§ 693
RESERVE AVIATION PILOTS; RESERVE AVIATION PILOTS

Reserve student aviation pilots; reserve aviation pilots; appointments in commissioned grade.


§ 693. Annual Report to Congress

(a) The Secretary shall submit to Congress a report each fiscal year describing the progress the Secretary has made during the preceding fiscal year in implementing this chapter.

(b) Each report shall include:

(1) A statement for each facility or vessel for which the Secretary is responsible under section 691(c) of this title where a release of a hazardous substance or pollutant has been identified.

(2) The status of response actions contemplated or undertaken at each facility.

(3) The specific cost estimates and budgetary proposals for response actions contemplated or undertaken at each facility.

(4) The total amount required to clean up contamination at all identified facilities.


TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 101–225, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 133 of House Document No. 103–7.

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CHAPTER 21—COAST GUARD RESERVE

SUBCHAPTER A

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AMENDMENTS

1980—Pub. L. 96–222, § 1, Aug. 4, 1980, 94 Stat. 1002, revised analysis generally by adding items 701 to 713 and 720 to 746, and by omitting items 751 to 765, undesignated center heading “Commissioned Officers” following item 765, and items 770 to 796.

1 So in original. Does not conform to section catchline.
2 So in original. Does not conform to section catchline.
§ 701. Organization

The Coast Guard Reserve is a component of the Coast Guard. It shall be organized, administered, trained, and supplied under the direction of the Commandant.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 751a of this title prior to the complete revision of this chapter by Pub. L. 96–322.

Women’s Branch of the Coast Guard Reserve

Pub. L. 93–174, § 3, Dec. 5, 1973, 87 Stat. 692, provided that: “Effective upon enactment of this Act [Dec. 5, 1973], all members of the women’s branch of the Coast Guard Reserve who were serving on active or inactive duty on the day before enactment shall become members of the Coast Guard Reserve without loss of grade, rate, date of rank, or other benefits earned by their prior service.”

§ 702. Authorized strength

(a) The President shall prescribe the authorized strength of the Coast Guard Reserve if not otherwise prescribed by law.

(b) Subject to the authorized strength of the Coast Guard Reserve, the Secretary shall determine, at least annually, the authorized strength in numbers in each grade necessary to provide for mobilization requirements. Without the consent of the member concerned, a member of the Reserve may not be reduced in grade because of the Secretary’s determination.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 752a of this title prior to the complete revision of this chapter by Pub. L. 96–322.

Coast Guard Reserve Components Transition Initiatives

Pub. L. 103–160, title V, § 564(a), (b), Nov. 30, 1993, 107 Stat. 1669, 1670, provided that:

“(a) Applicability of Certain Benefits.—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2712) [enacting section 1331a (now 12731a) of Title 10, Armed Forces, amending sections 1174a, 1175, and 2133 of Title 10 and section 3012 of Title 38, Veterans’ Benefits, and enacting provisions set out as a note under section 12381 of Title 10, including the amendments made by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

“(b) Regulations.—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.’’

(For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 553(d), 555, and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.)

§ 703. Coast Guard Reserve Boards

(a) The Secretary shall convene a Coast Guard Reserve Policy Board at least annually to consider, recommend, and report to the Secretary on Reserve policy matters. At least one-half of the members of the Board shall be Reserve officers.

(b) The Secretary may convene any other Reserve Board the Secretary considers necessary.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 753a of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 704. Grades and ratings; military authority

The grades and ratings in the Reserve, including cadets but not grades above rear admiral, are those prescribed by law or regulation for the Coast Guard. A member of the Reserve on active duty or inactive-duty training has the same authority, rights, and privileges in the performance of that duty as a member of the Regular Coast Guard of corresponding grade or rating.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 754 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 705. Benefits

(a) A member of the Reserve on active duty, on inactive-duty training, or engaged in authorized travel to or from that duty, is entitled to the same benefits as a member of the Navy Reserve of corresponding grade, rating, and length of service. In determining length of service for the purpose of this section, there shall be included all service for which credit is given by law to members of the Regular Coast Guard.

(b) Chapter 13 of this title applies to a member of the Reserve under the same conditions and limitations as it applies to a member of the Regular Coast Guard.
§ 706. Temporary members of the Reserve; eligibility and compensation

A citizen of the United States, its territories, or possessions who is a member of the Auxiliary, an officer or member of the crew of a motorboat or yacht placed at the disposal of the Coast Guard, or a person (including a Government employee without pay other than the compensation of that person’s civilian position) who by reason of special training and experience is considered by the Commandant to be qualified for duty, may be enrolled by the Commandant as a temporary member of the Reserve, for duty under conditions the Commandant may prescribe, including part-time and intermittent active duty with or without pay, without regard to age. The Commandant is authorized to define the powers and duties of temporary members of the Reserve, and to confer upon them, appropriate to their qualifications and experience, the same grades and ratings as provided for members of the Reserve. When performing active duty with pay as authorized by this section, temporary members of the Reserve are entitled to receive the pay and allowances of their rank, grade, or rating.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 756 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 707. Temporary members of the Reserve; disability or death benefits

