

committees” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **CHIEF ACQUISITION OFFICER.**—The term “Chief Acquisition Officer” means the officer appointed under section 308 of this title.

(3) **CUSTOMER OF A MAJOR ACQUISITION PROGRAM.**—The term “customer of a major acquisition program” means the operating field unit of the Coast Guard that will field the system or systems acquired under a major acquisition program.

(4) **LEVEL 1 ACQUISITION.**—The term “Level 1 acquisition” means—

(A) an acquisition by the Coast Guard—

(i) the estimated life-cycle costs of which exceed \$1,000,000,000; or

(ii) the estimated total acquisition costs of which exceed \$300,000,000; or

(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

(i) due to—

(I) the experimental or technically immature nature of the asset;

(II) the technological complexity of the asset;

(III) the commitment of resources; or

(IV) the nature of the capability or set of capabilities to be achieved; or

(ii) because such acquisition is a joint acquisition.

(5) **LEVEL 2 ACQUISITION.**—The term “Level 2 acquisition” means an acquisition by the Coast Guard—

(A) the estimated life-cycle costs of which are equal to or less than \$1,000,000,000, but greater than \$300,000,000; or

(B) the estimated total acquisition costs of which are equal to or less than \$300,000,000, but greater than \$100,000,000.

(6) **LIFE-CYCLE COST.**—The term “life-cycle cost” means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

(7) **MAJOR ACQUISITION PROGRAM.**—The term “major acquisition program” means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to \$300,000,000.

(8) **PROJECT OR PROGRAM MANAGER DEFINED.**—The term “project or program manager” means an individual designated—

(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and

(B) to manage cost, schedule, and performance of the acquisition, project, or program.

(9) **SAFETY CONCERN.**—The term “safety concern” means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or sub-

system or any hazard associated with the capability, asset, or subsystem that is likely to cause major damage to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.

(10) **DEVELOPMENTAL TEST AND EVALUATION.**—The term “developmental test and evaluation” means—

(A) the testing of a capability or asset and the subsystems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

(B) the evaluation of the results of such testing.

(11) **OPERATIONAL TEST AND EVALUATION.**—The term “operational test and evaluation” means—

(A) the testing of a capability or asset and the subsystems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and subsystems for use by typical Coast Guard users to conduct those missions for which the capability or asset and subsystems are intended to be used; and

(B) the evaluation of the results of such testing.

(Added Pub. L. 111-281, title IV, § 402(a), Oct. 15, 2010, 124 Stat. 2948, § 581; amended Pub. L. 114-120, title II, § 209(8), Feb. 8, 2016, 130 Stat. 41; Pub. L. 114-328, div. A, title VIII, § 899(b)(1)(F), Dec. 23, 2016, 130 Stat. 2334; Pub. L. 115-232, div. C, title XXXV, § 3531(c)(8), Aug. 13, 2018, 132 Stat. 2320; renumbered § 1171 and amended Pub. L. 115-282, title I, §§ 108(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4208, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, § 108(b), renumbered section 581 of this title as this section.

Par. (2). Pub. L. 115-282, § 123(b)(2), substituted “section 308” for “section 56”.

Pars. (4) to (12). Pub. L. 115-232 redesignated pars. (5) to (12) as (4) to (11), respectively, and struck out former par. (4) which defined “Commandant” as the Commandant of the Coast Guard.

2016—Par. (3). Pub. L. 114-328, § 899(b)(1)(F)(ii), added par. (3). Former par. (3) redesignated (4).

Pars. (4), (5). Pub. L. 114-328, § 899(b)(1)(F)(i), redesignated pars. (3) and (4) as (4) and (5), respectively. Former par. (5) redesignated (6).

Par. (5)(B). Pub. L. 114-120 substituted “\$300,000,000,” for “\$300,000,000.”.

Pars. (6), (7). Pub. L. 114-328, § 899(b)(1)(F)(i), redesignated pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (9).

Par. (8). Pub. L. 114-328, § 899(b)(1)(F)(iii), added par. (8). Former par. (8) redesignated (10).

Pars. (9) to (12). Pub. L. 114-328, § 899(b)(1)(F)(i), redesignated pars. (7) to (10) as (9) to (12), respectively.

SUBTITLE II—PERSONNEL

Chap.

19. Coast Guard Academy 1901

Sec.

