

Section 5652a, added Pub. L. 85-861, §1(123)(A), Sept. 2, 1958, 72 Stat. 1495, and amended Pub. L. 90-179, §12, Dec. 8, 1967, 81 Stat. 549, related to assignment of running mates to officers appointed to active list of Navy in grade of lieutenant (junior grade) in Medical Corps, Judge Advocate General's Corps, or Dental Corps.

Section 5652b, added Pub. L. 85-861, §1(123)(A), Sept. 2, 1958, 72 Stat. 1495, and amended Pub. L. 88-647, title III, §301(14)(B), Oct. 13, 1964, 78 Stat. 1072, related to assignment of running mates to certain officers originally appointed as ensigns to active list of Navy and serving as staff corps officers at time of promotion to grade of lieutenant (junior grade).

Section 5652c, added Pub. L. 85-861, §1(123)(A), Sept. 2, 1958, 72 Stat. 1496, related to assignment of running mates to officers appointed to active list of Navy in a staff corps under section 5573a of this title.

Section 5653, acts Aug. 10, 1956, ch. 1041, 70A Stat. 333; Sept. 2, 1958, Pub. L. 85-861, §1(124), 72 Stat. 1496, related to assignment of running mates to officers originally appointed to active list of Navy in a staff corps in a grade of lieutenant or above.

Section 5654, act Aug. 10, 1956, ch. 1041, 70A Stat. 333, related to assignment of running mates to officers on active list in line of Navy transferred to a staff corps in grade of lieutenant (junior grade) or above.

Section 5655, act Aug. 10, 1956, ch. 1041, 70A Stat. 333, related to assignment of running mates to officers of Naval Reserve in a staff corps ordered to active duty and placed on a lineal list.

Section 5656, act Aug. 10, 1956, ch. 1041, 70A Stat. 334, related to reassignment of a running mate to a staff corps officer on active duty where originally assigned running mate was separated from active list, was released from active duty, or lost numbers.

Section 5657, act Aug. 10, 1956, ch. 1041, 70A Stat. 334, related to reassignment of a running mate to a staff corps officer on active duty where such staff corps officer was promoted after selection.

Section 5658, act Aug. 10, 1956, ch. 1041, 70A Stat. 334, related to reassignment of a running mate to a staff corps officer on active duty where running mate of staff corps officer was promoted to a higher grade without staff corps officer being so promoted.

Section 5659, act Aug. 10, 1956, ch. 1041, 70A Stat. 334, related to reassignment of a running mate to a staff corps officer where such staff corps officer was not restricted in performance of duty and was serving on active duty in grade of lieutenant (junior grade) or above and lost numbers in grade.

Section 5660, act Aug. 10, 1956, ch. 1041, 70A Stat. 335, related to reassignment of a running mate to a staff corps officer on active duty where running mate originally assigned to such staff corps officer was advanced in numbers or in grade.

Section 5661, act Aug. 10, 1956, ch. 1041, 70A Stat. 335, related to reassignment of a running mate to a staff corps officer where staff corps officer was not restricted in performance of duty, was serving on active duty in grade of lieutenant (junior grade) or above, and was advanced in numbers in his grade.

Section 5662, acts Aug. 10, 1956, ch. 1041, 70A Stat. 335; Apr. 21, 1976, Pub. L. 94-273, §2(3), 90 Stat. 375, authorized President to suspend any provisions of sections 5651 to 5661 of this title during times of war or national emergency or during certain other times when specified conditions were found to exist.

Section 5663, act Aug. 10, 1956, ch. 1041, 70A Stat. 335, excluded from application of sections 5651 to 5662 of this title certain women officers, women reserve officers, retired officers, and officers of Naval Reserve.

Section 5664, act Aug. 10, 1956, ch. 1041, 70A Stat. 336, related to assignment of running mates to women officers on active list of Navy appointed under section 5590 of this title in any staff corps.

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.

[§ 5665. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(b)(1), Oct. 5, 1994, 108 Stat. 2963]

Section, added Pub. L. 85-861, §1(125)(A), Sept. 2, 1958, 72 Stat. 1496; amended Pub. L. 96-513, title III, §332, Dec. 12, 1980, 94 Stat. 2897; Pub. L. 102-190, div. A, title XI, §1131(8)(A), Dec. 5, 1991, 105 Stat. 1506, related to running mates for Naval Reserve and Marine Corps Reserve active status officers in permanent grades above chief warrant officer, W-5. See section 14306 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.