(a) If a temporary member of the Reserve is physically injured, or dies as a result of physical injury, and the injury is incurred incident to service while performing active duty, or engaged in authorized travel to or from that duty, the law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, applies, subject to this section. That law shall be administered by the Secretary of Labor to the same extent as if the member was a civilian employee of the United States and was injured in the performance of that duty. For benefit computation, regardless of pay or pay status, the member is considered to have had monthly pay of the monthly equivalent of the minimum rate of basic pay in effect for grade GS–9 of the General Schedule on the date the injury is incurred.

(b) This section does not apply if the workmen’s compensation law of a State, a territory, or another jurisdiction provides coverage because of a concurrent employment status of the temporary member. When the temporary member or a dependent is entitled to a benefit under this section and also to a concurrent benefit from the United States on account of the same disability or death, the temporary member or dependent, as appropriate, shall elect which benefit to receive.

(c) If a claim is filed under this section with the Secretary of Labor for benefits because of an alleged injury or death, the Secretary of Labor shall notify the Commandant who shall direct an investigation into the facts surrounding the alleged injury or death. The Commandant shall then certify to the Secretary of Labor whether or not the injured or deceased person was a temporary member of the Reserve, the person’s military status, and whether or not the injury or death was incurred incident to military service.

(d) A temporary member of the Reserve, who incurs a physical disability or contracts sickness or disease while performing a duty to which
the member has been assigned by competent authority, is entitled to the same hospital treatment afforded a member of the Regular Coast Guard.

(e) In administering section 8133 of title 5, for a person covered by this section—

(1) the percentages applicable to payments under that section are—

(A) 45 percent under subsection (a)(2) of that section, where the member died fully or currently insured under title II of the Social Security Act (42 U.S.C. 401 et seq.), with no additional payments for a child or children so long as the widow or widower remains eligible for payments under that subsection;

(B) 20 percent under subsection (a)(3) of that section, for one child, and 10 percent additional for each additional child, not to exceed a total of 75 percent, where the member died fully or currently insured under title II of the Social Security Act; and

(C) 25 percent under subsection (a)(4) of that section, if one parent was wholly dependent for support upon the deceased member at the time of the member's death and the other was not dependent to any extent; 16 percent to each if both were wholly dependent; and if one was, or both were, partly dependent, a proportionate amount in the discretion of the Secretary of Labor;

(2) payments may not be made under subsection (a)(5) of that section; and

(3) the Secretary of Labor shall inform the Commissioner of Social Security whenever a claim is filed and eligibility for compensation is established under subsection (a)(2) or (a)(3) of section 8133 of title 5. The Commissioner of Social Security shall then certify to the Secretary of Labor whether or not the member concerned was fully or currently insured under title II of the Social Security Act at the time of the member’s death.


References in Text

The law authorizing compensation for employees of the United States, referred to in subsec. (a), appears in subchapter I (§ 8101 et seq.) of chapter 81 of Title 5, Government Organization and Employees. The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5.


Prior Provisions

Provisions similar to those in this section were contained in section 763 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

Amendments


Effective Date of 1994 Amendment


§ 708. Temporary members of the Reserve; certificate of honorable service

In recognition of the service of temporary members of the Reserve, the Secretary may upon request issue an appropriate certificate of honorable service in lieu of a certificate of disenrollment issued to any person following disenrollment under honorable conditions from service as a temporary member. Issuance of a certificate of honorable service to any person under this section does not entitle that person to any rights, privileges, or benefits under any law of the United States.


Prior Provisions

Provisions similar to those in this section were contained in section 763 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 709. Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade

(a) Under regulations prescribed by the Secretary an enlisted member of the Reserve may be designated as a student aviation pilot.

(b) A member who is not a qualified aviator may not be designated as a student aviation pilot unless the member agrees in writing to serve on active duty for a period of two years after successful completion of flight training, unless sooner released. A student aviation pilot may be released from active duty or discharged at any time as provided for in the regulations prescribed by the Secretary.

(c) A student aviation pilot who is a qualified civilian aviator may be given a brief refresher course in flight training.

(d) A student aviation pilot undergoing flight training is entitled to have uniforms and equipment provided at Government expense.

(e) Under regulations prescribed by the Secretary, a student aviation pilot may be designated an aviation pilot upon the successful completion of flight training.

(f) In time of peace, an aviation pilot obligated under subsection (b) to serve on active duty for
two years may serve for an additional period of not more than two years.

(g) An aviation pilot may be released from active duty or discharged at any time as provided for in the regulations prescribed by the Secretary, or if the member—

(h) If qualified under regulations prescribed by the Secretary, an aviation pilot may be appointed as an ensign in the Reserve.


