

–CITE–

10 USC CHAPTER 339 – TEMPORARY APPOINTMENTS 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle B – Army

PART II – PERSONNEL

CHAPTER 339 – TEMPORARY APPOINTMENTS

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CHAPTER 339 – TEMPORARY APPOINTMENTS

–MISC1–

Sec.

(3441 to 3445. Repealed.)

3446. Retention on active duty.

(3447 to 3452. Repealed.)

AMENDMENTS

1980 – Pub. L. 96–513, title V, Sec. 502(11), Dec. 12, 1980, 94

Stat. 2910, struck out items 3441 "General rule", 3442

"Commissioned officers; regular and reserve components:

appointment in higher grade", 3444 "Commissioned officers: during

war or emergency", 3445 "Officers: additional appointments during

war or emergency", 3447 "Appointments in commissioned grade: how

made; how terminated", 3448 "Warrant officers: grades,

appointment", 3449 "Warrant officers: promotion", 3451

"Officers: acceptance of appointment in higher grade", and 3452

"Officers; Medical and Dental Corps: temporary promotion to captain".

1968 – Pub. L. 90–235, Sec. 3(b)(2), Jan. 2, 1968, 81 Stat. 758, struck out item 3450 "Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency".

1958 – Pub. L. 85–861, Sec. 1(81)(F), (G), Sept. 2, 1958, 72 Stat. 1480, struck out item 3443 "Commissioned officers; Reserves; appointment in higher or lower grade" and added item 3452.

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10 USC Sec. 3441, 3442 01/06/03

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(Sec. 3441, 3442. Repealed. Pub. L. 96–513, title II, Sec. 207, Dec. 12, 1980, 94 Stat. 2884)

–MISC1–

Section 3441, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, provided that temporary appointments be made only in the Army without specification of component.

Section 3442, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, provided that a regular commissioned officer, or a reserve commissioned officer who is serving on active duty, may be

appointed, based upon ability and efficiency with regard being given to seniority and age, in a temporary grade that is equal to or higher than his regular or reserve grade, without vacating any other grade held by him. See section 601 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L.

96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

-CITE-

10 USC Sec. 3443 01/06/03

-EXPCITE-

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(Sec. 3443. Repealed. Pub. L. 85-861, Sec. 36B(6), Sept. 2, 1958, 72 Stat. 1570)

-MISC1-

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 196, related to grade of appointment of reserve commissioned officers on active duty.

-CITE-

10 USC Sec. 3444, 3445 01/06/03

-EXPCITE-

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(Sec. 3444, 3445. Repealed. Pub. L. 96–513, title II, Sec. 207, Dec. 12, 1980, 94 Stat. 2884)

–MISC1–

Section 3444, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85–861, Sec. 1(81)(A), 72 Stat. 1480, authorized the President, in time of war or national emergency, to appoint any qualified person, including a person who is not a Regular or Reserve, in any temporary grade, provided for vacation of the appointment, and permitted, for purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, an officer of the Medical Corps or Dental Corps who is appointed in a temporary grade to be credited, when he enters active duty, with constructive service authorized by section 3294(b) of this title. See section 603 of this title.

Section 3445, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85–861, Sec. 1(81)(B), 72 Stat. 1480, provided that in addition to the temporary appointments authorized, in time of war or national emergency, a regular officer or a reserve warrant officer may be appointed in any temporary grade higher than his regular or reserve grade, without vacating that grade, or a person who holds no commissioned grade in the Regular Army be appointed in any temporary commissioned grade. See section 603 of

this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L.

96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

–CITE–

10 USC Sec. 3446 01/06/03

–EXPCITE–

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Sec. 3446. Retention on active duty

–STATUTE–

The President may retain on active duty a disabled officer until

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(1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or

(2) the officer is processed for physical disability benefits provided by law.

–SOURCE–

(Aug. 10, 1956, ch. 1041, 70A Stat. 196; Pub. L. 85–861, Sec.

1(81)(C), Sept. 2, 1958, 72 Stat. 1480; Pub. L. 101–189, div. A,

title XVI, Sec. 1621(a)(10), Nov. 29, 1989, 103 Stat. 1603; Pub. L.

102-25, title VII, Sec. 701(j)(6), Apr. 6, 1991, 105 Stat. 116.)

-MISC1-

Historical and Revision Notes

1956 Act

Revised section Source (U.S. Code) Source (Statutes at

Large)

3446 10:499. June 19, 1948, ch.

