

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)”.