Prior Provisions

Provisions similar to those in this section were contained in section 758a of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§709a. Reserve student pre-commissioning assistance program

(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

(1) a baccalaureate degree in not more than 5 academic years; or

(2) a post-baccalaureate degree.

(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve shall—

(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

(B) enter into a written agreement with the Coast Guard described in paragraph (2).

(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

(B) to serve on active duty for up to five years; and

(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

(c) Expenses for which financial assistance may be provided under this section are the following:

(1) Tuition and fees charged by the institution of higher education involved.

(2) The cost of books.

(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

(4) Such other expenses as are deemed appropriate by the Secretary.

(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $25,000 for any academic year.

(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member—

(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

(2) fails to complete the academic requirements of the institution of higher education involved; or

(3) fails to maintain eligibility for an original appointment as a commissioned officer.


§710. 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 214 or 275 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).
§ 711. 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.


§ 712. 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(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, the Secretary may, without the consent of the member affected, order to active duty of not more than 60 days in any 4-month period and 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 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;

(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.


AMENDMENTS

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.

§ 713. Enlistment of members engaged in school-

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 en-
§ 720. Definitions

As used in this subchapter—

(1) “Reserve officer” means a commissioned officer in the Reserve, except an officer excluded by section 721 of this title or a commissioned warrant officer; and

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

§ 721. Applicability of this subchapter

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

§ 722. 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.

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

Except as provided in subsection 746(b) 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.

§ 724. 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 as not to exceed percentages of commissioned officers authorized by section 42(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 operating may authorize an additional number of Reserve officers not on active duty in the grades of rear admiral (lower half) and rear admiral as necessary in order to meet planned mobilization requirements.

(c) DEFERRAL OF LIMITATION.—If at the end of any fiscal year there is in effect a declaration of
war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard Reserve, for a period not to exceed 6 months after the end of the war or termination of the national emergency.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 772 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–241, § 207(1), inserted "‘Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.’” after “5,000.”

Subsec. (b)(1). Pub. L. 109–241, § 207(2), added par. (1) and struck out former par. (1) which read as follows: “The authorized number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed in grade in the following percentages, respectively: captain, 1.5; commander, 7.0; lieutenant commander, 22.0; lieutenant, 37.0; and the combined grades of lieutenant (junior grade) and ensign, 32.5. When the actual number of Reserve officers in an active status in a grade is less than the number authorized, the difference may be applied to increase the authorized number in a 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.”


1985—Subsec. (b). Pub. L. 98–557 designated existing provisions as par. (1), struck out provisions authorizing number of Reserve officers in an active status not on active duty in the combined grades of commodore and rear admiral as two, and added par. (3).

1983—Subsec. (b). Pub. L. 97–417 substituted “commodore” for “‘rear admiral’” and “combined grades of commodore and real admiral’” for “grade of rear admiral”.

§ 725. Precedence

(a) Reserve officers rank and take precedence in their respective grades among themselves and with officers of the same grade on the active duty promotion list and the permanent commissioned teaching staff in accordance with their dates of rank. When Reserve officers and officers on the active duty promotion list of the same grade, who is on a list of selectees for promotion and who is, or may become, eligible for consideration for promotion. If the previous running mate was on a list of selectees for promotion, the new running mate shall be that officer on the active duty promotion list, of the same grade, who is next senior to the previous running mate and who is, or may become, eligible for consideration for promotion. If the previous running mate was on a list of selectees for promotion, the new running mate shall be that officer on the active duty promotion list, of the same grade, who is next senior to the previous running mate.

(2) If a Reserve officer suffers a loss of numbers, the new running mate shall be that officer on the active duty promotion list who, after the loss of numbers has been effected, is the running mate of the Reserve officer next senior to the Reserve officer concerned.

(3) If a Reserve officer is considered for promotion and fails of selection, fails to qualify for promotion, or declines an appointment after being selected for promotion, the new running mate shall be that officer on the active duty promotion list, of the same grade, who is next senior to the previous running mate and who is, or may become, eligible for consideration for promotion.

(c) A Reserve officer shall, when on the active duty promotion list, be promoted in the same manner as any other officer on the active duty promotion list regardless of the length of active duty service of the Reserve officer.

(d) Notwithstanding any other law, a Reserve officer shall not lose precedence by reason of promotion to the grade of rear admiral or rear admiral (lower half), if the promotion is determined in accordance with a running mate system.

(e) The Secretary shall adjust the date of rank of a Reserve officer so that no changes of precedence occur.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 761 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

AMENDMENTS

2004—Subsecs. (d), (e). Pub. L. 108–293 added subsecs. (d) and (e).

§ 726. Running mates

(a) The Secretary shall assign a running mate to each Reserve officer in an active status not on the active duty promotion list. The officer initially assigned as a running mate under this section shall be that officer on the active duty promotion list of the same grade who is next senior in precedence to the Reserve officer concerned. An officer who has twice failed of selection or who has been considered but has not been recommended for continuation under section 289 of this title shall not be assigned as a running mate under this section.

