F. MISCELLANEOUS PROVISIONS

§ 331. 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.)

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, as amended, 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.

§ 332. 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; 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.)

AMENDMENTS

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.

§ 333. Relief of retired officer promoted while on active duty

Any regular officer on the retired list recalled to active duty who during such active duty is advanced to a higher grade under an appointment shall, upon relief from active duty, if his performance of duty under such appointment has been satisfactory, be advanced on the retired list to the highest grade held while on such active duty.

(Added Pub. L. 88–130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 189.)

§ 334. Grade on retirement

(a) Any commissioned officer, other than a commissioned warrant officer, who is retired under any provision of this title, shall be retired from active service with the highest grade held by him for not less than six months while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory.

(b) Any warrant officer who is retired under any provision of section 580, 1263, 1293, or 1305 of title 10, shall be retired from active service with the highest commissioned grade above chief warrant officer, W–4, held by him for not less than six months on active duty in which, as determined by the Secretary, his performance of duty was satisfactory.

(Added Pub. L. 88–130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 190; amended Pub. L. 89–444, § 1(19), June 9, 1966, 80 Stat. 196; Pub. L. 99–348, title II, § 205(b)(7), July 1, 1986, 100 Stat. 700; Pub. L. 102–190, div. A, title XI, § 1125(b)(2), Dec. 5, 1991, 105 Stat. 1505; Pub. L. 103–337, div. A, title V, § 541(f)(3), Oct. 5, 1994, 108 Stat. 2766.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–337 substituted ''section 580,'' for ''section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or''.

1991—Subsec. (b). Pub. L. 102–190 substituted ''section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or 1263, 1293, or 1305 of title 10'' for ''section 564, 1263, 1293, or 1305 of title 10''.

1986—Subsec. (a). Pub. L. 99–348, § 205(b)(7)(A), struck out '', with retired pay of the grade with which retired'' after ''satisfactory''.

Subsec. (b). Pub. L. 99–348, § 205(b)(7), struck out '', with retired pay of the grade with which retired'' after ''satisfactory'' and struck out provision that when the rate of pay of such highest grade is less than the pay of the warrant grade with which the officer would otherwise be retired under section 1371 of title 10, the retired pay was to be based on the higher rate of pay.

1966—Pub. L. 89–444 substituted ''Grade on retirement'' for ''Retirement in cases where higher grade has been held'' in section catchline.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective on the first day of the fourth month beginning after Oct. 5, 1994, see section 541(h) of Pub. L. 103–337, set out as a note under section 571 of Title 10, Armed Forces.

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 Title 10, Armed Forces.

§ 335. Physical fitness of officers

The Secretary shall prescribe regulations under which the physical fitness of officers to perform their duties shall be periodically determined.

(Added Pub. L. 88–130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 190.)

§ 336. United States Coast Guard Band; composition; director

(a) The United States Coast Guard Band shall be composed of a director and other personnel in such numbers and grades as the Secretary determines to be necessary.

(b) The Secretary may designate as the director any individual determined by the Secretary