

under this section, the financial assistance shall be terminated. The Secretary may request the member to reimburse the United States in an amount that bears the same ratio to the total costs of the education provided to that member as the unserved portion of active duty bears to the total period of active duty the member agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty. An obligation to reimburse the United States imposed under this paragraph is a debt owed to the United States.

(2) The Secretary may waive the service obligated under subsection (f) of a member who becomes unqualified to serve on active duty due to a circumstance not within the control of that member or who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (b) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

(h) As used in this section, the term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(Added Pub. L. 107-295, title IV, § 413(a), Nov. 25, 2002, 116 Stat. 2119, § 709a; renumbered § 3710, Pub. L. 115-282, title I, § 118(b), Dec. 4, 2018, 132 Stat. 4233.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 709a of this title as this section.

#### § 3711. Appointment or wartime promotion; retention of grade upon release from active duty

(a) A member of the Reserve on active duty, who is appointed or promoted under section 2104 or 2125 of this title, is entitled upon release from that duty to the highest grade satisfactorily held by reason of that appointment or promotion. The Secretary shall determine the highest grade satisfactorily held.

(b) Unless otherwise entitled to a higher grade, a member recalled to active duty shall be recalled in the grade in which released under subsection (a).

(Added Pub. L. 96-322, § 1, Aug. 4, 1980, 94 Stat. 1006, § 710; renumbered § 3711 and amended Pub. L. 115-282, title I, §§ 118(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4233, 4240.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 759a of this title prior to the complete

revision of former chapter 21 of this title by Pub. L. 96-322.

##### AMENDMENTS

2018—Pub. L. 115-282, § 118(b), renumbered section 710 of this title as this section.

Subsec. (a). Pub. L. 115-282, § 123(b)(2), substituted "section 2104 or 2125" for "section 214 or 275".

#### § 3712. Exclusiveness of service

No member of the Reserve, other than a temporary member, may be a member of another military organization. A temporary member of the Reserve who is a member of another military component shall, if ordered to active duty therein, be disenrolled as a temporary member of the Reserve.

(Added Pub. L. 96-322, § 1, Aug. 4, 1980, 94 Stat. 1006, § 711; amended Pub. L. 97-136, § 6(c)(1), (2), Dec. 29, 1981, 95 Stat. 1706; renumbered § 3712, Pub. L. 115-282, title I, § 118(b), Dec. 4, 2018, 132 Stat. 4233.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 757 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96-322.

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 711 of this title as this section.

1981—Pub. L. 97-136 struck out provision that a member of the Reserve, other than a temporary member, is exempt from registration and liability for military training and service under any other law, and substituted "Exclusiveness of service" for "Exemption from military training and draft; exclusiveness of service" in section catchline.

#### § 3713. Active duty for emergency augmentation of regular forces

(a) Notwithstanding another law, and for the emergency augmentation of the Regular Coast Guard forces during a, or to aid in prevention of an imminent, serious natural or manmade disaster, accident, catastrophe, act of terrorism (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), or transportation security incident as defined in section 70101 of title 46, the Secretary may, without the consent of the member affected, order to active duty of not more than 120 days in any 2-year period an organized training unit of the Coast Guard Ready Reserve, a member thereof, or a member not assigned to a unit organized to serve as a unit.

(b) Under the circumstances of the domestic emergency involved, a reasonable time shall be allowed between the date when a Reserve member ordered to active duty under this section is alerted for that duty and the date when the member is required to enter upon that duty. Unless the Secretary determines that the nature of the domestic emergency does not allow it, this period shall be at least two days.

(c) Active duty served under this section—

(1) satisfies on a day-for-day basis all or a part of the annual active duty for training requirement of section 10147 of title 10;