(b) A Reserve officer in an active status not on the active duty promotion list shall be assigned a new running mate as follows:

(1) If a previously assigned running mate is promoted from below the promotion zone, is removed from the active duty promotion list, suffers a loss of numbers, fails of selection, fails to qualify for promotion, or declines an appointment after being selected for promotion, the new running mate shall be that officer on the active duty promotion list, of the same grade, who is next senior to the previous running mate and who is, or may become, eligible for consideration for promotion. If the previous running mate was on a list of selectees for promotion, the new running mate shall be that officer on the active duty promotion list, of the same grade, who is next senior to the previous running mate.

(2) If a Reserve officer suffers a loss of numbers, the new running mate shall be that officer on the active duty promotion list who, after the loss of numbers has been effected, is the running mate of the Reserve officer next senior to the Reserve officer concerned.

(3) If a Reserve officer is considered for promotion and fails of selection, fails to qualify for promotion, or declines an appointment after being selected for promotion, or has his or her name removed from a list of selectees for promotion, and that officer’s running mate is promoted, the new running mate shall be that of—
§ 727. Constructive credit upon initial appointment

Under regulations prescribed by the Secretary, a person, appointed as a Reserve officer, may be assigned a date of rank and precedence which reflects that person’s experience, education, or other qualifications. For the purpose of this subchapter only, a person appointed for the purpose of assignment or designation as a judge advocate in the Reserve shall be credited with a minimum of one year service in an active status. A person holding a doctor of philosophy, or a comparable degree, in medicine or in a science allied to medicine, as determined by the Secretary, may be credited with a minimum of three years service in an active status if appointed for an assignment comparable to that of an officer in the Navy Medical Department.


Prior Provisions

Provisions similar to those in this section were contained in section 730 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 728. Promotion of Reserve officers on active duty

(a) A Reserve officer on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status, shall not be eligible for consideration for promotion under this subchapter; but shall be considered for promotion under chapter 11 of this title. If promoted while serving on active duty the officer shall be considered as having been promoted under this subchapter and shall be an extra number in the grade to which promoted for the purpose of grade distribution as prescribed in this subchapter. Upon release from active duty the officer shall be included in the grade distribution authorized by this subchapter.

(b) Notwithstanding subsection (a) of this section, a Reserve officer who has been selected for promotion to the next higher grade under chapter 11 of this title, shall be promoted to that grade under chapter 11 of this title.

(c) A Reserve officer who, at the time the officer is released from active duty, has been selected for promotion to the next higher grade under chapter 11 of this title, shall be promoted to that grade as though selected under this subchapter.

(d) A failure of selection for promotion to the next higher grade occurring under this subchapter or under chapter 11 of this title shall count for all purposes.


Prior Provisions

Provisions similar to those in this section were contained in section 791 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 729. Promotion; recommendations of selection boards

(a) Except as otherwise provided by law, a Reserve officer shall only be promoted pursuant to the recommendation of a selection board.

(b) The Secretary shall convene selection boards from time to time to recommend Reserve officers for promotion to the next higher grade. A board may be convened to consider officers in one or more grades.

(c) A selection board shall, from among the names of those eligible Reserve officers submitted to it, recommend for promotion to the next higher grade:

(1) those officers serving in the grade of lieutenant (junior grade) or above whom it considers to be fully qualified;

(2) those officers serving in the grade of ensign whom it considers to be fully qualified.

(d)(1) Before convening a selection board to recommend Reserve officers for promotion, the Secretary shall establish a promotion zone for officers serving in each grade to be considered by the board. The Secretary shall determine the number of officers in the promotion zone for officers serving in any grade from among officers who are eligible for promotion in that grade.

(2)(A) Before convening a selection board to recommend Reserve officers for promotion to a
grade (other than the grade of lieutenant (junior grade)), the Secretary shall determine the maximum number of officers in that grade that the board may recommend for promotion.

(B) The Secretary shall make the determination under subparagraph (A) of the maximum number that may be recommended with a view to having in an active status a sufficient number of Reserve officers in each grade to meet the needs of the Coast Guard for Reserve officers in an active status.

(C) In order to make the determination under subparagraph (B), the Secretary shall determine the following:

(i) The number of positions needed to accomplish mission objectives that require officers in the grade to which the board will recommend officers for promotion.

(ii) The estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted.

(iii) The number of officers authorized by the Secretary to serve in an active status in the grade under consideration.

(iv) Any statutory limitation on the number of officers in any grade authorized to be in an active status.

(3)(A) The Secretary may, when the needs of the Coast Guard require, authorize the consideration of officers in a grade above lieutenant (junior grade) for promotion to the next higher grade from below the promotion zone.

