1966, 80 Stat. 196; Pub. L. 97–417, §2(3), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99–145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 99–661, div. A, title XIII, §1343(c), Nov. 14, 1986, 100 Stat. 3995.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99–661 substituted ''rear admiral (lower half)'' for ''commodore''.

1985—Subsec. (a). Pub. L. 99–145 substituted ''rear admiral (lower half)'' for ''commodore''.

1983—Subsecs. (a), (b). Pub. L. 97–417 substituted ''commodore'' for ''rear admiral''.

1966—Subsec. (a). Pub. L. 89–444 limited promotion zone by requiring that list of officers under consideration be officers eligible for consideration for promotion to next higher grade.

§256a. Promotion year; defined

For the purposes of this chapter, ''promotion year'' means the period which commences on July 1 of each year and ends on June 30 of the following year.

(Added Pub. L. 94–546, §1(17), Oct. 18, 1976, 90 Stat. 2520.)

§257. Eligibility of officers for consideration for promotion

(a) An officer on the active duty promotion list becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

(1) two years in the grade of lieutenant (junior grade);

(2) three years in the grade of lieutenant;

(3) four years in the grade of lieutenant commander;

(4) four years in the grade of commander; and

(5) three years in the grade of captain.

(b) For the purpose of this section, service in a grade includes all qualifying service in that grade or a higher grade, under either a temporary or permanent appointment. However, service in a grade under a temporary service appointment under section 275 of this title is considered as service only in the grade that the officer concerned would have held had he not been so appointed.

(c) No officer may become eligible for consideration for promotion until all officers of his grade senior to him are so eligible.

(d) Except when his name is on a list of selectees, each officer who becomes eligible for consideration for promotion to the next higher grade remains eligible so long as he—

(1) continues on active duty; and

(2) is not promoted to that grade.

(e) An officer whose involuntary retirement or separation is deferred under section 295 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment.

(f) The Secretary may waive subsection (a) to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179; amended Pub. L. 94–546, §1(19), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 98–557, §17(b)(1), Oct. 30, 1984, 98 Stat. 2867; Pub. L. 109–241, title II, §203, July 11, 2006, 120 Stat. 520.)

AMENDMENTS

2006—Subsec. (f). Pub. L. 109–241 added subsec. (f).

1984—Subsec. (e). Pub. L. 98–557 added subsec. (e).

1976—Subsec. (a). Pub. L. 94–546, §1(19)(a), substituted ''promotion year'' for ''fiscal year''.

Subsec. (d). Pub. L. 94–546, §1(19)(b), struck out cl. (3) ''if serving in a grade below captain, has not twice failed of selection for promotion to the next higher grade.''

§258. Selection boards; information to be furnished boards

The Secretary shall furnish the appropriate selection board convened under section 251 of this title with:

(1) the number of officers that the board may recommend for promotion to the next higher grade; and

(2) the names and records of all officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180; amended Pub. L. 89–444, §1(17), June 9, 1966, 80 Stat. 196; Pub. L. 104–324, title II, §212, Oct. 19, 1996, 110 Stat. 3915.)

AMENDMENTS

1996—Cl. (2). Pub. L. 104–324 struck out '', with identification of those officers who are in the promotion zone'' after ''officers for promotion''.

1966—Pub. L. 89–444 substituted ''officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion'' for ''officers to be considered by the board'' in cl. 2.

§259. Officers to be recommended for promotion

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board considers best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(b) The number of officers that a board convened under section 251 of this title may recommend for promotion to a grade below rear admiral (lower half) from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

(1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;

(2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and

(3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.