

effect on that date, shall be retired on the last day of the sixth month following the month in which this Act becomes effective. If, under section 288 of title 14, United States Code, the retirement of any other officer would be required after June 30, 1962, but less than six months following the effective date of this Act, his retirement shall be deferred until the last day of the twelfth month following the month in which this Act becomes effective, or June 30, 1964, whichever is earlier.

“(g) The enactment of this Act does not increase or decrease the retired pay of any person retired on or prior to the effective date of this Act.

“(h) Notwithstanding section 1431 of title 10, United States Code, an original election, change, or revocation of an election, made under that section by an officer who is retired under the provisions of section 282, 283, 284, 285, or 288 of title 14, United States Code, is effective if made prior to the first day of the third month following the month in which this Act is enacted [September 1963].”

[§§ 212, 213. Repealed. Pub. L. 103-337, div. A, title V, § 541(f)(5)(A), Oct. 5, 1994, 108 Stat. 2767]

Section 212, added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 177; amended Pub. L. 98-557, § 15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865, related to original appointment of permanent commissioned warrant officers in Coast Guard. See section 571 et seq. of Title 10, Armed Forces.

Section 213, added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 178; amended Pub. L. 98-557, § 15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865, related to original appointment of permanent warrant officers (W-1) in Coast Guard. See section 571 et seq. of Title 10.

EFFECTIVE DATE OF REPEAL

Repeal 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 an Effective Date of 1994 Amendment note under section 571 of Title 10, Armed Forces.

§ 214. Appointment of temporary officers

(a) The President may appoint temporary commissioned officers in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from licensed members of the United States merchant marine.

(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of persons so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person who is appointed under this section may not suffer any reduction in the rate of pay and allowances to which he would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade.

(c) An appointment under this section, or a subsequent promotion appointment of a temporary officer, may be vacated by the appointing officer at any time. Each officer whose appointment is so vacated shall revert to his permanent status.

(d) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. Appointees whose

dates of appointment are the same shall take precedence with each other as the Secretary shall determine.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 178; amended Pub. L. 89-444, § 1(12)-(14), June 9, 1966, 80 Stat. 196; Pub. L. 93-283, § 1(5), May 14, 1974, 88 Stat. 140; Pub. L. 96-376, § 6, Oct. 3, 1980, 94 Stat. 1509; Pub. L. 98-557, § 15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 103-337, div. A, title V, § 541(f)(6), Oct. 5, 1994, 108 Stat. 2767; Pub. L. 104-324, title II, § 211(a), Oct. 19, 1996, 110 Stat. 3915.)

AMENDMENTS

1996—Pub. L. 104-324, § 211(a)(1), substituted “Appointment” for “Original appointment” in section catchline. Subsec. (b). Pub. L. 104-324, § 211(a)(2), redesignated subsec. (d) as (b).

Subsec. (c). Pub. L. 104-324, § 211(a)(2), (3), redesignated subsec. (e) as (c) and inserted “, or a subsequent promotion appointment of a temporary officer,” after “section”.

Subsecs. (d) to (f). Pub. L. 104-324, § 211(a)(2), redesignated subsecs. (d) to (f) as (b) to (d), respectively.

1994—Subsecs. (b), (c). Pub. L. 103-337 struck out subsecs. (b) and (c) which read as follows:

“(b) The President may appoint temporary commissioned warrant officers in the Regular Coast Guard, as the needs of the Coast Guard may require, from among the warrant officers and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.

“(c) The Secretary may appoint temporary warrant officers (W-1) in the Regular Coast Guard, as the needs of the Coast Guard require, from among the enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.”

1984—Subsecs. (a) to (c). Pub. L. 98-557 substituted reference to enlisted members for reference to enlisted men wherever appearing.

1980—Subsec. (d). Pub. L. 96-376 substituted prohibition against any reduction in rate of pay and allowances of temporary officer appointee to which appointee would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade for prior prohibition against reduction in pay and allowances to which appointee was entitled because of his permanent status at the time of his temporary appointment, or any reduction in pay and allowances to which appointee was entitled under a prior temporary appointment in a lower grade.

1974—Subsec. (d). Pub. L. 93-283 prohibited any reduction in the pay and allowances to which a temporary officer was entitled under a prior temporary appointment in a lower grade.

1966—Subsec. (a). Pub. L. 89-444, § 1(12), added licensed officers of the United States merchant marine to the group from which the President may appoint temporary commissioned officers for the Regular Coast Guard not above lieutenant.

Subsec. (b). Pub. L. 89-444, § 1(13), added licensed officers of the United States merchant marine to the group from which the President may appoint temporary commissioned warrant officers for the Regular Coast Guard.

Subsec. (c). Pub. L. 89-444, § 1(14), added licensed officers of the United States merchant marine to the group from which the Secretary may appoint temporary warrant officers (W-1) in the Regular Coast Guard.

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 1974 AMENDMENT

Section 2 of Pub. L. 93-283 provided that: “Paragraphs (5) and (8) of section 1 of this Act [amending this sec-