

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”.