[§ 5666. Repealed. Pub. L. 96-513, title III, § 332, Dec. 12, 1980, 94 Stat. 2897]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 336, provided that appointments for limited duration would not be considered for purposes of the chapter.

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.

[CHAPTER 543—REPEALED]

[§§ 5701 to 5711. Repealed. Pub. L. 96-513, title III, § 333, Dec. 12, 1980, 94 Stat. 2897]

Section 5701, acts Aug. 10, 1956, ch. 1041, 70A Stat. 336; Feb. 26, 1970, Pub. L. 91-199, §1, 84 Stat. 16, related to convening by Secretary of Navy at least annually of selection boards to recommend male officers in line of Navy for promotion and continuation on active list. See section 611 of this title.

Section 5702, acts Aug. 10, 1956, ch. 1041, 70A Stat. 337; Aug. 21, 1957, Pub. L. 85-155, title II, §201(5), 71 Stat. 381; Nov. 8, 1967, Pub. L. 90-130, §1(18)(A)-(H), 81 Stat. 377; Dec. 8, 1967, Pub. L. 90-179, §12, 81 Stat. 549, related to convening of selection boards to recommend staff corps officers, other than women officers appointed under former section 5590 of this title, for promotion and continuation on active list. See section 611 of this title.

Section 5703, acts Aug. 10, 1956, ch. 1041, 70A Stat. 338; Aug. 3, 1961, Pub. L. 87-123, §5(11), 75 Stat. 265; Sept. 19, 1978, Pub. L. 95-377, §10(a), 92 Stat. 721; Sept. 8, 1980, Pub. L. 96-343, §10(d), 94 Stat. 1130, related to convening at least annually by Secretary of Navy of selection boards to recommend male officers of Marine Corps for promotion and for continuation on active list. See section 611 of this title.

Section 5704, acts Aug. 10, 1956, ch. 1041, 70A Stat. 339; Nov. 8, 1967, Pub. L. 90-130, §1(18)(I)-(K), 81 Stat. 377, relating to convening by Secretary of Navy at least annually of selection boards to recommend women officers in line of Navy for promotion to grades of captain, commander, lieutenant commander, and lieutenant. See section 611 of this title.

Section 5705, act Aug. 10, 1956, ch. 1041, 70A Stat. 340, related to oath of selection board members. See section 613 of this title.

Section 5706, acts Aug. 10, 1956, ch. 1041, 70A Stat. 340; Aug. 3, 1961, Pub. L. 87-123, §5(12), 75 Stat. 265, related to information furnished selection boards by Secretary of Navy. See section 615 of this title.

Section 5707, acts Aug. 10, 1956, ch. 1041, 70A Stat. 341; Aug. 21, 1957, Pub. L. 85-155, title II, §201(6), 71 Stat. 382; Aug. 3, 1961, Pub. L. 87-123, §5(13), 75 Stat. 265; Nov. 8, 1967, Pub. L. 90-130, §1(18)(L), 81 Stat. 377, related to officers to be recommended for promotion or continuation by selection boards. See section 616 of this title.

Section 5708, acts Aug. 10, 1956, ch. 1041, 70A Stat. 342; Aug. 21, 1957, Pub. L. 85-155, title II, §201(7), 71 Stat. 382; Dec. 8, 1967, Pub. L. 90-179, §12, 81 Stat. 549, related to required certification of selection board reports. See section 617 of this title.

Section 5709, acts Aug. 10, 1956, ch. 1041, 70A Stat. 344; Aug. 3, 1961, Pub. L. 87-123, §5(14), 75 Stat. 265, related to retention of rear admirals in Navy and major generals in Marine Corps on active list. See section 611 of this title.

Section 5710, act Aug. 10, 1956, ch. 1041, 70A Stat. 344, directed submission of selection board reports to either Secretary of Navy or President. See section 617 of this title.

Section 5711, acts Aug. 10, 1956, ch. 1041, 70A Stat. 345; Nov. 8, 1967, Pub. L. 90-130, §1(18)(M), 81 Stat. 377; Apr. 21, 1976, Pub. L. 94-273, §2(3), 90 Stat. 375, authorized suspension of specific provisions of sections 5701 to 5710 of this title under certain circumstances by President and excluded specific categories of officers from consideration by selection boards. See section 123(a), (b) 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.

