

(2) Whenever a vacancy occurs in a position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral or in an office that is designated by law to carry such a grade, the Secretary of Defense shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2849; amended Pub. L. 97-86, title IV, §405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 98-525, title V, §523, Oct. 19, 1984, 98 Stat. 2523; Pub. L. 99-145, title V, §514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 99-433, title IV, §403, Oct. 1, 1986, 100 Stat. 1031; Pub. L. 102-190, div. A, title V, §502(a), Dec. 5, 1991, 105 Stat. 1354; Pub. L. 104-106, div. A, title IV, §403(c), Feb. 10, 1996, 110 Stat. 287; Pub. L. 110-181, div. A, title V, §501(a), Jan. 28, 2008, 122 Stat. 94.)

#### AMENDMENTS

2008—Subsec. (b)(4), (5). Pub. L. 110-181 added par. (4) and redesignated former par. (4) as (5).

1996—Subsec. (b). Pub. L. 104-106, §403(c)(1), in introductory provisions substituted “designated under subsection (a) or by law” for “of importance and responsibility designated”.

Subsec. (b)(1). Pub. L. 104-106, §403(c)(2), struck out “of importance and responsibility” after “position”.

Subsec. (b)(2). Pub. L. 104-106, §403(c)(3), substituted “designated under subsection (a) or by law” for “designating”.

Subsec. (b)(4). Pub. L. 104-106, §403(c)(4), inserted “under subsection (a) or by law” after “designated”.

1991—Subsec. (b)(4). Pub. L. 102-190 substituted “60 days” for “90 days”.

1986—Subsec. (d). Pub. L. 99-433 added subsec. (d).

1985—Subsec. (c)(2). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Subsec. (b). Pub. L. 98-525 amended subsec. (b) generally, which prior to amendment had provided that if the assignment of an officer who was serving in a position designated to carry the grade of general, admiral, lieutenant general, or vice admiral was terminated (1) by the assignment of such officer to another position designated to carry one of those grades, such officers would hold, during the period beginning on the day of that termination and ending on the day before the day on which he assumed the other position, the grade that he had held on the day before the termination; (2) by the hospitalization of such officer, such officer would hold, during the period beginning on the day of that termination and ending on the day he was discharged from the hospital, but not for more than 180 days, the grade that he had held on the day before the termination; or (3) by the retirement of such officer, such officer would hold, during the period beginning on the day of that termination and ending on the day before his retirement, but not for more than 90 days, the grade that he had held on the day before the termination.

1981—Subsec. (c)(2). Pub. L. 97-86 substituted “commodore” for “commodore admiral”.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title V, §502(b), Dec. 5, 1991, 105 Stat. 1355, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act [Dec. 5, 1991].”

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

#### EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this chapter effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions relating to temporary appointments of officers serving in grades above major general or rear admiral, see section 623 of Pub. L. 96-513, set out as a note under section 611 of this title.

#### **[§ 602. Repealed. Pub. L. 102-190, div. A, title XI, § 1113(a), Dec. 5, 1991, 105 Stat. 1502]**

Section, Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2849, related to temporary promotions of warrant officers.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as an Effective Date of 1991 Amendment note under section 521 of this title.

#### **§ 603. Appointments in time of war or national emergency**

(a) In time of war, or of national emergency declared by the Congress or the President after November 30, 1980, the President may appoint any qualified person (whether or not already a member of the armed forces) to any officer grade in the Army, Navy, Air Force, or Marine Corps, except that appointments under this section may not be made in grades above major general or rear admiral. Appointments under this section shall be made by the President alone, except that an appointment in the grade warrant officer, W-1, shall be made by warrant by the Secretary concerned.

(b) Any appointment under this section is a temporary appointment and may be vacated by the President at any time.

(c)(1) Any person receiving an original appointment under this section is entitled to service credit as authorized under section 533 of this title.

(2) An appointment under this section of a person who is not on active duty becomes effective when that person begins active duty under that appointment.

(d) An appointment under this section does not change the permanent status of a member of the armed forces so appointed. A member who is appointed under this section shall not incur any reduction in the pay and allowances to which the member was entitled, by virtue of his permanent status, at the time of his appointment under this section.

(e)(1) An officer who receives an appointment to a higher grade under this section is considered to have accepted such appointment on the date of the order announcing the appointment unless he expressly declines the appointment.

(2) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required