

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title V, §502(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-100, provided that: "The amendments made by this section [amending this section and section 731 of this title] shall apply with respect to selection boards convened under section 730 of title 14, United States Code, on or after the date of the enactment of this Act [Oct. 30, 2000]."

DELEGATION OF FUNCTIONS

For assignment of functions of President under subsec. (g) of this section, see section 2(c) of Ex. Ord. No. 13358, Sept. 28, 2004, 69 F.R. 58797, set out as a note under section 301 of Title 3, The President.

§ 730. Selection boards; appointment

(a) A selection board shall (1) be appointed and convened by the Secretary; (2) consist of at least 50 per centum Reserve officer membership, except in the case of a flag officer selection board where, to the extent practicable, it shall consist of at least 50 per centum Reserve officer membership; (3) consist only of members, Reserve or Regular, senior in grade to any officer being considered by that board; and (4) be composed of not less than five members, which number constitutes a quorum.

(b) A selection board serves for the length of time prescribed by the Secretary, but no board may serve longer than one year. No officer may serve on two consecutive selection boards for the same grade when the second of those boards considers an officer who was considered, but not recommended for promotion, by the first selection board.

(c) Each member of a selection board shall swear that he will, without prejudice or partiality, and having in view both the special fitness required of officers and the efficiency of the Coast Guard, perform the duties imposed upon him. Not less than a majority of the total membership of a selection board shall concur in each recommendation made by the board.

(d) An officer eligible for consideration for promotion by a selection board may forward, through official channels, a written communication inviting the attention of the board to any matter in the officer's record in the armed forces that, in the opinion of the officer concerned, is important to the board's consideration. A communication forwarded under this subsection shall arrive in time to allow delivery to the board prior to its convening, and may not criticize or reflect upon the character, conduct, or motive of any officer.

(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 775 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 731. Establishment of promotion zones under running mate system

(a) **AUTHORITY TO USE RUNNING MATE SYSTEM.**—The Secretary may by regulation implement section 729(d)(1) of this title by requiring that the promotion zone for consideration of Reserve officers in an active status for promotion to the next higher grade be determined in ac-

cordance with a running mate system as provided in subsection (b).

(b) **CONSIDERATION FOR PROMOTION.**—If promotion zones are determined as authorized under subsection (a), a Reserve officer shall, subject to the eligibility requirements of this subchapter, be placed in a promotion zone when that officer's running mate is placed in a promotion zone and shall, in accordance with the provisions of this subchapter, be considered for promotion at approximately the same time as that officer's running mate or as soon thereafter as practicable, 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.

(c) **CONSIDERATION OF OFFICERS BELOW THE ZONE.**—If the Secretary authorizes the selection 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 determined in accordance with a running mate system, in which event the same date of rank shall be assigned as that assigned to the officer's running mate. A Reserve officer so promoted shall be allowed the pay and allowances of the higher grade for duty performed from the date of the officer's appointment thereto.

(b) Notwithstanding any other provision of law and subject to subsection (c), if promotion of an inactive duty promotion list officer to the grade of rear admiral or rear admiral (lower half) is determined in accordance with a running mate system, a reserve officer, if acceptable to the President and the Senate, shall be promoted to the next higher grade no later than the date the officer's running mate is promoted.

(c) For the purposes of this section, the date of appointment shall be that date when promotion authority is exercised by the Secretary. However, the Secretary may adjust the date of appointment—

(1) if a delay in the finding required under section 734(a) of this title is beyond the control of the officer and the officer is otherwise qualified for promotion; or

(2) for any other reason that equity requires.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1012; amended Pub. L. 97-417, §2(14), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 101-225, title II, §203(4), Dec. 12, 1989, 103 Stat. 1911; Pub. L. 107-295, title IV, §411(c), Nov. 25, 2002, 116 Stat. 2118; Pub. L. 108-293, title II, §220(b), (c), Aug. 9, 2004, 118 Stat. 1039.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 784 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-293, §220(b), amended subsec. (b) generally. Prior to amendment, subsec. (b)