CHAPTER 544—TEMPORARY APPOINTMENTS

Sec.

5721. Temporary promotions of certain Navy lieutenants.

§ 5721. Temporary promotions of certain Navy lieutenants

(a) PROMOTION AUTHORITY FOR CERTAIN OFFICERS WITH CRITICAL SKILLS.—An officer in the line of the Navy in the grade of lieutenant who—

(1) has a skill in which the Navy has a critical shortage of personnel (as determined by the Secretary of the Navy); and

(2) is serving in a position (as determined by the Secretary of the Navy) which (A) is designated to be held by a lieutenant commander, and (B) requires that an officer serving in such position have the skill possessed by such officer,

may be temporarily promoted to the grade of lieutenant commander under regulations to be prescribed by the Secretary of the Navy. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

(b) STATUS OF OFFICERS APPOINTED.—(1) An appointment under this section does not change the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

(2) For the purposes of section 523 of this title, an officer holding an appointment under this section is considered as serving in the grade of lieutenant commander.

(c) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary of the Navy for the purpose of recommending officers for such promotions.

(d) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of lieutenant commander from the date the appointment is made.

(e) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant commander; or

(2) on the date the officer is detached from a position described in subsection (a)(2), unless the officer is on a promotion list to the permanent grade of lieutenant commander, in which case the appointment terminates on the date the officer is promoted to that grade.

(f) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary of the Navy for purposes of this section. The number of positions so designated may not exceed 325.

(Added Pub. L. 96-513, title III, §334, Dec. 12, 1980, 94 Stat. 2897; amended Pub. L. 98-94, title IV, §403, Sept. 24, 1983, 97 Stat. 629; Pub. L. 98-525, title V, §514, Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99-661, div. A, title V, §503, Nov. 14, 1986, 100 Stat. 3864; Pub. L. 100-180, div. A, title V, §501(a), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101-189, div. A, title V, §512(a), Nov. 29, 1989, 103 Stat. 1439; Pub. L. 102-484, div. A, title V, §507, Oct. 23, 1992, 106 Stat. 2405; Pub. L. 103-160, div. A, title V, §508(a), Nov. 30, 1993, 107 Stat. 1647; Pub. L. 104-106, div. A, title V, §508(a), (b), (d), Feb. 10, 1996, 110 Stat. 296, 297; Pub. L. 104-201, div. A, title V, §503, Sept. 23, 1996, 110 Stat. 2511; Pub. L. 107-314, div. A, title X, §1041(a)(20), Dec. 2, 2002, 116 Stat. 2645.)

AMENDMENTS

2002—Subsec. (f). Pub. L. 107-314 struck out par. (1) designation and struck out par. (2) which read as follows: “Whenever the Secretary makes a change to the positions designated under paragraph (1), the Secretary shall submit notice of the change in writing to Congress.”

1996—Subsec. (a). Pub. L. 104-201, §503(a), (c), substituted “Officers” for “Officer” in heading and “the President, by and with the advice and consent of the Senate” for “the President alone” in concluding provisions.

Pub. L. 104-106, §508(d)(1), inserted heading.

Subsecs. (b) to (e). Pub. L. 104-106, §508(d)(2)–(5), inserted headings.

Subsec. (f). Pub. L. 104-106, §508(b)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Pub. L. 104-106, §508(a), substituted “September 30, 1996” for “September 30, 1995”.

Subsec. (g). Pub. L. 104-201, §503(b), struck out subsec. (g) which read as follows: “TERMINATION OF APPOINTMENT AUTHORITY.—The authority to make appointments under this section terminates on September 30, 1996.”

Pub. L. 104-106, §508(d)(6), inserted heading.

Pub. L. 104-106, §508(b)(1), redesignated subsec. (f) as (g).

1993—Subsec. (f). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (f). Pub. L. 102-484 substituted “September 30, 1993” for “September 30, 1992”.

1989—Subsec. (f). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1989”.

1987—Subsec. (f). Pub. L. 100-180 substituted “September 30, 1989” for “September 30, 1987”.

1986—Subsec. (f). Pub. L. 99-661 substituted “September 30, 1987” for “September 30, 1986”.

1984—Subsec. (f). Pub. L. 98-525 substituted “September 30, 1986” for “September 30, 1984”.