

determination of grade upon original appointment as reserve officer of Army. See section 12201 et seq. of this title.

Section 3360, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1469; amended Pub. L. 86-559, §1(9), June 30, 1960, 74 Stat. 266; Pub. L. 96-513, title V, §§502(10), 512(4), Dec. 12, 1980, 94 Stat. 2910, 2929; Pub. L. 98-94, title X, §1016(b), Sept. 24, 1983, 97 Stat. 668, related to service required for promotion of Reserve commissioned officers. See section 14001 et seq. of this title.

Section 3362, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1470; amended Pub. L. 86-559, §1(10), June 30, 1960, 74 Stat. 266, related to convening of selection boards to consider Reserve commissioned officers for promotion. See section 14101 et seq. of this title.

Section 3363, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1470; amended Pub. L. 86-559, §1(11), June 30, 1960, 74 Stat. 266; Pub. L. 95-485, title VIII, §820(e)(1), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to requirements and procedures for promotion of officers in reserve grades. See section 14301 et seq. of this title.

Section 3364, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1471; amended Pub. L. 86-559, §1(12), June 30, 1960, 74 Stat. 266; Pub. L. 95-485, title VIII, §820(e)(2)-(4), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 98-525, title V, §512, Oct. 19, 1984, 98 Stat. 2521; Pub. L. 100-456, div. A, title XII, §1234(a)(4), Sept. 29, 1988, 102 Stat. 2059, related to commissioned reserve officers' selection for promotion, order of promotion, zone of consideration lists, and declinations of promotion. See section 14301 et seq. of this title.

Section 3365, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1472, related to promotion of second lieutenants of Army Reserve. See section 14301 et seq. of this title.

Section 3366, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1472; amended Pub. L. 86-559, §1(13), June 30, 1960, 74 Stat. 267; Pub. L. 90-130, §1(11)(A), Nov. 8, 1967, 81 Stat. 375, related to promotion of first lieutenants, captains, and majors of Army Reserve or Army National Guard of United States. See section 14301 et seq. of this title.

Section 3367, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1473; amended Pub. L. 86-559, §1(14), June 30, 1960, 74 Stat. 268; Pub. L. 90-130, §1(11)(B), Nov. 8, 1967, 81 Stat. 375, related to promotion of first lieutenants, captains, and majors of Army Reserve to fill vacancies. See section 14301 et seq. of this title.

Section 3368, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474, related to second consideration for promotion of first lieutenants, captains, and majors of Army Reserve. See section 14301 et seq. of this title.

Section 3369, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474, related to first promotion of reserve officers not assigned to unit after transfer from unit or from Army National Guard of United States.

Section 3370, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474; amended Pub. L. 86-559, §1(15), June 30, 1960, 74 Stat. 269; Nov. 8, 1967, Pub. L. 90-130, §1(11)(C), (D), 81 Stat. 375; Pub. L. 100-456, div. A, title XII, §1234(a)(5), Sept. 29, 1988, 102 Stat. 2059, related to promotion of officers to grade of colonel to fill vacancies. See section 14301 et seq. of this title.

Section 3371, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1475, related to promotion of brigadier generals and colonels not assigned to units. See section 14301 et seq. of this title.

Section 3375, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1475, related to transfer or discharge of reserve generals ceasing to occupy commensurate positions. See section 14314(a) of this title.

Section 3378, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476, related to promotion of reserve commissioned officers removed from active status. See section 14317(a) of this title.

Section 3380, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476; amended Pub. L. 98-94, title X, §1015(a)(1), Sept. 24, 1983, 97 Stat. 667; Pub. L. 99-145, title V, §521(b), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100-180,

div. A, title V, §502(b)(1), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101-189, div. A, title V, §503(b)(1), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102-484, div. A, title V, §519(b), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103-160, div. A, title V, §514(b), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104-106, div. A, title V, §511(b), Feb. 10, 1996, 110 Stat. 298, related to promotion of reserve commissioned officers on active duty and not on the active duty list. See section 14311(e) of this title.

Section 3382, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476, related to promotion of second lieutenants of Army Reserve assigned to units. See section 14301 et seq. of this title.

Section 3383, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477; amended Pub. L. 86-559, §1(16), June 30, 1960, 74 Stat. 270; Pub. L. 88-620, §2, Oct. 3, 1964, 78 Stat. 999; Pub. L. 90-130, §1(11)(E), Nov. 8, 1967, 81 Stat. 376; Pub. L. 95-485, title VIII, §820(e)(5), Oct. 20, 1978, 92 Stat. 1627, related to promotion of officers of Army Reserve to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies. See section 14301 et seq. of this title.

Section 3384, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477, related to promotion of officers of Army Reserve to grades of brigadier general or major general to fill vacancies. See section 14315 of this title.

Section 3385, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477, related to promotion of officers of Army National Guard of United States upon Federal recognition. See section 14308(f) of this title.

Section 3386, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478, related to promotion of reserve commissioned officers upon release from active duty. See section 14301 et seq. of this title.

Section 3388, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478, related to effect of commissioned officer of Army Reserve entering upon active duty while eligible for promotion. See section 14301 et seq. of this title.

Section 3389, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478; amended Pub. L. 86-559, §1(17), June 30, 1960, 74 Stat. 270, related to promotion of commissioned officers of Army Reserve or Army National Guard of United States to higher reserve grades after temporary appointments. See section 14301 et seq. of this title.

