

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-

section (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).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 applicable with respect to selection boards convened under section 3741 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 3740 of this title.

#### § 3743. Eligibility for promotion

(a) IN GENERAL.—Except as provided in subsection (b), a Reserve officer is eligible for consideration for promotion and for promotion under this subchapter if that officer is in an active status.

(b) EXCEPTION.—A Reserve officer who has been considered but not recommended for retention in an active status by a board convened under subsection 3752(a)<sup>1</sup> of this title is not eligible for consideration for promotion.

(c) REQUEST FOR EXCLUSION.—

(1) IN GENERAL.—The Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 3740(b) of this title to consider officers for promotion to the next higher grade.

(2) APPROVAL OF REQUEST.—The Commandant shall approve a request under paragraph (1) only if—

(A) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1011, §732; renumbered §3743 and amended Pub. L. 115-282, title I, §§118(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4233, 4240; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8202(b), Jan. 1, 2021, 134 Stat. 4643.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 774 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96-322.

##### AMENDMENTS

2021—Pub. L. 116-283 amended section generally. Prior to amendment, text read as follows: “A Reserve officer is eligible for consideration for promotion and for pro-

<sup>1</sup> So in original. Probably should be “section 3752(a)”.

motion 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 3752(a) of this title, is not eligible for consideration for promotion.”

2018—Pub. L. 115-282, §123(b)(2), substituted “subsection 3752(a)” for “subsection 741(a)”.

Pub. L. 115-282, §118(b), renumbered section 732 of this title as this section.

#### § 3744. 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, §733; renumbered §3744, 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 777 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 renumbered section 733 of this title as this section.

#### § 3745. 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, §734; renumbered §3745, 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 786 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 renumbered section 734 of this title as this section.