Chap.		Sec.
21.	Personnel; Officers	2101
23.	Personnel; Enlisted	2301
25.	Personnel; General Provisions	2501
27.	Pay, Allowances, Awards, and Other Rights and Benefits	2701
29.	Coast Guard Family Support, Child Care, and Housing	2901

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §109(a), Dec. 4, 2018, 132 Stat. 4211, inserted subtitle II designation and heading and added items for chapters 19 to 29.

CHAPTER 19—COAST GUARD ACADEMY

SUBCHAPTER I—ADMINISTRATION

Sec.	
1901.	Administration of Academy.
1902.	Policy on sexual harassment and sexual violence.
1903.	Annual Board of Visitors.
1904.	Advisory Board on Women at the Coast Guard Academy.
1905.	Coast Guard Academy minority outreach team program.
1906.	Participation in Federal, State, or other educational research grants.

SUBCHAPTER II—CADETS

1921.	Corps of Cadets authorized strength.
1922.	Appointments.
1923.	Admission of foreign nationals for instruction; restrictions; conditions.
1924.	Conduct.
1925.	Agreement.
1926.	Cadet applicants; preappointment travel to Academy.
1927.	Cadets; initial clothing allowance.
1928.	Cadets; degree of bachelor of science.
1929.	Cadets; appointment as ensign.
1930.	Cadets; charges and fees for attendance; limitation.

SUBCHAPTER III—FACULTY

1941.	Civilian teaching staff.
1942.	Permanent commissioned teaching staff; composition.
1943.	Appointment of permanent commissioned teaching staff.
1944.	Grade of permanent commissioned teaching staff.
1945.	Retirement of permanent commissioned teaching staff.
1946.	Credit for service as member of civilian teaching staff.
1947.	Assignment of personnel as instructors.
1948.	Marine safety curriculum.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 19, consisting of sections 690 to 693, related to carrying out an environmental compliance and restoration program, prior to repeal by Pub. L. 115-282, title I, §§104(c)(2), 110(a), Dec. 4, 2018, 132 Stat. 4199, 4211.

AMENDMENTS

2021—Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §§8215(b)(3), 8275(b), Jan. 1, 2021, 134 Stat. 4651, 4685, substituted “Advisory Board on Women at the Coast Guard Academy.” for “Participation in Federal, State, or other educational research grants.” in item 1904 and added items 1905 and 1906. Item 1906 was added at the end of subchapter I in the analysis for this chapter to

reflect the probable intent of Congress, notwithstanding directory language to amend the analysis for this chapter by adding that item “at the end”.

2018—Pub. L. 115-282, title I, §110(a), Dec. 4, 2018, 132 Stat. 4211, inserted chapter 19 designation and heading and added items 1901 to 1948.

SUBCHAPTER I—ADMINISTRATION

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §110(c)(1)(A), Dec. 4, 2018, 132 Stat. 4213, inserted subchapter I designation and heading.

§ 1901. Administration of Academy

The immediate government and military command of the Coast Guard Academy shall be in the Superintendent of the Academy, subject to the direction of the Commandant under the general supervision of the Secretary. The Commandant may select a superintendent from the active list of the Coast Guard who shall serve in the pleasure of the Commandant.

(Aug. 4, 1949, ch. 393, 63 Stat. 508, §181; renumbered §1901, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

This section does not change the present method of administration of the Academy. It makes statutory what has been administrative regulation heretofore, and it is believed highly desirable to make the control of an institution of such national interest as the Academy the subject of a statute.

This section is new. There is no provision in existing law which establishes the Academy and sets it up as an operating unit. Nor is there any provision which creates the office of Superintendent of the Academy, or prescribes his duties and functions. Heretofore this has been accomplished by regulations, and the laws which deal with the Academy assume its existence as a going institution and assume the existence of the Superintendent with certain defined functions and duties. This section continues the Academy as previously established, provides for the appointment of the Superintendent by the Commandant, and defines in general terms his functions. The Academy would thus be placed on a definite statutory basis, and the office of Superintendent would be a statutory position, but the present administration of the Academy would in no way be interfered with. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 181 of this title as this section.

Statutory Notes and Related Subsidiaries

CADET PREGNANCY POLICY IMPROVEMENTS

Pub. L. 117-263, div. K, title CXIV, §11403, Dec. 23, 2022, 136 Stat. 4109, provided that:

“(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of enactment of this Act [Dec. 23, 2022], the Secretary, in consultation with the Secretary of Defense, shall prescribe regulations for the Coast Guard Academy consistent with regulations required to be promulgated by section 559(a) of the National Defense Authorization Act of 2022 (Public Law 117-81) [probably means section 559A(a) of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117-81), set out as a note under section 7431 of Title 10, Armed Forces].