(B) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion, except that the Secretary may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary determines that the needs of the Coast Guard so require. If the maximum number determined under this subparagraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

(C) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under paragraph (2).

(e) The law and regulations relating to the selection for promotion of a commissioned officer of the Regular Coast Guard to the grades of rear admiral (lower half) and rear admiral apply to a Reserve officer, except that to be eligible for consideration for promotion to the grade of rear admiral (lower half) an officer shall have completed at least ten years commissioned service, of which the last five years shall have been served in the Coast Guard Reserve.

(f) The provisions of section 260 of this title apply to boards convened under this section. The Secretary shall determine the procedure to be used by a selection board.

(g) The report of a selection board shall be submitted to the Secretary for review and transmission to the President for approval. When an officer recommended by a board for promotion is not acceptable to the President, the President may remove the name of that officer from the report of the board.

(h) The recommendations of a selection board, as approved by the President, constitute a list of selectees from which the promotions of Reserve officers shall be made. An officer on a list of selectees remains thereon until promoted unless removed by the President under section 738 of this title. If an existing list of selectees has not been exhausted by the time a later list has been approved, all officers remaining on the older list shall be tendered appointments prior to those on the later list.

(i) A Reserve officer whose name is on a list of selectees for promotion shall, unless that officer’s promotion is lawfully withheld, be tendered an appointment in the next higher grade on the date a vacancy occurs, or as soon thereafter as practicable in the grade to which the officer was selected for promotion or, if promotion was determined in accordance with a running mate system, at the same time, or as soon thereafter as practicable, as that officer’s running mate is tendered a similar appointment.


Prior Provisions

Provisions similar to those in this section were contained in section 760 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

Amendments

2002—Subsec. (i). Pub. L. 107–295 inserted “on the date a vacancy occurs, or as soon thereafter as practicable in the grade to which the officer was selected for promotion or, if promotion was determined in accordance with a running mate system, after “grade”.

2000—Subsec. (d). Pub. L. 106–398 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Before convening a selection board to recommend Reserve officers for promotion to a grade above lieutenant (junior grade), the Secretary shall determine the total number of Reserve officers to be selected for promotion to that grade. The number to be selected shall normally be equal to the number of vacancies existing in that grade, plus the number of vacancies anticipated over the next twelve months, minus the number of officers on the list of selectees for that grade. The Secretary may, however, prescribe regulations that provide for the establishment of promotion opportunity percentages for each grade to ensure that equitable promotion opportunities exist among successive groups of Reserve officers being considered for promotion. The number so determined may not cause the number of Reserve officers in an active status in a grade to exceed that authorized for the grade concerned.”


1983—Subsec. (e). Pub. L. 97–417 substituted “the grades of commodore and rear admiral” for “the grade of rear admiral”, and inserted “for promotion to the grade of commodore” after “consideration”.

Provisions similar to those in this section were contained in section 760 of this title prior to the complete revision of this chapter by Pub. L. 96–322.
§ 720. Establishment of promotion zones under running mate system

(a) Authority To Use Running Mate System.—The Secretary may by regulation implement section 729(d)(1) of this title by requiring that the promotion zone for consideration of Reserve officers in an active status for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

(b) Consideration for Promotion.—If promotion zones are authorized under subsection (a), a Reserve officer shall, subject to the eligibility requirements of this subchapter, be placed in a promotion zone when that officer’s running mate is placed in a promotion zone and shall, in accordance with the provisions of this subchapter, be considered for promotion at approximately the same time as that officer’s running mate or as soon thereafter as practicable, or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he or she completes the following amount of service computed from the date of rank in the grade in which he or she is serving:

1. two years in the grade of lieutenant (junior grade);
2. three years in the grade of lieutenant;
3. four years in the grade of lieutenant commander;
4. four years in the grade of commander; and
5. three years in the grade of captain.

(c) Consideration of Officers Below the Zone.—If the Secretary authorizes the selection of officers for promotion from below the promotion zone in accordance with section 729(d)(3) of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system under this subchapter or otherwise as the Secretary determines to be appropriate to meet the needs of the Coast Guard.

Amendments
2002—Subsec. (b). Pub. L. 107–295 inserted before period at end “, or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he or she completes the following amount of service computed from the date of rank in the grade in which he or she is serving:

1. two years in the grade of lieutenant (junior grade);
2. three years in the grade of lieutenant;
3. four years in the grade of lieutenant commander;
4. four years in the grade of commander; and
5. three years in the grade of captain.”

Prior Provisions
Provisions similar to those in this section were contained in section 783 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

Effective Date of 2000 Amendment
Pub. L. 106–398, § 1 [div. A], title V, § 502(c), Oct. 30, 2000, 114 Stat. 1654, 1654A–100, provided that: “The amendments made by this section (amending this section and section 731 of this title) shall apply with respect to selection boards convened under section 729 of title 14, United States Code, on or after the date of the enactment of this Act (Oct. 30, 2000).”

