

nished may not contain the name of any officer who is on a recommended list for promotion to that grade. The board shall recommend the prescribed number of those officers whom it considers to be the best qualified.

* * * * *

(As amended Nov. 8, 1967, Pub. L. 90-130, § 1(10)(D), (E), 81 Stat. 375.)

AMENDMENTS

1967—Pub. L. 90-130, § 1(10)(E), struck out “other than officers in Army Nurse Corps and Army Medical Specialist Corps” following “Commissioned officers” in the section catchline.

Subsec. (a). Pub. L. 90-130, § 1(10)(D), struck out provision prohibiting the promotion of officers of the Army Nurse Corps and Army Medical Specialist Corps under this section.

§ 3313. Suspension of laws for promotion or mandatory retirement or separation during war or emergency.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of Defense, see section 1 (3) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

Chapter 337.—APPOINTMENTS AS RESERVE OFFICERS

Sec.

- 3351. Officers: Army National Guard of United States.
- 3352. Officers; Army Reserve: transfer from Army National Guard of United States.
- 3353. Commissioned officers: appointment; service credit.
- 3354. Commissioned officers: appointment of warrant officers and enlisted members of Army National Guard of United States; status.
- 3357. Commissioned officers; Army Reserve: for service in Army Nurse Corps or Army Medical Specialist Corps.
- 3359. Commissioned officers: original appointment; determination of grade.
- 3360. Commissioned officers: promotion service.
- 3362. Commissioned officers: selection boards.
- 3363. Commissioned officers: selection boards; general procedure.
- 3364. Commissioned officers: selection for promotion; order of promotion; zone of consideration list; declination of promotion.
- 3365. Commissioned officers: promotion of second lieutenants not assigned to units.
- 3366. Commissioned officers: promotion of first lieutenants, captains, and majors; mandatory consideration.
- 3367. Commissioned officers: promotion of first lieutenants, captains, and majors to fill vacancies.
- 3368. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; second consideration.
- 3369. Commissioned officers: Army Reserve; first promotion of officers not assigned to units after transfer from unit or from Army National Guard of United States.
- 3370. Commissioned officers: promotion to grade of colonel to fill vacancies.
- 3371. Commissioned officers: promotion of brigadier generals and colonels not assigned to units.
- 3375. Commissioned officers: generals ceasing to occupy commensurate positions.
- 3378. Commissioned officers: promotion of officers removed from active status.
- 3380. Commissioned officers: election to continue on active duty after promotion.
- 3382. Commissioned officers: Army Reserve; promotion of second lieutenants assigned to units.
- 3383. Commissioned officers: Army Reserve; promotion to grade, 1st lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies in units.

Sec.

- 3384. Commissioned officers: Army Reserve; promotion to grade of brigadier general or major to fill vacancies in units.
- 3385. Commissioned officers: Army National Guard of United States; promotion upon Federal recognition.
- 3386. Commissioned officers: promotion upon release from active duty.
- 3388. Commissioned officers: Army Reserve; effect of entering upon active duty while eligible for promotion.
- 3389. Commissioned officers: promotion to higher reserve grade after temporary appointment.
- 3390. Commissioned officers: Army National Guard of United States; procedure for promotion to higher reserve grade after temporary appointment.
- 3392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.
- 3393. Commissioned officers: sea or foreign service not to be required for promotion.
- 3394. Officers: acceptance of promotion.
- 3395. During war.

AMENDMENTS

1967—Pub. L. 90-130, § 1(11)(D), (F), Nov. 8, 1967, 81 Stat. 375, 376, substituted “grade of colonel to fill vacancies” for “field grade in certain cases” in item 3370, and eliminated item 3391 which read: “Commissioned officers: officers of Army Nurse Corps, Army Medical Specialist Corps, and Women’s Army Corps not to be promoted above certain grades.”

§§ 3352—3351.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

§§ 3359, 3360.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

§§ 3362—3365.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

§ 3366. Commissioned officers: promotion of first lieutenants, captains, and majors; mandatory consideration.

* * * * *

(g) Repealed. Pub. L. 90-130, § 1(11)(A), Nov. 8, 1967, 81 Stat. 375.

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(As amended Pub. L. 90-130, § 1(11)(A), Nov. 8, 1967, 81 Stat. 375.)

AMENDMENTS

1967—Subsec. (g). Pub. L. 90-130 struck out subsec. (g) which excepted the promotion to a grade above major of reserve officers of the Army Nurse Corps, Army Medical Specialist Corps, or the Women’s Army Corps from the applicability of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 3367. Commissioned officers: promotion of first lieutenants, captains, and majors to fill vacancies.

* * * * *

(d) Repealed. Pub. L. 90-130, § 1(11)(B), Nov. 8, 1967, 81 Stat. 375.

