

of officers for promotion from below the promotion zone in accordance with section 729(d)(3) of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system under this subchapter or otherwise as the Secretary determines to be appropriate to meet the needs of the Coast Guard.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1011; amended Pub. L. 106-398, §1 [[div. A], title V, §502(b)(1), (2)(A)], Oct. 30, 2000, 114 Stat. 1654, 1654A-100; Pub. L. 107-295, title IV, §411(b), Nov. 25, 2002, 116 Stat. 2118.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 783 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-295 inserted before period at end “, or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he or she completes the following amount of service computed from the date of rank in the grade in which he or she 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”.

2000—Pub. L. 106-398, §1 [[div. A], title V, §502(b)(2)(A)], substituted “Establishment of promotion zones under running mate system” for “Placement in promotion zone; consideration for promotion” as section catchline.

Pub. L. 106-398, §1 [[div. A], title V, §502(b)(1)], added subsec. (a), designated existing provisions as subsec. (b), inserted subsec. (b) heading and substituted “If promotion zones are determined as authorized under subsection (a), a Reserve officer shall, subject to the eligibility requirements of this subchapter,” for “Subject to the eligibility requirements of this subchapter, a Reserve officer shall”, and added subsec. (c).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 applicable with respect to selection boards convened under section 730 of this title on or after Oct. 30, 2000, see section 1 [[div. A], title V, §502(c)] of Pub. L. 106-398, set out as a note under section 729 of this title.

§ 732. Eligibility for promotion

A Reserve officer is eligible for consideration for promotion and for promotion under this subchapter, if that officer is in an active status. A Reserve officer who has been considered but not recommended for retention in an active status by a board convened under subsection 741(a) of this title, is not eligible for consideration for promotion.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1011.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 774 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 733. Recommendation for promotion of an officer previously removed from an active status

A Reserve officer recommended for promotion by a selection board but not promoted because of removal from an active status shall be reconsidered by a selection board after returning to an active status and if selected shall be placed on a recommended list of selectees for promotion. A Reserve officer to whom this section applies is not considered to have failed of selection when eliminated from a list of selectees for promotion solely as a result of being removed from an active status.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1012.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 777 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 734. Qualifications for promotion

(a) A Reserve officer shall not be promoted to a higher grade unless the officer has been found to be physically qualified and the character of the officer’s service subsequent to the convening of the selection board which recommended the officer for promotion has been verified as satisfactory.

(b) Subsection (a) of this section does not exclude from promotion a Reserve officer physically disqualified by a medical board for duty at sea or in the field, if the disqualification results from wounds received in the line of duty, and those wounds do not incapacitate the officer for other duties in the grade to which the officer is to be promoted.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1012.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 786 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 735. Promotion; acceptance; oath of office

(a) A Reserve officer who has been appointed under this subchapter is considered to have accepted the appointment unless delivery thereof cannot be effected.

(b) A Reserve officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5, is not required to take a new oath of office upon appointment in a higher grade.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1012.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 797 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 736. Date of rank upon promotion; entitlement to pay

(a) When a Reserve officer is promoted to the next higher grade under this subchapter, the date of rank shall be the date of appointment in that grade, unless the promotion was deter-