“(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the development of the regulations required by subsection (a).”

[For definition of “Secretary” as used in section 11403 of Pub. L. 117–263, set out above, see section 11002 of Pub. L. 117–263, set out as a note under section 106 of this title.]

COAST GUARD ACADEMY STUDY

Pub. L. 116–283, div. G, title LVXXXII [LXXXII], § 8272, Jan. 1, 2021, 134 Stat. 4681, provided that:

“(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration not later than 60 days after the date of the enactment of the [sic] this Act [Jan. 1, 2021] under which the National Academy of Public Administration shall—

“(1) conduct an assessment of the cultural competence of the Coast Guard Academy as an organization and of individuals at the Coast Guard Academy to carry out effectively the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code, when interacting with individuals of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, or from different geographic origins; and

“(2) issue recommendations based upon the findings in such assessment.

“(b) ASSESSMENT OF CULTURAL COMPETENCE.—

“(1) CULTURAL COMPETENCE OF THE COAST GUARD ACADEMY.—The arrangement described in subsection (a) shall require the National Academy of Public Administration to, not later than 1 year after entering into an arrangement with the Secretary under subsection (a), submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the assessment described under subsection (a)(1).

“(2) ASSESSMENT SCOPE.—The assessment described under subsection (a)(1) shall—

“(A) describe the level of cultural competence described in subsection (a)(1) based on the National Academy of Public Administration’s assessment of the Coast Guard Academy’s relevant practices, policies, and structures, including an overview of discussions with faculty, staff, students, and relevant Coast Guard Academy affiliated organizations;

“(B) examine potential changes which could be used to further enhance such cultural competence by—

“(i) modifying institutional practices, policies, and structures; and

“(ii) any other changes deemed appropriate by the National Academy of Public Administration; and

“(C) make recommendations to enhance the cultural competence of the Coast Guard Academy described in subparagraph (A), including any specific plans, policies, milestones, performance measures, or other information necessary to implement such recommendations.

“(c) FINAL ACTION MEMORANDUM.—Not later than 6 months after submission of the assessment under subsection (b)(1), the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a final action memorandum in response to all recommendations contained in the assessment. The final action memorandum shall include the rationale for accepting, accepting in part, or rejecting each recommendation, and shall specify, where applicable, actions to be taken to implement such recommendations, including an explanation of how each action en-

hances the ability of the Coast Guard to carry out the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code.

“(d) PLAN.—

“(1) IN GENERAL.—Not later than 6 months after the date of the submission of the final action memorandum required under subsection (c), the Commandant, in coordination with the Chief Human Capital Officer of the Department of Homeland Security, shall submit a plan to carry out the recommendations or the parts of the recommendations accepted in the final action memorandum to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) STRATEGY WITH MILESTONES.—If any recommendation or parts of recommendations accepted in the final action memorandum address any of the following actions, then the plan required in paragraph (1) shall include a strategy with appropriate milestones to carry out such recommendations or parts of recommendations:

“(A) Improve outreach and recruitment of a more diverse Coast Guard Academy cadet candidate pool based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

“(B) Modify institutional structures, practices, and policies to foster a more diverse cadet corps body, faculty, and staff workforce based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

“(C) Modify existing or establish new policies and safeguards to foster the retention of cadets, faculty, and staff of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, and geographic origins at the Coast Guard Academy.

“(D) Restructure the admissions office of the Coast Guard Academy to be headed by a civilian with significant relevant higher education recruitment experience.

“(3) IMPLEMENTATION.—Unless otherwise directed by an Act of Congress, the Commandant shall begin implementation of the plan developed under this subsection not later than 180 days after the submission of such plan to Congress.

“(4) UPDATE.—The Commandant shall include in the first annual report required under chapter 51 of title 14, United States Code, as amended by this division, submitted after the date of enactment of this section [Jan. 1, 2021], the strategy with milestones required in paragraph (2) and shall report annually thereafter on actions taken and progress made in the implementation of such plan.”