511, 62 Stat. 489.

The word "shall" is substituted for the words "authorized and directed". The words "on active duty" are substituted for the words "in service". The words "warrant officers, and flight officers" are omitted, since the definition of "officer" in section 101(14) of this title covers commissioned, warrant, and flight officers. The words "who has only a temporary appointment" are substituted for the words "of the Army * * * of the United States". The words "his physical condition is such that he" are substituted for the words "their treatment for physical reconstruction has reached a point where they". The words "in the Army" are substituted for the words "in the military service".

1958 Act

Revised section Source (U.S. Code) Source (Statutes at

Large)

3446 10 App.:499. June 15, 1956, ch.

388, 70 Stat. 282.

The words "commissioned officers and warrant" are omitted as covered by the definition of the word "officer" in section 101(14) of this title. The words "condition is such that" are substituted for the words "reconstruction has reached a point where".

AMENDMENTS

1991 – Par. (2). Pub. L. 102–25 struck out "as" before "provided by law".

1989 – Pub. L. 101–189 amended section generally. Prior to amendment, section read as follows: "Notwithstanding any other provision of law, the President may retain on active duty a disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law."

1958 – Pub. L. 85–861 substituted "may retain on active duty a disabled officer" for "shall retain on active duty any disabled officer who has only a temporary appointment", and "military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law" for "military

hospital or in the Army".

–CITE–

10 USC Sec. 3447 to 3449 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

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(Sec. 3447 to 3449. Repealed. Pub. L. 96–513, title II, Sec. 207, 208, Dec. 12, 1980, 94 Stat. 2884)

–MISC1–

Section 3447, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85–861, Sec. 1(81)(D), 72 Stat. 1480; Sept. 28, 1971, Pub. L. 92–129, title VI, Sec. 602, 85 Stat. 361, provided that temporary appointment of a person be made without reference to any other appointment that he may hold in the Army, temporary appointments of commissioned officers in the Regular Army be made by the President alone in grades below lieutenant colonel and by the President, by and with the consent of the Senate, in grades of lieutenant colonel and above, temporary appointments of commissioned officers in the reserve components of the Army be made by the President alone in grades below lieutenant colonel and by the President, by and with the consent of the Senate, in grades above major, and that the President may vacate at any time a temporary appointment in a commissioned grade. See section 601 of

this title.

Section 3448, acts Aug. 10, 1956, ch. 1041, 70A Stat. 197; Aug. 8, 1958, Pub. L. 85-603, Sec. 1(2), 72 Stat. 526, authorized the Secretary of the Army, upon his determination of need, to appoint qualified persons as warrant officers, with such appointments to continue at the pleasure of the Secretary, and such warrant officers entitled to count all periods of active duty under the appointment as warrant or enlisted service for all purposes and to the benefits of all laws and regulations applicable to the retirement, pensions, and disability of members of the Army on active duty. See section 602 of this title.

Section 3449, act Aug. 10, 1956, ch. 1041, 70A Stat. 197, provided that temporary promotions in warrant officer grades be governed by such regulations as the Secretary of the Army prescribe. See section 602 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

-CITE-

10 USC Sec. 3450 01/06/03

-EXPCITE-

TITLE 10 – ARMED FORCES

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(Sec. 3450. Repealed. Pub. L. 90–235, Sec. 3(b)(1), Jan. 2, 1968,
81 Stat. 758)

–MISC1–

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 197, provided for
suspension of laws for promotion or mandatory retirement or
separation during war or emergency of temporary warrant officers of
the Army.

–CITE–

10 USC Sec. 3451, 3452 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

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(Sec. 3451, 3452. Repealed. Pub. L. 96–513, title II, Sec. 207,
Dec. 12, 1980, 94 Stat. 2884)

–MISC1–

Section 3451, act Aug. 10, 1956, ch. 1041, 70A Stat. 197,
provided that an officer who is promoted to a temporary grade is
considered to have accepted his promotion on the date of the order
announcing it, unless he expressly declines the promotion.

Section 3452, added Pub. L. 85–861, Sec. 1(81)(E), Sept. 2, 1958,
72 Stat. 1480, provided that, notwithstanding any other provision
of law, an officer of Medical Corps or Dental Corps may be promoted

to temporary grade of captain at any time after first anniversary of date upon which he graduated from a medical, osteopathic, or dental school.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L.

96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

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