 1999].”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title V, §502(c), Oct. 17, 1998, 112 Stat. 2003, provided that: “The amendments made by this section [amending this section and section 1174 of this title] shall apply with respect to selection boards convened under section 611(a) of title 10, United States Code, on or after the date of the enactment of this Act [Oct. 17, 1998].”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 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.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective 60 days after Sept. 29, 1988, and applicable with respect to selection boards convened under section 611(a) of this title on or after that effective date, see section 501(e) of Pub. L. 100-456, set out as a note under section 615 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section 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.

§ 618. Action on reports of selection boards

(a)(1) Upon receipt of the report of a selection board submitted to him under section 617(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 615(b) of this title. Following such review, unless the Secretary concerned makes a determination as described in paragraph (2), the Secretary shall submit the report as required by subsection (b) or (c), as appropriate.

(2) If, on the basis of a review of the report under paragraph (1), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to

guidelines furnished the board under section 615(b) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this paragraph, the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 617 of this title.

(b)(1) After completing the requirements of subsection (a), the Secretary concerned, in the case of the report of a selection board that considered officers who are serving on, or have served on, the Joint Staff or are joint qualified officers, shall submit the report to the Chairman of the Joint Chiefs of Staff.

(2) The Chairman, in accordance with guidelines furnished to the Chairman by the Secretary of Defense, shall review the report for the purpose of determining if—

(A) the selection board acted consistent with the guidelines of the Secretary of Defense under section 615(c) of this title to ensure that selection boards give appropriate consideration to the performance of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers; and

(B) the selection board otherwise gave appropriate consideration to the performance of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers.

(3) After reviewing the report, the Chairman shall return the report, with his determinations and comments, to the Secretary concerned.

(4) If the Chairman determines that the board acted contrary to the guidelines of the Secretary of Defense under section 615(c) of this title or otherwise failed to give appropriate consideration to the performance of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers, the Secretary concerned may—

(A) return the report, together with the Chairman’s determinations and comments, to the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) for further proceedings in accordance with subsection (a);

(B) convene a special selection board in the manner provided for under section 628 of this title; or

(C) take other appropriate action to satisfy the concerns of the Chairman.

(5) If, after completion of all actions taken under paragraph (4), the Secretary concerned and the Chairman remain in disagreement with respect to the report of a selection board, the Secretary concerned shall indicate such disagreement, and the reasons for such disagreement, as part of his transmittal of the report of the selection board to the Secretary of Defense under subsection (c). Such transmittal shall include any comments submitted by the Chairman.