

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.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, §112(b), renumbered section 275 of this title as this section.

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

2006—Subsec. (f). Pub. L. 109–241 substituted “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.” for “An appointment under this section to a grade above captain shall be made by the President by and with the advice and consent of the Senate. An appointment under this section to grade above lieutenant commander of an officer in the Coast Guard Reserve shall be made by the President, by and with the advice and consent of the Senate.”

1983—Subsec. (d). Pub. L. 97–417 repealed subsec. (d) which had established the grade of commodore in the Coast Guard for the purposes of this section.

1971—Subsec. (f). Pub. L. 92–129 inserted provision covering appointments of officers in the Coast Guard Reserve to grades above lieutenant commander.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under this section, during a time of war or national emergency, to suspend the operation of any law relating to the selection, promotion, or involuntary separation of officers of the Coast Guard, and to temporarily promote officers serving on active duty and chief warrant officers serving on active duty, delegated to Secretary of Homeland Security without the approval, ratification, or other action by the President by Ex. Ord. No. 14106, §2(a), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

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

§ 2126. Promotion of officers not included on active duty promotion list

Officers who are not included on the active duty promotion list may be promoted under regulations to be prescribed by the Secretary. These regulations shall, as to officers serving in connection with organizing, administering, recruiting, instructing, or training the reserve components, provide as nearly as practicable, that such officers will be selected and promoted in the same manner and will be afforded equal opportunity for promotion as officers of the corresponding grade on the active duty promotion list.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 183, §276; renumbered §2126, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 276 of this title as this section.

§ 2127. Recall to active duty during war or national emergency

In time of war or national emergency, the Secretary may order any regular officer on the retired list to active duty.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §331; renumbered §2127, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 331 of this title as this section.

Executive Documents

DELEGATION OF AUTHORITY

For delegation of authority under this section, as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, to Secretary of Homeland Security when Coast Guard is not serving as part of Navy, see section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

§ 2128. Recall to active duty with consent of officer

(a) Any regular officer on the retired list may, with that officer’s consent, be assigned to such duties as that officer may be able to perform.

(b) The number of retired officers on active duty in the grade of lieutenant commander, commander, or captain shall not exceed 2 percent of the authorized number of officers on active duty in each such grade. However, this limitation does not apply to retired officers of these grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §332; amended Pub. L. 89–444, §1(18), June 9, 1966, 80 Stat. 196; Pub. L. 91–278, §1(9), June 12, 1970, 84 Stat. 305; Pub. L. 102–241, §14, Dec. 19, 1991, 105 Stat. 2213; renumbered §2128, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 332 of this title as this section.

1991—Subsec. (a). Pub. L. 102–241, §14(b), substituted “that officer’s” for “his” and “that officer” for “he”.

Subsec. (b). Pub. L. 102–241, §14(a), substituted “2” for “1”.

1970—Subsec. (a). Pub. L. 91–278 struck out prohibition against recall to duty in time of peace of any officer on retired list who reached age of sixty-two years.

1966—Subsec. (b). Pub. L. 89–444 provided that the percentage limitation on the number of retired officers on active duty in the grade of lieutenant commander, commander, or captain should not apply to retired officers of those grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

§ 2129. Aviation cadets; appointment as Reserve officers

(a) An aviation cadet designated under section 2317 who fulfills the eligibility requirements of section 2003 of title 10 for designation as a naval aviator may be appointed an ensign in the Coast Guard Reserve and designated a Coast Guard aviator.

(b) Aviation cadets who complete their training at approximately the same time are considered for all purposes to have begun their com-