Deligation of Functions
For assignment of functions of President under subsec. (g) of this section, see section 2(c) of Ex. Ord. No. 13358, Sept. 28, 2004, 69 F.R. 58797, set out as a note under section 301 of Title 3, The President.
(b), inserted subsec. (b) heading and substituted “If promotion zones are determined as authorized under
subsection (a), a Reserve officer shall, subject to the elig-
ibility requirements of this subchapter, for “Subject to
the eligibility requirements of this subchapter, a Re-
serve officer shall”, and added subsec. (c).

**Effective Date of 2000 Amendment**

Amendment by Pub. L. 106–398 applicable with re-
spect to selection boards convened under section 730 of
this title on or after Oct. 30, 2000, see section 1 [(div. A),
title V, § 502(c)] of Pub. L. 106–398, set out as a note
under section 720 of this title.

§ 732. Eligibility for promotion

A Reserve officer is eligible for consideration
for promotion and for promotion under this sub-
chapter, if that officer is in an active status. A
Reserve officer who has been considered but not
recommended for retention in an active status
by a board convened under subsection 741(a) of
this title, is not eligible for consideration for
promotion.

1011.)

**Prior Provisions**

Provisions similar to those in this section were con-
tained in section 774 of this title prior to the complete
revision of this chapter by Pub. L. 96–322.

§ 733. Recommendation for promotion of an officer previously removed from an active status

A Reserve officer recommended for promotion
by a selection board but not promoted because of
removal from an active status shall be recon-
sidered by a selection board after returning to
an active status and if selected shall be placed on a recommended list of selectees for pro-
motion. A Reserve officer to whom this section applies is not considered to have failed of selec-
tion when eliminated from a list of selectees for
promotion solely as a result of being removed
from an active status.

1012.)

**Prior Provisions**

Provisions similar to those in this section were con-
tained in section 777 of this title prior to the complete
revision of this chapter by Pub. L. 96–322.

§ 734. Qualifications for promotion

(a) A Reserve officer shall not be promoted to
a higher grade unless the officer has been found to
be physically qualified and the character of the
officer’s service subsequent to the convening
of the selection board which recommended the
officer for promotion has been verified as satis-
factory.

(b) Subsection (a) of this section does not ex-
clude from promotion a Reserve officer phys-
ically disqualified by a medical board for duty
at sea or in the field, if the disqualification re-
results from wounds received in the line of duty,
and those wounds do not incapacitate the officer
for other duties in the grade to which the officer
is to be promoted.

1012.)

**Prior Provisions**

Provisions similar to those in this section were con-
tained in section 786 of this title prior to the complete
revision of this chapter by Pub. L. 96–322.

§ 735. Promotion; acceptance; oath of office

(a) A Reserve officer who has been appointed
under this subchapter is considered to have ac-
cepted the appointment unless delivery thereof
cannot be effected.

(b) A Reserve officer who has served continu-
ously since taking the oath of office prescribed
in section 3331 of title 5, is not required to take
a new oath of office upon appointment in a high-
er grade.

1012.)

**Prior Provisions**

Provisions similar to those in this section were con-
tained in section 797 of this title prior to the complete
revision of this chapter by Pub. L. 96–322.

§ 736. Date of rank upon promotion; entitlement to pay

(a) When a Reserve officer is promoted to the
next higher grade under this subchapter, the
date of rank shall be the date of appointment in
that grade, unless the promotion was deter-
mined in accordance with a running mate sys-
tem, in which event the same date of rank shall
be assigned as that assigned to the officer’s run-
ning mate. A Reserve officer so promoted shall
be allowed the pay and allowances of the higher
grade for duty performed from the date of the
officer’s appointment thereto.

(b) Notwithstanding any other provision of law
and subject to subsection (c), if promotion of an
inactive duty promotion list officer to the grade
of rear admiral or rear admiral (lower half) is
determined in accordance with a running mate system, a reserve officer, if acceptable to the
President and the Senate, shall be promoted to
the next higher grade no later than the date the
officer’s running mate is promoted.

(c) For the purposes of this section, the date of
appointment shall be that date when promotion
authority is exercised by the Secretary. How-
ever, the Secretary may adjust the date of ap-
pointment—

(1) if a delay in the finding required under
section 734(a) of this title is beyond the con-
trol of the officer and the officer is otherwise
qualified for promotion; or

(2) for any other reason that equity requires.

1012; amended Pub. L. 97–417, § 2(14), Jan. 4, 1983,
96 Stat. 2086; Pub. L. 99–145, title V, § 514(c)(1),
Nov. 8, 1985, 99 Stat. 629; Pub. L. 101–225, title II,
2118; Pub. L. 108–293, title II, § 220(b), (c), Aug. 9,
2004, 118 Stat. 1039.)

**Prior Provisions**

Provisions similar to those in this section were con-
tained in section 784 of this title prior to the complete
revision of this chapter by Pub. L. 96–322.

