SEC. ___. NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION UNDER ALTERNATIVE PROMOTION AUTHORITY.

Section 649c of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) INAPPLICABILITY OF REQUIREMENT RELATING TO OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—Section 645(1)(A)(i)(I) of this title shall not apply to the promotion of officers described in subsection (a) to the extent that such section is inconsistent with a number of opportunities for promotion specified pursuant to section 649d of this title.".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would amend section 649c of title 10, United States Code, to correct an administrative error in the new alternative promotion authority concerning the definition of "promotion zone".

Section 645 of title 10, United States Code, defines the term "promotion zone" in part as officers in grades below colonel, for officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Navy, who have not "failed of selection for promotion to the next higher grade". Though appropriate for conventional promotions, this portion of the definition unnecessarily restricts the population of officers within the promotion zone under the alternative promotion authority.

The alternative promotion authority, as enacted by subchapter VI of chapter 36 of title 10, United States Code, is designed to provide the Secretaries of the Military Departments additional flexibility to manage officer promotions. Specific officer competitive categories or skill sets can be targeted for this authority to better retain and promote talent. However, the current definition of "promotion zone" would prohibit more than one opportunity for in-zone promotion at those grades. This prohibition is contrary to the authorities granted in section 649d of title 10, United States Code, which allows up to five opportunities.

This proposed change to section 649c would remove the current statutory requirement that officers in the grades below colonel, for officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Navy, have not failed of selection for promotion to the next higher grade when eligible for promotion under the alternative promotion authority. Instead, the

promotion zone will be determined by each Service Secretary, allowing up to five opportunities for promotion under the alternative promotion authority.

Budget Implications: No budget impact. This proposal would not result in a change in the total number of promotions or officers in a particular grade and Service. The number of promotions would still be limited under the current grade ceilings provided by title 10, United States Code. Instead, this proposal would provide for a more effective officer corps, as it would yield a better match between skillsets required by the mission-driven force structure and the inventory of officers to meet those requirements.

Changes to Existing Law: This proposal would amend section 649c of title 10, United States Code, as follows:

§ 649c. Eligibility for consideration for promotion

(a) In General.-Except as provided by this section, eligibility for promotion of officers in any competitive category of officers designated for purposes of this subchapter shall be governed by the provisions of section 619 of this title.

(b) Inapplicability of Certain Time-in-grade Requirements.-Paragraphs (2) through (4) of section 619(a) of this title shall not apply to the promotion of officers described in subsection (a).

(c) Inapplicability to Officers Above and Below Promotion Zone.-The following provisions of section 619(c) of this title shall not apply to the promotion of officers described in subsection (a):

(1) The reference in paragraph (1) of that section to an officer above the promotion zone.

(2) Paragraph (2)(A) of that section.

(d) Inapplicability of Requirement Relating to Opportunities for Consideration for Promotion.—Section 645(1)(A)(i)(I) of this title shall not apply to the promotion of officers described in subsection (a) to the extent that such section is inconsistent with a number of opportunities for promotion specified pursuant to section 649d of this title.

~~(d)~~(e) Ineligibility of Certain Officers.-The following officers are not eligible for promotion under this subchapter:

(1) An officer described in section 619(d) of this title.

(2) An officer not included within the promotion zone.

(3) An officer who has failed of promotion to a higher grade the maximum number of times specified for opportunities for promotion for such grade within the competitive category concerned pursuant to section 649d of this title.

(4) An officer recommended by a selection board to be removed from consideration for promotion in accordance with section 649b(c) of this title.