

§ 3746. 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, §735; renumbered §3746, 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 797 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 735 of this title as this section.

§ 3747. 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 3745(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, §736; 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; renumbered §3747 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 784 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 736 of this title as this section.

Subsec. (c)(1), Pub. L. 115-282, §123(b)(2), substituted "section 3745(a)" for "section 734(a)".

2004—Subsec. (b), Pub. L. 108-293, §220(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Notwithstanding any other law, when the running mate of a reserve officer serving in the grade of rear admiral (lower half) is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade."

Subsec. (c), Pub. L. 108-293, §220(c), struck out "of subsection (a)" after "For the purposes".

2002—Subsec. (a), Pub. L. 107-295 inserted "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" after "subchapter,".

1989—Subsec. (c), Pub. L. 101-225 inserted provision authorizing Secretary to adjust date of appointment.

1985—Subsec. (b), Pub. L. 99-145 substituted "rear admiral (lower half)" for "commodore".

1983—Subsec. (b), Pub. L. 97-417 substituted provision that, notwithstanding any other law, when the running mate of a reserve officer serving in the grade of commodore is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade, for provision that, notwithstanding any other law and when a Reserve officer's running mate was so entitled, a Reserve officer in the grade of rear admiral was entitled to the pay and allowances of the upper half for duty performed.

§ 3748. Type of promotion; temporary

Notwithstanding any other law, if a Reserve officer is promoted when the officer's running mate is promoted and the promotion of the running mate is on a temporary basis, the promotion of the Reserve officer is also on a temporary basis. If subsequently the running mate is reverted to a lower grade, other than for reasons of discipline, incompetence, or at the running mate's request, the Reserve officer shall likewise revert to the same lower grade with corresponding precedence.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1012, §737; renumbered §3748, 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 790 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 737 of this title as this section.

§ 3749. Effect of removal by the President or failure of consent of the Senate

(a) The President may, for cause, remove the name of any officer from a list of selectees established under section 3740 of this title.