§ 1902. Policy on sexual harassment and sexual violence

(a) REQUIRED POLICY.—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims of sexual harassment or sexual violence, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

(3) Procedures that cadets and other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the victim chooses to report an occurrence of sexual harassment or sexual violence, a specification of the individual or individuals to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims that explains how the Coast Guard and the Academy will protect the confidentiality of victims;

(B) a specification of any other individual whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

(5) Sanctions authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel, including with respect to rape, acquaintance rape, or other criminal sexual offense, whether forcible or nonforcible.

(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

(c) ASSESSMENT.—

(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets or other Academy personnel.

(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to an official of the Academy; and

(B) to assess the perceptions of the cadets and other Academy personnel with respect to—

(i) the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets or other Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving cadets or other Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

(d) REPORT.—

(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant's comments on the report, to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(5) FOCUS GROUPS.—

(A) IN GENERAL.—For each Academy program year with respect to which the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the next transmitted Commandant's report under this subsection.

(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under the authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.

(Added Pub. L. 112–213, title II, §205(a), Dec. 20, 2012, 126 Stat. 1543, §200; amended Pub. L. 115–232, div. C, title XXXV, §3531(c)(9), Aug. 13, 2018, 132 Stat. 2320; renumbered §1902, Pub. L. 115–282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(11), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes**AMENDMENTS**

2021—Subsec. (b)(3)(A). Pub. L. 116-283, §8505(a)(11)(A), substituted “individual or individuals” for “person or persons”.

Subsec. (b)(3)(B). Pub. L. 116-283, §8505(a)(11)(B), substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 200 of this title as this section.

Subsec. (a). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard”.

Statutory Notes and Related Subsidiaries**POLICY FOR MILITARY SERVICE ACADEMIES ON SEPARATION OF ALLEGED VICTIMS AND ALLEGED PERPETRATORS IN INCIDENTS OF SEXUAL ASSAULT**

Secretary of Defense to consult with Secretaries of the military departments and Superintendent of each military service academy and prescribe in regulations a policy that allows a cadet or midshipman of a military service academy who is the alleged victim or alleged perpetrator of a sexual assault to complete their course of study at the academy with minimal disruption and does not preclude the academy from taking other administrative or disciplinary action, see section 539 of Pub. L. 116-283, set out as a note under section 7461 of Title 10, Armed Forces.

EXPEDITED TRANSFER IN CASES OF SEXUAL ASSAULT; DEPENDENTS OF MEMBERS OF THE COAST GUARD

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8282, Jan. 1, 2021, 134 Stat. 4688, provided that: “Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Commandant [of the Coast Guard] shall establish a policy to allow the transfer of a member of the Coast Guard whose dependent is the victim of sexual assault perpetrated by a member of the Armed Forces who is not related to the victim.”

APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO COAST GUARD ACADEMY

Pub. L. 113-291, div. A, title V, §552(b), Dec. 19, 2014, 128 Stat. 3377, provided that: “The Secretary of the Department in which the Coast Guard is operating shall ensure that the provisions of title XVII of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 950) [see Tables for classification], including amendments made by that title, and the provisions of subtitle D [§§531-547 of title V of div. A of Pub. L. 113-291; see Tables for classification], including amendments made by such subtitle, apply to the Coast Guard Academy.”

§ 1903. Annual Board of Visitors

(a) **IN GENERAL.**—A Board of Visitors to the Coast Guard Academy is established to review and make recommendations on the operation of the Academy.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The membership of the Board shall consist of the following:

(A) The chairman of the Committee on Commerce, Science, and Transportation of the Senate, or the chairman’s designee.

(B) The chairman of the Committee on Transportation and Infrastructure of the House of Representatives, or the chairman’s designee.

(C) 3 Members of the Senate designated by the Vice President.

(D) 4 Members of the House of Representatives designated by the Speaker of the House of Representatives.

(E) 6 individuals designated by the President.

(2) **LENGTH OF SERVICE.**—

(A) **MEMBERS OF CONGRESS.**—A Member of Congress designated under subparagraph (C) or (D) of paragraph (1) as a member of the Board shall be designated as a member in the First Session of a Congress and serve for the duration of that Congress.

(B) **INDIVIDUALS DESIGNATED BY THE PRESIDENT.**—Each individual designated by the President under subparagraph (E) of paragraph (1) shall serve as a member of the Board for 3 years, except that any such member whose term of office has expired shall continue to serve until a successor is appointed by the President.

