

commended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”

1994—Subsec. (e). Pub. L. 103-337 substituted “section 12203 of title 10” for “section 593 of title 10”.

1989—Subsec. (e). Pub. L. 101-225 inserted “except that advice and consent is not required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant” before the period at end of first sentence.

1985—Subsec. (d). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1983—Subsec. (c). Pub. L. 97-417, §2(5)(A), inserted a comma after “ensign may”.

Subsecs. (d) to (f). Pub. L. 97-417, §2(5)(B), (C), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

1970—Subsec. (c). Pub. L. 91-278 substituted “twelve” for “eighteen”.

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.

RULE OF CONSTRUCTION

Pub. L. 112-213, title II, §208(e)(2), Dec. 20, 2012, 126 Stat. 1549, provided that: “Sections 271, 272, and 273 [now 2121, 2122, and 2123] of title 14, United States Code, apply to the activities of—

“(A) a selection board convened under section 251 [now 2106] of such title; and

“(B) a special selection board convened under section 263 [now 2120] of such title.”

PERMANENT GRADES AND TITLES FOR OFFICERS HOLDING CERTAIN GRADES ON JANUARY 3, 1983

Pub. L. 97-417, §4, Jan. 4, 1983, 96 Stat. 2087, provided that:

“(a) An officer of the Coast Guard who on the day before the effective date of this Act [Jan. 4, 1983]—

“(1) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half; or

“(2) was serving on active duty in the grade of admiral or vice admiral,

shall after that date hold the permanent grade of rear admiral.

“(b) An officer who on the day before the effective date of this Act [Jan. 4, 1983] was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half shall after that date hold the permanent grade of commodore, but shall retain the title of rear admiral.

“(c) An officer who on the day before the effective date of this Act [Jan. 4, 1983] was on an approved list of officers recommended for promotion to the grade of rear admiral shall, upon promotion, hold the grade of commodore with the title of rear admiral.

“(d) An officer who on the day before the effective date of this Act [Jan. 4, 1983]—

“(1) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half; or

“(2) was on an approved list of officers recommended for promotion to the grade of rear admiral,

shall, on and after the effective date of this Act, or in the case of an officer on such a list, upon promotion to the grade of commodore, be entitled to wear the uniform and insignia of a rear admiral.

“(e) An officer of the Coast Guard who on the day before the effective date of this Act [Jan. 4, 1983] held the grade of rear admiral on the retired list retains the grade of rear admiral and is entitled after that date to

wear the uniform and insignia of a rear admiral. Such an officer, when ordered to active duty—

“(1) holds the grade and has the right to wear the uniform and insignia of a rear admiral; and

“(2) ranks among commissioned officers of the Armed Forces as and is entitled to the basic pay of—

“(A) a commodore, if his retired pay was based on the basic pay of a rear admiral of the lower half on the day before the effective date of this Act; or

“(B) a rear admiral, if his retired pay was based on the basic pay of a rear admiral of the upper half on the day before the effective date of this Act.

“(f) Unless entitled to a higher grade under another provision of law, an officer who on the day before the effective date of this Act [Jan. 4, 1983]—

“(1) was serving on active duty, and

“(2) held the grade of rear admiral;

and who retires on or after the effective date of this Act, retires in the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral. If such an officer is ordered to active duty after his retirement, he is considered, for the purposes of determining his pay, uniform, insignia, and rank among other commissioned officers, as having held the grade of rear admiral on the retired list on the day before the effective date of this Act.”

TEMPORARY GRADES AND RECOMMENDATIONS FOR PROMOTIONS IN EFFECT PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(a), (b), and (d) of Pub. L. 88-130, protecting officers recommended for promotion or serving in temporary grade higher than permanent grade, are set out as a note under section 2101 of this title.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (e) of this section to appoint officers in the grades of lieutenant (junior grade) and lieutenant delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, §1(d), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

§ 2122. Removal of officer from list of selectees for promotion

(a) The President may remove the name of any officer from a list of selectees established under section 2121 of this title.