**Amendments**

subsec. (b) generally. Prior to amendment, subsec. (b)
read as follows: “Notwithstanding any other law, when the running mate of a reserve officer serving in the grade of rear admiral (lower half) is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade.”

Subsec. (c). Pub. L. 108–293, § 220(c), struck out “of subsection (a)” after “For the purposes”.

1982—Subsec. (a). Pub. L. 97–295 inserted “the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event” after “subchapter”.


1983—Subsec. (b). Pub. L. 97–417 substituted provision that, notwithstanding any other law, when the running mate of a reserve officer serving in the grade of commodore is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade, for provision that, notwithstanding any other law and when a Reserve officer’s running mate was so entitled, a Reserve officer in the grade of rear admiral was entitled to the pay and allowances of the upper half for duty performed.

§ 737. Type of promotion; temporary

Notwithstanding any other law, if a Reserve officer is promoted when the officer’s running mate is promoted and the promotion of the running mate is on a temporary basis, the promotion of the Reserve officer is also on a temporary basis. If subsequently the running mate is reverted to a lower grade, other than for reasons of discipline, incompetence, or at the running mate’s request, the Reserve officer shall likewise revert to the same lower grade with corresponding precedence.


Prior Provisions

Provisions similar to those in this section were contained in section 788 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 738. Effect of removal by the President or failure of consent of the Senate

(a) The President may, for cause, remove the name of any officer from a list of selectees established under section 729 of this title.

(b) Where required, does not consent to the appointment of an officer whose name is on a list of selectees established under section 729 of this title, that officer’s name shall be removed from the list.

(c) An officer whose name is removed from a list of selectees under subsection (a) or (b) continues to be eligible for consideration for promotion. If selected for promotion by the next selection board and promoted, that officer shall be assigned the date of rank and precedence that would have been assigned if the officer’s name had not been previously removed. However, if the officer is not selected by the next selection board, or if the officer’s name is again removed from the list of selectees, the officer shall be considered for all purposes as having twice failed of selection for promotion.


Prior Provisions

Provisions similar to those in this section were contained in section 796 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 739. Failure of selection for promotion

(a) A Reserve officer, other than one serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for the officer’s grade, fails of selection if not selected for promotion by the selection board that considered the officer, or if having been selected for promotion by the board, the officer’s name is thereafter removed from the report of the board by the President.

(b) A Reserve officer is not considered to have failed of selection if the officer was not considered by a selection board because of administrative error. If that officer is selected by the next appropriate selection board after the error is discovered, and is promoted, the same date of rank and precedence shall be assigned that would have been assigned if the officer had been recommended for promotion by the selection board that originally would have considered the officer but for the error.


Prior Provisions

Provisions similar to those in this section were contained in section 796 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§ 740. Failure of selection and removal from an active status

(a) The Secretary—

(1) may remove from an active status a Reserve officer who has twice failed of selection to the next higher grade; and

(2) shall remove from an active status a Reserve officer serving in the grade of captain who has completed thirty years of total commissioned service and whose name is not carried on an approved list of selectees for promotion to the grade of rear admiral (lower half).

(b) A Reserve officer who has twice failed of selection to the next higher grade and who is not removed from an active status under subsection (a)(1) of this section shall be retained for the period prescribed by the Secretary.

(c) Subject to section 12646 of title 10, a Reserve officer who is removed from an active status under subsection (a) of this section shall be given an opportunity to transfer to the Retired Reserve, if qualified, but unless so transferred shall, in the discretion of the Secretary, be transferred to the inactive status list or discharged as follows:

(1) if removed from an active status under subsection (a)(1) of this section, on June 30 next following the approval date of the board report by virtue of which the officer’s second failure of selection occurs; or
§ 741. Retention boards; removal from an active status to provide a flow of promotion

(a) Notwithstanding any other provision of this title, whenever the Secretary determines that it is necessary to reduce the number of Reserve officers in an active status in any grade to provide a steady flow of promotion, or that there is an excessive number of Reserve officers in an active status in any grade, the Secretary may appoint and convene a retention board to consider all of the Reserve officers in that grade in an active status who have 18 years or more of service for retirement, except those officers who—

(1) are on extended active duty;
(2) are on a list of selectees for promotion;
(3) will complete 30 years total commissioned service by June 30th following the date that the retention board is convened; or
(4) have reached age 59 by the date on which the retention board is convened.

The retention board shall select and recommend a specified number of the officers under consideration for retention in an active status.

(b) This board shall—

(1) to the extent practicable, consist of at least 50 per centum Reserve officers;
(2) consist only of officers who are senior in rank to any officers being considered by that board; and
(3) to the extent practicable, consist of officers who have not served on the last previous retention board which considered officers of the same grade.