* * * * *

(As amended Pub. L. 90-130, § 1(11)(B), Nov. 8, 1967, 81 Stat. 375.)

AMENDMENTS

1967—Subsec. (d). Pub. L. 90-130 struck out subsec. (d) which excepted the promotion to a grade above major of reserve officers of the Army Nurse Corps, Army Medical Specialist Corps, and the Women’s Army Corps from the applicability of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§§ 3368, 3369.

SECTION REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

§ 3370. Commissioned officers: promotion to grade of colonel to fill vacancies.

(a) Whenever the Secretary of the Army determines that, within the distribution of officers not assigned to units, there are existing or anticipated vacancies in the reserve grade of colonel, he may convene a selection board to consider and recommend, to fill those vacancies, reserve officers who are in an active status and who are not assigned to units organized to serve as units, subject to section 3390 of this title, reserve officers who are on active duty (other than for training), officers of any unit of the Army Reserve organized to serve as a unit, and officers of the Army National Guard of the United States.

* * * * *

(As amended Nov. 8, 1967, Pub. L. 90-130, § 1(11) (C), (D), 81 Stat. 375.)

AMENDMENTS

1967—Pub. L. 90-130, § 1(11)(D), substituted “grade of colonel to fill vacancies” for “field grade in certain cases” in the section catchline.

Subsec. (a). Pub. L. 90-130, § 1(11)(C), struck out limitation restricting the convening of selection boards to situations in which the existing or anticipated vacancies are in the reserve grade of Lieutenant colonel in the Army Nurse Corps, Army Medical Specialist Corps, or the Women's Army Corps, colonels on any other branch, and colonels in the Army Nurse Corps or Army Medical Specialist Corps, and reduced the restriction to a requirement merely that the vacancy be in the reserve grade of colonel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 3371. Commissioned officers: promotion of brigadier generals and colonels not assigned to units.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 3375. Commissioned officers: generals ceasing to occupy commensurate positions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 3378. Commissioned officers: promotion of officers removed from active status.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 3380. Commissioned officers: election to continue on active duty after promotion.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 3382. Commissioned officers: Army Reserve; promotion of second lieutenants assigned to units.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 3383. Commissioned officers: Army Reserve; promotion to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies in units.

* * * * *

(b) In referring the names of officers for consideration for promotion under subsection (a), the con-

vening officer shall place on a zone of consideration list the name of each officer who is assigned to a unit organized to serve as a unit, who is eligible for consideration for promotion under section 3363 (b) or (g) of this title, and who is geographically available to fill the vacancy. Whenever the Secretary determines that a vacancy may be filled by an officer of the Women's Army Corps, officers of that branch are eligible for consideration even though the vacancy is not allocated to that branch. The convening officer shall refer the list to the selection board for consideration. Without regard to section 3363 (a) and (b) of this title, he may also place on such a list for promotion to the next higher reserve grade the name of any reserve first lieutenant or second lieutenant who has served creditably for at least a year in a position that is in a unit organized to serve as a unit and is prescribed to be filled by a captain, and who has not previously been promoted under this section.

* * * * *

(As amended Pub. L. 90-130, § 1(11) (E), Nov. 8, 1967, 81 Stat. 376.)

AMENDMENTS

1967—Subsec. (b). Pub. L. 90-130 struck out provision limiting the vacancies for which officers of the Women's Army Corps may be considered to vacancies in reserve grades below colonel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§§ 3381—3386.

SECTION REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

§§ 3388—3390.

SECTION REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

§ 3391. Repealed. Pub. L. 90-130, § 1(11)(F), Nov. 8, 1967, 81 Stat. 376.

Section, Pub. L. 85-861, § 1(80)(E), Sept. 2, 1958, 72 Stat. 1479; Pub. L. 86-559, § 1(18), June 30, 1960, 74 Stat. 270, prohibited the promotion of reserve officers of the Army Nurse Corps or the Army Medical Specialist Corps to reserve grades above colonel and prohibited the promotion of reserve officers of the Women's Army Corps to reserve grades above Lieutenant colonel.

§§ 3392, 3393.

SECTION REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

Chapter 339.—TEMPORARY APPOINTMENTS

Sec.

- 3441. General rule.
- 3442. Commissioned officers; regular and reserve components: appointment in higher grade.
- 3444. Commissioned officers: during war or emergency.
- 3445. Officers: additional appointments during war or emergency.
- 3446. Retention on active duty.
- 3447. Appointments in commissioned grade: how made; how terminated.
- 3448. Warrant officers: grades; appointment.
- 3449. Warrant officers: promotion.
- 3451. Officers: acceptance of appointment in higher grade.
- 3452. Officers; Medical and Dental Corps: temporary promotion to captain.