(3) **DEATH OR RESIGNATION OF A MEMBER.**—If a member of the Board dies or resigns, a successor shall be designated for any unexpired portion of the term of the member by the official who designated the member.

(c) **ACADEMY VISITS.**—

(1) **ANNUAL VISIT.**—The Board shall visit the Academy annually to review the operation of the Academy.

(2) **ADDITIONAL VISITS.**—With the approval of the Secretary, the Board or individual members of the Board may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(d) **SCOPE OF REVIEW.**—The Board shall review, with respect to the Academy—

(1) the state of morale and discipline;

(2) recruitment and retention, including diversity, inclusion, and issues regarding women specifically;

(3) the curriculum;

(4) instruction;

(5) physical equipment;

(6) fiscal affairs; and

(7) other matters relating to the Academy that the Board determines appropriate.

(e) **REPORT.**—Not later than 60 days after the date of an annual visit of the Board under subsection (c)(1), the Board shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions of the Board during such visit and the recommendations of the Board pertaining to the Academy.

(f) **ADVISORS.**—If approved by the Secretary, the Board may consult with advisors in carrying out this section.

(g) **REIMBURSEMENT.**—Each member of the Board and each adviser consulted by the Board under subsection (f) shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a member or adviser.

(Aug. 4, 1949, ch. 393, 63 Stat. 510, §194; Pub. L. 101-595, title III, §304, Nov. 16, 1990, 104 Stat. 2984; Pub. L. 107-295, title IV, §408(a)(1), Nov. 25, 2002, 116 Stat. 2117; Pub. L. 113-281, title II, §211, Dec. 18, 2014, 128 Stat. 3027; renumbered §1903, Pub. L.

115–282, title I, § 110(b), Dec. 4, 2018, 132 Stat. 4212; Pub. L. 116–283, div. G, title LVXXXII [LXXXII], § 8277, Jan. 1, 2021, 134 Stat. 4687; Pub. L. 117–81, div. A, title V, § 554(d), Dec. 27, 2021, 135 Stat. 1738.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 15h (Apr. 16, 1937, ch. 107, § 7, 50 Stat. 67; July 15, 1939, ch. 288, 53 Stat. 1044).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(2)(B). Pub. L. 117–81 substituted “is appointed by the President” for “is appointed”.

Subsec. (d)(2) to (7). Pub. L. 116–283 added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively.

2018—Pub. L. 115–282 renumbered section 194 of this title as this section.

2014—Pub. L. 113–281 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to establishment and composition of Board of Visitors, designation of Members, absence of a Member or ex officio Member from an annual meeting, and annual visit to the Academy.

2002—Subsec. (b)(2), (5). Pub. L. 107–295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries”.

1990—Pub. L. 101–595 amended section generally. Prior to amendment, section read as follows:

“(a) In addition to the Advisory Committee, there shall be appointed in January of each year a Board of Visitors to the Academy, consisting of two Senators and three members of the House of Representatives, appointed by the chairmen of the committees of the Senate and House of Representatives, respectively, having cognizance of legislation pertaining to the Academy, the chairmen of said committees being ex officio members of the Board, and of one Senator and two members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. Whenever a member or an ex officio member is unable to attend the annual meeting as provided in this section another member may be appointed in his stead in the manner as herein provided but without restriction as to month of appointment.

“(b) Such Board shall visit the Academy annually on a date to be fixed by the Secretary. Each member of the Board shall be reimbursed from Coast Guard appropriations under Government travel regulations for the actual expense incurred by him while engaged in duties as a member of such Board, or such actual expenses as permitted under such regulations shall be defrayed by the Coast Guard.”

§ 1904. Advisory Board on Women at the Coast Guard Academy

(a) IN GENERAL.—The Superintendent of the Academy shall establish at the Coast Guard Academy an advisory board to be known as the Advisory Board on Women at the Coast Guard Academy (referred to in this section as the “Advisory Board”).

(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 current cadets of the Coast Guard Academy, including not fewer than 3 cadets from each current class.

(c) APPOINTMENT; TERM.—Cadets shall serve on the Advisory Board pursuant to appointment by the Superintendent of the Academy. Appointments shall be made not later than 60 days after

the date of the swearing in of a new class of cadets at the Academy. The term of membership of a cadet on the Advisory Board shall be 1 academic year.

