

listment of a Reserve member without interrupting any full-time schooling in which the member is engaged.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007; amended Pub. L. 103-337, div. A, title XVI, §1677(b)(4), Oct. 5, 1994, 108 Stat. 3020.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 765 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

AMENDMENTS

1994—Pub. L. 103-337 substituted “section 12103(d) of title 10” for “section 511(d) of title 10”.

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.

SUBCHAPTER B

COMMISSIONED OFFICERS

§ 720. Definitions

As used in this subchapter—

(1) “Reserve officer” means a commissioned officer in the Reserve, except an officer excluded by section 721 of this title or a commissioned warrant officer; and

(2) “discharged” means released from an appointment as a Reserve officer.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 770 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 721. Applicability of this subchapter

This subchapter applies only to the Reserve; except that it does not apply to a temporary member of the Reserve.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 771 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 722. Suspension of this subchapter in time of war or national emergency

In time of war or national emergency declared by Congress, the President may suspend the operation of this subchapter or any part hereof. If this subchapter or any part hereof is suspended by the President, prior to placing the suspended provision in operation, the President shall by regulation, in so far as practicable, adjust the grades of Reserve officers in the same manner as adjustments in grade are made for Regular officers.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 778 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

DELEGATION OF AUTHORITY

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

§ 723. Effect of this subchapter on retirement and retired pay

Except as provided in subsection 746(b) of this title, nothing in this subchapter authorizes the retirement of a Reserve officer or the payment of retired, retainer, or severance pay to a Reserve officer; or affects in any manner the law relating to the retirement of, or the granting of retired or retainer pay or other benefits to a Reserve officer.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 795 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

§ 724. Authorized number of officers

(a) The authorized number of officers in the Reserve in an active status is 5,000. Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve. The actual number of Reserve officers in an active status at any time shall not exceed the authorized number unless the Secretary determines that a greater number is necessary for planned mobilization requirements, or unless the excess results directly from the operation of law.

(b)(1) The Secretary shall make, at least once each year, a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.

(2) The authorized number of Reserve Officers in an active status not on active duty in the grades of rear admiral (lower half) and rear admiral is a total of two. However, the Secretary of the department in which the Coast Guard is operating may authorize an additional number of Reserve officers not on active duty in the grades of rear admiral (lower half) and rear admiral as necessary in order to meet planned mobilization requirements.

(c) DEFERRAL OF LIMITATION.—If at the end of any fiscal year there is in effect a declaration of

war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard Reserve, for a period not to exceed 6 months after the end of the war or termination of the national emergency.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1007; amended Pub. L. 97-417, §2(12), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 98-557, §25(a)(4), Oct. 30, 1984, 98 Stat. 2872; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 107-295, title I, §105(b), Nov. 25, 2002, 116 Stat. 2085; Pub. L. 109-241, title II, §207, July 11, 2006, 120 Stat. 521.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 772 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-241, §207(1), inserted “Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.” after “5,000.”

Subsec. (b)(1). Pub. L. 109-241, §207(2), added par. (1) and struck out former par. (1) which read as follows: “The authorized number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed in grade in the following percentages, respectively: captain, 1.5; commander, 7.0; lieutenant commander, 22.0; lieutenant, 37.0; and the combined grades of lieutenant (junior grade) and ensign, 32.5. When the actual number of Reserve officers in an active status in a grade is less than the number authorized, the difference may be applied to increase the authorized number in a lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.”

2002—Subsec. (c). Pub. L. 107-295 added subsec. (c).

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

1984—Subsec. (b). Pub. L. 98-557 designated existing provisions as par. (1), struck out provisions authorizing number of Reserve officers in an active status not on active duty in the combined grades of commodore and rear admiral as two, and added par. (2).

1983—Subsec. (b). Pub. L. 97-417 substituted “commodore” for “rear admiral” and “combined grades of commodore and rear admiral” for “grade of rear admiral”.

§ 725. Precedence

(a) Reserve officers rank and take precedence in their respective grades among themselves and with officers of the same grade on the active duty promotion list and the permanent commissioned teaching staff in accordance with their dates of rank. When Reserve officers and officers on the active duty promotion list or the permanent commissioned teaching staff have the same date of rank in a grade, they take precedence as determined by the Secretary.

(b) Notwithstanding any other law, a Reserve officer shall not lose precedence when transferred to or from the active duty promotion list, nor shall that officer’s date of rank be changed due to the transfer.

(c) A Reserve officer shall, when on the active duty promotion list, be promoted in the same

manner as any other officer on the active duty promotion list regardless of the length of active duty service of the Reserve officer.

(d) Notwithstanding any other law, a Reserve officer shall not lose precedence by reason of promotion to the grade of rear admiral or rear admiral (lower half), if the promotion is determined in accordance with a running mate system.

(e) The Secretary shall adjust the date of rank of a Reserve officer so that no changes of precedence occur.

(Added Pub. L. 96-322, §1, Aug. 4, 1980, 94 Stat. 1008; amended Pub. L. 108-293, title II, §220(a), Aug. 9, 2004, 118 Stat. 1039.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 781 of this title prior to the complete revision of this chapter by Pub. L. 96-322.

AMENDMENTS

2004—Subsecs. (d), (e). Pub. L. 108-293 added subsecs. (d) and (e).

§ 726. Running mates

(a) The Secretary shall assign a running mate to each Reserve officer in an active status not on the active duty promotion list. The officer initially assigned as a running mate under this section shall be that officer on the active duty promotion list of the same grade who is next senior in precedence to the Reserve officer concerned. An officer who has twice failed of selection or who has been considered but has not been recommended for continuation under section 289 of this title shall not be assigned as a running mate under this section.

(b) A Reserve officer in an active status not on the active duty promotion list shall be assigned a new running mate as follows:

(1) If a previously assigned running mate is promoted from below the promotion zone, is removed from the active duty promotion list, suffers a loss of numbers, fails of selection, fails to qualify for promotion, or declines an appointment after being selected for promotion, the new running mate shall be that officer on the active duty promotion list, of the same grade, who is next senior to the previous running mate and who is, or may become, eligible for consideration for promotion. If the previous running mate was on a list of selectees for promotion, the new running mate shall be that officer on the active duty promotion list, of the same grade, who is on a list of selectees for promotion and who is next senior to the previous running mate.

(2) If a Reserve officer suffers a loss of numbers, the new running mate shall be that officer on the active duty promotion list who, after the loss of numbers has been effected, is the running mate of the Reserve officer next senior to the Reserve officer concerned.

(3) If a Reserve officer is considered for promotion and fails of selection, fails to qualify for promotion, declines an appointment after being selected for promotion, or has his or her name removed from a list of selectees for promotion, and that officer’s running mate is promoted, the new running mate shall be that of-