

Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

#### APPOINTMENT OF COMMISSIONED OFFICERS

Pub. L. 98-498, title III, §320(c)(2), Oct. 19, 1984, 98 Stat. 2309, provided that: “After the date of the enactment of this Act [Oct. 19, 1984], no appointment of a commissioned officer may be made under section 2(d) or 2(f) of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090, 5 U.S.C. App.).”

### § 3029. Temporary appointments and promotions generally

#### (a) Ensign

Temporary appointments in the grade of ensign may be made by the President. Each such temporary appointment terminates at the close of the next regular session of the Congress.

#### (b) Lieutenant (junior grade)

Officers in the permanent grade of ensign may be temporarily promoted to and appointed in the grade of lieutenant (junior grade) by the President whenever vacancies exist in higher grades.

#### (c) Any one grade

When determined by the Secretary to be in the best interest of the service, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

(Pub. L. 107-372, title II, §229, Dec. 19, 2002, 116 Stat. 3087; Pub. L. 112-166, §2(gg)(3), Aug. 10, 2012, 126 Stat. 1290.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 853j-1 of this title prior to repeal by Pub. L. 107-372.

#### AMENDMENTS

2012—Pub. L. 112-166 struck out “alone” after “President” wherever appearing and, in subsec. (a), struck out “unless the Senate sooner gives its advice and consent to the appointment” before period at end of second sentence.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

#### DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Commerce by section 1(b)-(d) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

### § 3030. Temporary appointment or advancement of commissioned officers in time of war or national emergency

#### (a) In general

Officers of the Administration shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency.

#### (b) Limitations

Subsection (a) of this section shall be applied subject to the following limitations:

(1) A commissioned officer in the service of a military department under section 3061 of this title may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to a higher rank or grade.

(2) A commissioned officer in the service of the Administration may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of commissioned officers to the service and jurisdiction of a military department under section 3061 of this title.

(3) Temporary appointments may be made in all grades to which original appointments in the Administration are authorized, except that the number of officers holding temporary appointments may not exceed the number of officers transferred to a military department under section 3061 of this title.

(Pub. L. 107-372, title II, §230, Dec. 19, 2002, 116 Stat. 3087.)

#### CODIFICATION

Provisions similar to this section are contained in section 854a-1 of this title.

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) of this section delegated to Secretary of Commerce by section 1(h)-(j) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

### § 3031. Pay and allowances; date of acceptance of promotion

#### (a) Acceptance and date of promotion

An officer of the commissioned corps who is promoted to a higher grade—

(1) is deemed for all purposes to have accepted the promotion upon the date the promotion is made by the President, unless the officer expressly declines the promotion; and

(2) shall receive the pay and allowances of the higher grade from that date unless the officer is entitled under another provision of law to receive the pay and allowances of the higher grade from an earlier date.

#### (b) Oath of office

An officer who subscribed to the oath of office required by section 3331 of title 5 shall not be required to renew such oath or to take a new oath upon promotion to a higher grade, if the service of the officer after the taking of such oath is continuous.

(Pub. L. 107-372, title II, §231, Dec. 19, 2002, 116 Stat. 3087.)

#### CODIFICATION

Provisions similar to this section are contained in section 854a-2 of this title.

### § 3032. Service credit as deck officer or junior engineer for promotion purposes

For purposes of promotion, there shall be counted in addition to active commissioned