Section 3390, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to procedure for promotion to higher reserve grade of officer of Army National Guard of United States after temporary appointment. See section 14301 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

[§ 3391. Repealed. Pub. L. 90-130, §1(11)(F), Nov. 8, 1967, 81 Stat. 376]

Section, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1479; Pub. L. 86-559, §1(18), June 30, 1960, 74 Stat. 270, prohibited promotion of reserve officers of Army Nurse Corps or Army Medical Specialist Corps to reserve grades above colonel and prohibited promotion of reserve officers of Women's Army Corps to reserve grades above lieutenant colonel.

[§§ 3392 to 3396. Repealed. Pub. L. 103-337, div. A, title XVI, §1629(a)(1), Oct. 5, 1994, 108 Stat. 2963]

Section 3392, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1479; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to appointment of adjutants general or assistant adjutants general as reserve officers of Army. See section 12215(a) of this title.

Section 3393, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1479, provided that sea or foreign service not be made condition for promotion of reserve commissioned officers in reserve grades.

Section 3394, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, related to acceptance of promotion by officers of Army National Guard of United States or Army Reserve. See section 14309 of this title.

Section 3395, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, related to appointment of reserve officers in time of war. See section 14301 et seq. of this title.

Section 3396, added Pub. L. 96-513, title II, §206(a), Dec. 12, 1980, 94 Stat. 2884, provided that chapter, except section 3353, did not apply to reserve officers on active-duty list.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

CHAPTER 339—TEMPORARY APPOINTMENTS

Sec.

[3441 to 3445. Repealed.]

3446. Retention on active duty.

[3447 to 3452. Repealed.]

AMENDMENTS

1980—Pub. L. 96-513, title V, §502(11), Dec. 12, 1980, 94 Stat. 2910, struck out items 3441 “General rule”, 3442 “Commissioned officers; regular and reserve components: appointment in higher grade”, 3444 “Commissioned officers: during war or emergency”, 3445 “Officers: additional appointments during war or emergency”, 3447 “Appointments in commissioned grade: how made; how terminated”, 3448 “Warrant officers: grades, appointment”, 3449 “Warrant officers: promotion”, 3451 “Officers: acceptance of appointment in higher grade”, and 3452 “Officers; Medical and Dental Corps: temporary promotion to captain”.

1968—Pub. L. 90-235, §3(b)(2), Jan. 2, 1968, 81 Stat. 758, struck out item 3450 “Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency”.

1958—Pub. L. 85-861, §1(81)(F), (G), Sept. 2, 1958, 72 Stat. 1480, struck out item 3443 “Commissioned officers; Reserves; appointment in higher or lower grade” and added item 3452.

[[§ 3441, 3442. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]

Section 3441, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, provided that temporary appointments be made only in the Army without specification of component.

Section 3442, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, provided that a regular commissioned officer, or a reserve commissioned officer who is serving on active duty, may be appointed, based upon ability and efficiency with regard being given to seniority and age, in a temporary grade that is equal to or higher than his regular or reserve grade, without vacating any other grade held by him. See section 601 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3443. Repealed. Pub. L. 85-861, § 36B(6), Sept. 2, 1958, 72 Stat. 1570]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 196, related to grade of appointment of reserve commissioned officers on active duty.

[[§ 3444, 3445. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]

Section 3444, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85-861, §1(81)(A), 72 Stat. 1480, au-

thorized the President, in time of war or national emergency, to appoint any qualified person, including a person who is not a Regular or Reserve, in any temporary grade, provided for vacation of the appointment, and permitted, for purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, an officer of the Medical Corps or Dental Corps who is appointed in a temporary grade to be credited, when he enters active duty, with constructive service authorized by section 3294(b) of this title. See section 603 of this title.

Section 3445, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85-861, §1(81)(B), 72 Stat. 1480, provided that in addition to the temporary appointments authorized, in time of war or national emergency, a regular officer or a reserve warrant officer may be appointed in any temporary grade higher than his regular or reserve grade, without vacating that grade, or a person who holds no commissioned grade in the Regular Army be appointed in any temporary commissioned grade. See section 603 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3446. Retention on active duty

The President may retain on active duty a disabled officer until—

- (1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or
- (2) the officer is processed for physical disability benefits provided by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 196; Pub. L. 85-861, §1(81)(C), Sept. 2, 1958, 72 Stat. 1480; Pub. L. 101-189, div. A, title XVI, §1621(a)(10), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 102-25, title VII, §701(j)(6), Apr. 6, 1991, 105 Stat. 116.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3446	10:499.	June 19, 1948, ch. 511, 62 Stat. 489.

The word “shall” is substituted for the words “authorized and directed”. The words “on active duty” are substituted for the words “in service”. The words “warrant officers, and flight officers” are omitted, since the definition of “officer” in section 101(14) of this title covers commissioned, warrant, and flight officers. The words “who has only a temporary appointment” are substituted for the words “of the Army * * * of the United States”. The words “his physical condition is such that he” are substituted for the words “their treatment for physical reconstruction has reached a point where they”. The words “in the Army” are substituted for the words “in the military service”.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3446	10 App.:499.	June 15, 1956, ch. 388, 70 Stat. 282.

The words “commissioned officers and warrant” are omitted as covered by the definition of the word “officer” in section 101(14) of this title. The words “condition is such that” are substituted for the words “reconstruction has reached a point where”.