

may not exceed 10 percent of the number of officers that the board was authorized to recommend for promotion in that competitive category (but in any case the Chairman may recommend one such officer).

(4) After reviewing the report of a selection board, the Chairman shall return the report to the Secretary concerned with the names of officers (if any) who were not recommended for promotion by the selection board and who the Chairman recommends for promotion under paragraph (2). Except as provided under paragraph (5), each such name shall be added to the report of the selection board.

(5) If the Chairman recommends officers for promotion under paragraph (2), and if (after consulting with the Chairman) the Secretary concerned disagrees with any such recommendation of the Chairman, the Secretary—

(A) may return the report, together with the Chairman's recommendations and comments, to the selection board for further proceedings in accordance with subsection (a);

(B) may convene a special selection board in the manner provided for under section 628 of this title for consideration of any such officer on his record; or

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

(6) If, after completion of all actions taken under paragraph (5), the Secretary concerned and the Chairman remain in disagreement with respect to the selection for promotion of an officer, 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 the name of each officer recommended by the Chairman.

**[(b)]** (c)(1) After his final review of the report of a selection board, the Secretary concerned shall submit the report, with his recommendations thereon, to the Secretary of Defense for transmittal to the President for his approval, modification, or disapproval. If the Secretary concerned and the Chairman of the Joint Chiefs of Staff disagree with respect to a recommendation for promotion by the Chairman under subsection (b), the Secretary of Defense shall, before transmitting the report to the President, decide the matter by directing that the name of an officer recommended for promotion by the Chairman be added to, or not be added to, the report of the selection board for officers recommended for promotion. After final action by the Secretary of Defense, the report of the selection board, as modified in accordance with subsection (b) and the decisions of the Secretary of Defense, shall be considered for all purposes to be the report of the selection board.

(2) If the report of a selection board names an officer as having a record which indicates that the officer should be required to show cause for his retention on active duty, the Secretary concerned may provide for the review of the record of that officer as provided for under regulations prescribed under section 1181 of this title.

**[(c)]** (d) The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.