

(B) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion, except that the Secretary may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary determines that the needs of the Coast Guard so require. If the maximum number determined under this subparagraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

(C) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under paragraph (2).

(e) The law and regulations relating to the selection for promotion of a commissioned officer of the Regular Coast Guard to the grades of rear admiral (lower half) and rear admiral apply to a Reserve officer, except that to be eligible for consideration for promotion to the grade of rear admiral (lower half) an officer shall have completed at least ten years commissioned service, of which the last five years shall have been served in the Coast Guard Reserve.

(f) The provisions of section 2117 of this title apply to boards convened under this section. The Secretary shall determine the procedure to be used by a selection board.

(g) The report of a selection board shall be submitted to the Secretary for review and transmission to the President for approval. When an officer recommended by a board for promotion is not acceptable to the President, the President may remove the name of that officer from the report of the board.

(h) The recommendations of a selection board, as approved by the President, constitute a list of selectees from which the promotions of Reserve officers shall be made. An officer on a list of selectees remains thereon until promoted unless removed by the President under section 3749 of this title. If an existing list of selectees has not been exhausted by the time a later list has been approved, all officers remaining on the older list shall be tendered appointments prior to those on the later list.

(i) A Reserve officer whose name is on a list of selectees for promotion shall, unless that officer's promotion is lawfully withheld, be tendered an appointment in the next higher grade on the date a vacancy occurs, or as soon thereafter as practicable in the grade to which the officer was selected for promotion or, if promotion was determined in accordance with a running mate system, at the same time, or as soon thereafter as practicable, as that officer's running mate is tendered a similar appointment.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1010, §729; amended Pub. L. 97-417, §2(13), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 106-398, §1 [[div. A], title V, §502(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-99; Pub. L. 107-295, title IV,

§411(a), Nov. 25, 2002, 116 Stat. 2118; renumbered §3740 and amended Pub. L. 115-282, title I, §§118(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4233, 4240.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 780 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96-322.

AMENDMENTS

2018—Pub. L. 115-282, §118(b), renumbered section 729 of this title as this section.

Subsec. (f). Pub. L. 115-282, §123(b)(2), substituted “section 2117” for “section 260”.

Subsec. (h). Pub. L. 115-282, §123(b)(2), substituted “section 3749” for “section 738”.

2002—Subsec. (i). Pub. L. 107-295 inserted “on the date a vacancy occurs, or as soon thereafter as practicable in the grade to which the officer was selected for promotion or, if promotion was determined in accordance with a running mate system,” after “grade”.

2000—Subsec. (d). Pub. L. 106-398 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Before convening a selection board to recommend Reserve officers for promotion to a grade above lieutenant (junior grade), the Secretary shall determine the total number of Reserve officers to be selected for promotion to that grade. The number to be selected shall normally be equal to the number of vacancies existing in that grade, plus the number of vacancies anticipated over the next twelve months, minus the number of officers on the list of selectees for that grade. The Secretary may, however, prescribe regulations that provide for the establishment of promotion opportunity percentages for each grade to ensure that equitable promotion opportunities exist among successive groups of Reserve officers being considered for promotion. The number so determined may not cause the number of Reserve officers in an active status in a grade to exceed that authorized for the grade concerned.”

1985—Subsec. (e). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore” wherever appearing.

1983—Subsec. (e). Pub. L. 97-417 substituted “the grades of commodore and rear admiral” for “the grade of rear admiral”, and inserted “for promotion to the grade of commodore” after “consideration”.

Statutory Notes and Related Subsidiaries

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 [now 3741] of title 14, United States Code, on or after the date of the enactment of this Act [Oct. 30, 2000].”

Executive Documents

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.

§ 3741. 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, §730; renumbered §3741, Pub. L. 115-282, title I, §118(b), Dec. 4, 2018, 132 Stat. 4233.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 775 of this title prior to the complete revision of former chapter 21 of this chapter by Pub. L. 96-322.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 730 of this title as this section.

§ 3742. Establishment of promotion zones under running mate system

(a) **AUTHORITY TO USE RUNNING MATE SYSTEM.**—The Secretary may by regulation implement section 3740(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 accordance 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 3740(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, §731; 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; renumbered §3742 and amended Pub. L. 115-282, title I, §§118(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4233, 4240.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 783 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96-322.

AMENDMENTS

2018—Pub. L. 115-282, §118(b), renumbered section 731 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 3740(d)(1)” for “section 729(d)(1)”.

Subsec. (c). Pub. L. 115-282, §123(b)(2), substituted “section 3740(d)(3)” for “section 729(d)(3)”.

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 sub-