

on the first day of the first month that begins more than 90 days after the date of the enactment of this Act [Dec. 5, 1991].”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this chapter effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions relating to temporary appointments of officers serving in grades above major general or rear admiral, see section 623 of Pub. L. 96-513, set out as a note under section 611 of this title.

§ 602. Flexibility in determining terms of appointment for certain senior officer positions

The Secretary of Defense may extend or reduce the duration of an appointment made under section 152, 154, 7033, 8033, 8043, 9033, or 9082 of this title by up to six months if the Secretary determines that such an extension or reduction is necessary either in the interests of national defense, or to ensure an appropriate staggering of terms of senior military leadership.

(Added Pub. L. 118-31, div. A, title V, §504(a), Dec. 22, 2023, 137 Stat. 241.)

Editorial Notes

PRIOR PROVISIONS

A prior section 602, Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2849, related to temporary promotions of warrant officers, prior to repeal by Pub. L. 102-190, div. A, title XI, §1113(a), Dec. 5, 1991, 105 Stat. 1502.

§ 603. Appointments in time of war or national emergency

(a) In time of war, or of national emergency declared by the Congress or the President after November 30, 1980, the President may appoint any qualified person (whether or not already a member of the armed forces) to any officer grade in the Army, Navy, Air Force, Marine Corps, or Space Force, except that appointments under this section may not be made in grades above major general or rear admiral. Appointments under this section shall be made by the President alone, except that an appointment in the grade warrant officer, W-1, shall be made by warrant by the Secretary concerned.

(b) Any appointment under this section is a temporary appointment and may be vacated by the President at any time.

(c)(1) Any person receiving an original appointment under this section is entitled to service credit as authorized under section 533 of this title.

(2) An appointment under this section of a person who is not on active duty becomes effective when that person begins active duty under that appointment.

(d) An appointment under this section does not change the permanent status of a member of

the armed forces so appointed. A member who is appointed under this section shall not incur any reduction in the pay and allowances to which the member was entitled, by virtue of his permanent status, at the time of his appointment under this section.

(e)(1) An officer who receives an appointment to a higher grade under this section is considered to have accepted such appointment on the date of the order announcing the appointment unless he expressly declines the appointment.

(2) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.

(f) Unless sooner terminated, an appointment under this section terminates on the earliest of the following:

(1) The second anniversary of the appointment.

(2) The end of the six-month period beginning on the last day of the war or national emergency during which the appointment was made.

(3) The date the person appointed is released from active duty.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2850; amended Pub. L. 101-189, div. A, title VI, §653(a)(2), Nov. 29, 1989, 103 Stat. 1462; Pub. L. 102-190, div. A, title XI, §1113(b), (d)(1)(A), Dec. 5, 1991, 105 Stat. 1502; Pub. L. 116-283, div. A, title IX, §924(b)(3)(D), Jan. 1, 2021, 134 Stat. 3821.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

1991—Pub. L. 102-190, §1113(d)(1)(A), substituted “Appointments in time of war or national emergency” for “Commissioned officer grades: time of war or national emergency” in section catchline.

Subsec. (a). Pub. L. 102-190, §1113(b), struck out “commissioned” before “officer grade in the Army” and “in warrant officer grades or” before “in grades above major general” and inserted before period at end “, except that an appointment in the grade warrant officer, W-1, shall be made by warrant by the Secretary concerned”.

1989—Subsec. (f). Pub. L. 101-189 substituted “terminates on the earliest of the following:” for “terminates—” in introductory provisions, and made numerous amendments to style and punctuation. Prior to amendment, subsec. (f) read as follows: “Unless sooner terminated, an appointment under this section terminates—

“(1) on the second anniversary of the appointment;

“(2) at the end of the six-month period beginning on the last day of the war or national emergency during which the appointment was made; or

“(3) on the date the person appointed is released from active duty; whichever is earliest.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on