

(2) does not satisfy any part of the active duty obligation of a member whose statutory Reserve obligation is not already terminated; and

(3) entitles a member while engaged therein, or while engaged in authorized travel to or from that duty, to all rights and benefits, including pay and allowances and time creditable for pay and retirement purposes, to which the member would be entitled while performing other active duty.

(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.

(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1006, §712; amended Pub. L. 102-241, §13, Dec. 19, 1991, 105 Stat. 2213; Pub. L. 103-337, div. A, title XVI, §1677(b)(3), Oct. 5, 1994, 108 Stat. 3020; Pub. L. 104-324, title II, §204, Oct. 19, 1996, 110 Stat. 3907; Pub. L. 109-241, title II, §206, July 11, 2006, 120 Stat. 521; Pub. L. 110-53, title V, §502(c)(2), Aug. 3, 2007, 121 Stat. 311; Pub. L. 113-281, title II, §219, Dec. 18, 2014, 128 Stat. 3037; Pub. L. 114-328, div. A, title XIX, §1913(b)(3), Dec. 23, 2016, 130 Stat. 2687; renumbered §3713, 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 764 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 712 of this title as this section.

2016—Subsec. (a). Pub. L. 114-328 substituted “section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)” for “section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))”.

2014—Subsec. (a). Pub. L. 113-281 struck out “not more than 60 days in any 4-month period and” before “not more than 120 days”.

2007—Subsec. (a). Pub. L. 110-53 substituted “section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))” for “section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))”.

2006—Subsec. (a). Pub. L. 109-241, §206(1)-(4), substituted “during a, or to aid in prevention of an imminent,” for “during a”, “catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46,” for “or catastrophe,” “60 days in any 4-month period” for “thirty days in any four-month period”, and “120 days in any 2-year period” for “sixty days in any two-year period”.

Subsec. (e). Pub. L. 109-241, §206(5), added subsec. (e). 1996—Subsec. (d). Pub. L. 104-324 added subsec. (d).

1994—Subsec. (c)(1). Pub. L. 103-337 substituted “section 10147 of title 10” for “section 270 of title 10”.

1991—Subsec. (a). Pub. L. 102-241 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Notwithstanding any other law, and for the emergency augmentation of the Regular Coast Guard

forces during a time of serious natural or manmade disaster, accident, or catastrophe the Secretary may, subject to approval by the President and without the consent of the member affected, order to active duty of not more than fourteen days in any four-month period and not more than thirty days in any one-year period from the Coast Guard Ready Reserve an organized training unit, a member thereof, or a member not assigned to a unit organized to serve as a unit.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

§ 3714. Enlistment of members engaged in schooling

The initial period of active duty for training required by section 12103(d) of title 10, may be divided into two successive annual periods of not less than six weeks each, to permit the enlistment of a Reserve member without interrupting any full-time schooling in which the member is engaged.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007, §713; amended Pub. L. 103-337, div. A, title XVI, §1677(b)(4), Oct. 5, 1994, 108 Stat. 3020; renumbered §3714, 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 765 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 713 of this title as this section.

1994—Pub. L. 103-337 substituted “section 12103(d) of title 10” for “section 511(d) of title 10”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SUBCHAPTER II—PERSONNEL

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §118(c)(2), Dec. 4, 2018, 132 Stat. 4236, inserted subchapter II designation and heading.

§ 3731. Definitions

As used in this subchapter—

(1) “Reserve officer” means a commissioned officer in the Reserve, except an officer excluded by section 3732 of this title or a commissioned warrant officer; and

(2) “discharged” means released from an appointment as a Reserve officer.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007, §720; renumbered §3731 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 770 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 720 of this title as this section.

Par. (1). Pub. L. 115-282, §123(b)(2), substituted “section 3732” for “section 721”.

§ 3732. Applicability of this subchapter

This subchapter applies only to the Reserve; except that it does not apply to a temporary member of the Reserve.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007, §721; renumbered §3732, 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 771 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 721 of this title as this section.

§ 3733. Suspension of this subchapter in time of war or national emergency

In time of war or national emergency declared by Congress, the President may suspend the operation of this subchapter or any part hereof. If this subchapter or any part hereof is suspended by the President, prior to placing the suspended provision in operation, the President shall by regulation, in so far as practicable, adjust the grades of Reserve officers in the same manner as adjustments in grade are made for Regular officers.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007, §722; renumbered §3733, 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 778 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 722 of this title as this section.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under this section as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, 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.

§ 3734. Effect of this subchapter on retirement and retired pay

Except as provided in subsection 3757(b)¹ of this title, nothing in this subchapter authorizes the retirement of a Reserve officer or the payment of retired, retainer, or severance pay to a Reserve officer; or affects in any manner the law relating to the retirement of, or the granting of retired or retainer pay or other benefits to a Reserve officer.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007, §723; renumbered §3734 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 795 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, §123(b)(2), substituted “subsection 3757(b)” for “subsection 746(b)”.

Pub. L. 115-282, §118(b), renumbered section 723 of this title as this section.

§ 3735. Authorized number of officers

(a) The authorized number of officers in the Reserve in an active status is 5,000. Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve. The actual number of Reserve officers in an active status at any time shall not exceed the authorized number unless the Secretary determines that a greater number is necessary for planned mobilization requirements, or unless the excess results directly from the operation of law.

(b)(1) The Secretary shall make, at least once each year, a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 2103(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.

(2) The authorized number of Reserve Officers in an active status not on active duty in the grades of rear admiral (lower half) and rear admiral is a total of two. However, the Secretary of the department in which the Coast Guard is

¹ So in original. Probably should be “section 3757(b)”.