(c) Subject to section 12646 of title 10, a Reserve officer who is not recommended for retention in an active status under this section shall be given an opportunity to transfer to the Retired Reserve, if qualified, but unless so transferred shall, in the discretion of the Secretary, be transferred to the inactive status list or discharged on June 30 next following the date on which the report of the retention board is approved.

(d) The provisions of section 260 of this title shall, to the extent that they are not inconsistent with this subchapter, apply to boards convened under this section.

§ 742. Maximum ages for retention in an active status

(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes 60 years of age unless on active duty. If not qualified for retirement, a Reserve officer who is not recommended for retention in an active status under this section shall be given an opportunity to transfer to the Retired Reserve, if qualified, but unless so transferred shall, in the discretion of the Secretary, be transferred to the inactive status list or discharged on June 30 next following the date on which the report of the retention board is approved.
serve officer shall be discharged effective upon the day the officer becomes 60 years of age unless on active duty.

(b) A Reserve officer on active duty shall, if qualified, be retired effective upon the day the officer becomes 62 years of age. If not qualified for retirement, a Reserve officer on active duty shall be discharged effective upon the day the officer becomes 62 years of age.

(c) Notwithstanding subsection 1 (a) and (b), the Secretary may authorize the retention of a Reserve rear admiral or rear admiral (lower half) in an active status not longer than the day on which the officer concerned becomes 64 years of age.

(d) For purposes of this section, “active duty” does not include active duty for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.


AMENDMENTS

2004—Pub. L. 108–293 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Unless retained in or removed from an active status under any other law, a Reserve rear admiral or rear admiral (lower half) shall be removed from an active status on the day that officer completes four years combined service in the grades of rear admiral and rear admiral (lower half).”

1985—Pub. L. 99–145 substituted references to “rear admiral (lower half)” for “commodore” in section catchline and two places in text.


§744. Appointment of a former Navy or Coast Guard officer

A former officer of the Regular Navy or Coast Guard who applies for a Reserve commission within one year of resigning the officer’s Regular commission, and who is appointed in the same grade previously held in the Regular Navy or Coast Guard, shall be given the same date or rank in that grade as that previously assigned to the officer while a member of the Regular Navy or Coast Guard.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 792 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§745. Grade on entry upon active duty

A Reserve officer ordered to active duty or active duty for training shall be ordered in the grade held; except that the Secretary may authorize a higher grade.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 726 of this title prior to the complete revision of this chapter by Pub. L. 96–322.

§746. Recall of a retired officer; grade upon re- lease

(a) When an officer in the Retired Reserve or an officer on a Reserve retired list is recalled to active duty, that officer shall be recalled in a manner similar to the recall of a Regular retired officer.

(b) An officer in the Retired Reserve or an officer on a Reserve retired list recalled to active duty shall upon release therefrom be advanced in the Retired Reserve or on the Reserve retired list to the highest grade held on active duty, if: (1) appointed to a higher grade while on that duty, and (2) the officer’s performance has been satisfactory in the higher grade.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 363 of this title prior to the complete revision of this chapter by Pub. L. 96–322.


EFFECTIVE DATE OF REPEAL

Repeal effective on first day of sixth month following July 1952, see section 802 of act July 9, 1952.

§ 751a. Omitted

CODIFICATION

Section, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 624, provided for the organization of the Coast Guard Reserve and was omitted in the general revision of this chapter by Pub. L. 96–322, §1, Aug. 4, 1980, 94 Stat. 1002. See section 701 of this section.

WOMEN'S BRANCH OF THE COAST GUARD RESERVE

Pub. L. 93–174, §1, Dec. 5, 1973, 87 Stat. 692, provided that: "Effective upon enactment of this Act [Dec. 5, 1973], all members of the women's branch of the Coast Guard Reserve who were serving on active or inactive duty on the day before enactment shall become members of the Coast Guard Reserve without loss of grade, rate, date of rank, or other benefits earned by their prior service."


Section, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to eligibility.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of sixth month following July 1952, see section 802 of act July 9, 1952.

§ 752a. Omitted

CODIFICATION

Section, added act Aug. 10, 1956, ch. 1041, §15(a), 70A Stat. 625, related to the authorized strength of the Coast Guard Reserve and was omitted in the general revision of this chapter by Pub. L. 96–322, §1, Aug. 4, 1980, 94 Stat. 1002. See section 702 of this title.


Section, act Aug. 4, 1949, ch. 393, 63 Stat. 551, related to term of appointment, duty, and training.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of sixth month following July 1952, see section 802 of act July 9, 1952.

§§ 753a to 757. Omitted

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 96–322, §1, Aug. 4, 1980, 94 Stat. 1002.


Section 787a, added Pub. L. 86–559, §2(3), June 30, 1960, 74 Stat. 281, provided for elimination from active status of excessive numbers to provide a flow of promotions. See section 741 of this title.


CHAPTER 23—COAST GUARD AUXILIARY

Sec. 821. Administration of the Coast Guard Auxiliary.