

is entitled to pay and allowances of the grade to which appointed from that date.

(h) An appointment under this section does not terminate any appointments held by an officer concerned under any other provisions of this title. The President may terminate temporary appointments made under this section at any time. An appointment under this section is effective for such period as the President determines. However, an appointment may not be effective later than six months after the end of the war or national emergency. When his temporary appointment under this section is terminated or expires, the officer shall revert to his former grade.

(i) Not later than six months after the end of the war or national emergency the President shall, under such regulations as he may prescribe, reestablish the active duty promotion list with adjustments and additions appropriate to the conditions of original appointment and wartime service of all officers to be included thereon. The President may, by and with the advice and consent of the Senate, appoint officers on the reestablished active duty promotion list to fill vacancies in the authorized active duty strength of each grade. Such appointments shall be considered to have been made under section 2121 of this title.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 182, §275; amended Pub. L. 92-129, title VI, §605, Sept. 28, 1971, 85 Stat. 362; Pub. L. 97-417, §2(6), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 109-241, title II, §217(b), July 11, 2006, 120 Stat. 526; renumbered §2125 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 275 of this title as this section.

Subsec. (i). Pub. L. 115-282, §123(b)(2), substituted “section 2121” for “section 271”.

2006—Subsec. (f). Pub. L. 109-241 substituted “Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.” for “An appointment under this section to a grade above captain shall be made by the President by and with the advice and consent of the Senate. An appointment under this section to grade above lieutenant commander of an officer in the Coast Guard Reserve shall be made by the President, by and with the advice and consent of the Senate.”

1983—Subsec. (d). Pub. L. 97-417 repealed subsec. (d) which had established the grade of commodore in the Coast Guard for the purposes of this section.

1971—Subsec. (f). Pub. L. 92-129 inserted provision covering appointments of officers in the Coast Guard Reserve to grades above lieutenant commander.

DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, delegated to Secretary of Homeland Security by section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

§ 2126. Promotion of officers not included on active duty promotion list

Officers who are not included on the active duty promotion list may be promoted under reg-

ulations to be prescribed by the Secretary. These regulations shall, as to officers serving in connection with organizing, administering, recruiting, instructing, or training the reserve components, provide as nearly as practicable, that such officers will be selected and promoted in the same manner and will be afforded equal opportunity for promotion as officers of the corresponding grade on the active duty promotion list.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 183, §276; renumbered §2126, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 276 of this title as this section.

§ 2127. Recall to active duty during war or national emergency

In time of war or national emergency, the Secretary may order any regular officer on the retired list to active duty.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §331; renumbered §2127, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 331 of this title as this section.

DELEGATION OF AUTHORITY

For delegation of authority under this section, as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, to Secretary of Homeland Security when Coast Guard is not serving as part of Navy, see section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

§ 2128. Recall to active duty with consent of officer

(a) Any regular officer on the retired list may, with that officer's consent, be assigned to such duties as that officer may be able to perform.

(b) The number of retired officers on active duty in the grade of lieutenant commander, commander, or captain shall not exceed 2 percent of the authorized number of officers on active duty in each such grade. However, this limitation does not apply to retired officers of these grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §332; amended Pub. L. 89-444, §1(18), June 9, 1966, 80 Stat. 196; Pub. L. 91-278, §1(9), June 12, 1970, 84 Stat. 305; Pub. L. 102-241, §14, Dec. 19, 1991, 105 Stat. 2213; renumbered §2128, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 332 of this title as this section.

1991—Subsec. (a). Pub. L. 102-241, §14(b), substituted “that officer's” for “his” and “that officer” for “he”.

Subsec. (b). Pub. L. 102-241, §14(a), substituted “2” for “1”.

1970—Subsec. (a). Pub. L. 91-278 struck out prohibition against recall to duty in time of peace of any officer on retired list who reached age of sixty-two years.