(b) If the Senate does not consent to the appointment of an officer whose name is on a list of selectees established under section 2121 of this title, that officer's name shall be removed from this list.

(c) An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is selected for promotion by the next selection board and promoted, he shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held if his name had not been removed. However, if the officer is not selected by the next selection board or if his name is again removed from the list of selectees, he shall be considered for all purposes as having twice failed of selection for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 182, §272; renumbered §2122 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 272 of this title as this section.

Subsecs. (a), (b). Pub. L. 115-282, §123(b)(2), substituted “section 2121” for “section 271”.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section to remove a name of an officer from a list of selectees delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, §1(b), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

§ 2123. Promotions; acceptance; oath of office

(a) An officer who receives an appointment under section 2121 of this title is considered to have accepted his appointment on its effective date, unless he expressly declines the appointment.

(b) 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 his appointment in a higher grade.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 182, §273; amended Pub. L. 94-546, §1(20), Oct. 18, 1976, 90 Stat. 2520; renumbered §2123 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 273 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2121” for “section 271”.

1976—Subsec. (b). Pub. L. 94-546 substituted reference to section 3331 of title 5 for reference to section 16 of title 5.

§ 2124. Promotions; pay and allowances

An officer who is promoted under section 2121 of this title shall be entitled to the pay and allowances of the grade to which promoted from his date of rank in such grade.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 182, §274; renumbered §2124 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2121” for “section 271”.

Pub. L. 115-282, §112(b), renumbered section 274 of this title as this section.

§ 2125. Wartime temporary service promotions

(a) In time of war, or of national emergency declared by the President or Congress, the President may suspend any section of this chapter relating to the selection, promotion, or involuntary separation of officers. Such a suspension may not continue beyond six months after the termination of the war or national emergency.

(b) When the preceding sections of this chapter relating to selection and promotion of officers are suspended in accordance with subsection (a), and the needs of the service require, the President may, under regulations prescribed by him, promote to a higher grade any officer serving on active duty in the grade of ensign or above in the Coast Guard.

(c) In time of war, or of national emergency declared by the President or Congress, the President may, under regulations to be prescribed by him, promote to the next higher warrant officer grade any warrant officer serving on active duty in a grade below chief warrant officer, W-4.

[d] Repealed. Pub. L. 97-417, §2(6), Jan. 4, 1983, 96 Stat. 2085.]

(e) A promotion under this section to a grade above lieutenant may be made only upon the recommendation of a board of officers convened for that purpose.

(f) A promotion under this section shall be made by an appointment for temporary service. Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone. Any other appointments under this section shall be made by the President alone.

(g) An appointment under this section, unless expressly declined, is regarded as accepted on the date specified by the Secretary as the date of the appointment, and the officer so promoted is entitled to pay and allowances of the grade to which appointed from that date.

(h) An appointment under this section does not terminate any appointments held by an officer concerned under any other provisions of this title. The President may terminate temporary appointments made under this section at any time. An appointment under this section is effective for such period as the President determines. However, an appointment may not be effective later than six months after the end of the war or national emergency. When his temporary appointment under this section is terminated or expires, the officer shall revert to his former grade.

(i) Not later than six months after the end of the war or national emergency the President shall, under such regulations as he may prescribe, reestablish the active duty promotion list with adjustments and additions appropriate to the conditions of original appointment and wartime service of all officers to be included thereon. The President may, by and with the advice and consent of the Senate, appoint officers on the reestablished active duty promotion list to fill vacancies in the authorized active duty strength of each grade. Such appointments shall be considered to have been made under section 2121 of this title.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 182, §275; amended Pub. L. 92-129, title VI, §605, Sept. 28, 1971, 85 Stat. 362; Pub. L. 97-417, §2(6), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 109-241, title II, §217(b), July 11, 2006, 120 Stat. 526; renumbered §2125 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)