(d) REAPPOINTMENT.—The Superintendent of the Academy may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Superintendent of the Academy determines such reappointment to be in the best interests of the Coast Guard Academy.

(e) MEETINGS.—The Advisory Board shall meet with the Commandant at least once each academic year on the activities of the Advisory Board. The Advisory Board shall meet in person with the Superintendent of the Academy not less than twice each academic year on the duties of the Advisory Board.

(f) DUTIES.—The Advisory Board shall identify opportunities and challenges facing cadets at the Academy who are women, including an assessment of culture, leadership development, and access to health care of cadets at the Academy who are women.

(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of cadets at the Academy who are not current members of the Advisory Board.

(h) REPORTS AND BRIEFINGS.—The Advisory Board shall regularly provide the Commandant and the Superintendent reports and briefings on the results of its duties, including recommendations for actions to be taken in light of such results. Such reports and briefings may be provided in writing, in person, or both.

(Added Pub. L. 116–283, div. G, title LVXXXII [LXXXII], § 8215(b)(2), Jan. 1, 2021, 134 Stat. 4651.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1904 was renumbered section 1906 of this title.

§ 1905. Coast Guard Academy minority outreach team program

(a) IN GENERAL.—There is established within the Coast Guard Academy a minority outreach team program (in this section referred to as the “Program”) under which officers, including minority officers and officers from territories and other possessions of the United States, who are Academy graduates may volunteer their time to recruit minority students and strengthen cadet retention through mentorship of cadets.

(b) ADMINISTRATION.—Not later than January 1, 2021, the Commandant, in consultation with Program volunteers and Academy alumni that participated in prior programs at the Academy similar to the Program, shall appoint a permanent civilian position at the Academy to administer the Program by, among other things—

(1) overseeing administration of the Program;

(2) serving as a resource to volunteers and outside stakeholders;

(3) advising Academy leadership on recruitment and retention efforts based on rec-

ommendations from volunteers and outside stakeholders;

(4) establishing strategic goals and performance metrics for the Program with input from active volunteers and Academy leadership; and

(5) reporting annually to the Commandant on academic year and performance outcomes of the goals for the Program before the end of each academic year.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8275(a), Jan. 1, 2021, 134 Stat. 4685.)

§ 1906. Participation in Federal, State, or other educational research grants

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States Coast Guard Academy may compete for and accept Federal, State, or other educational research grants, subject to the following limitations:

(1) No award may be accepted for the acquisition or construction of facilities.

(2) No award may be accepted for the routine functions of the Academy.

(b) QUALIFIED ORGANIZATIONS.—

(1) IN GENERAL.—The Commandant may—

(A) enter into a contract, cooperative agreement, lease, or licensing agreement with a qualified organization;

(B) allow a qualified organization to use, at no cost, personal property of the Coast Guard; and

(C) notwithstanding section 504, accept funds, supplies, and services from a qualified organization.

(2) SOLE-SOURCE BASIS.—Notwithstanding chapter 65 of title 31 and sections 3201 through 3205 of title 10, the Commandant may enter into a contract or cooperative agreement under paragraph (1)(A) on a sole-source basis.

(3) MAINTAINING FAIRNESS, OBJECTIVITY, AND INTEGRITY.—The Commandant shall ensure that contributions under this subsection do not—

(A) reflect unfavorably on the ability of the Coast Guard, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

(4) LIMITATION.—For purposes of this subsection, employees or personnel of a qualified organization shall not be employees of the United States.

(5) QUALIFIED ORGANIZATION DEFINED.—In this subsection the term “qualified organization” means an organization—

(A) described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; and

(B) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting academic research and applying for and administering Federal, State, or other educational research grants on behalf of the Coast Guard Academy.

(Added Pub. L. 103-206, title III, § 305(a), Dec. 20, 1993, 107 Stat. 2424, § 196; amended Pub. L. 114-120, title II, § 218, Feb. 8, 2016, 130 Stat. 47; Pub. L. 115-232, div. C, title XXXV, § 3531(c)(10), Aug. 13, 2018, 132 Stat. 2320; renumbered § 1904 and amended Pub. L. 115-282, title I, §§ 110(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4212, 4240; renumbered § 1906, Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8215(b)(1), Jan. 1, 2021, 134 Stat. 4650; Pub. L. 117-81, div. A, title XVII, § 1702(d)(3), Dec. 27, 2021, 135 Stat. 2156.)

Editorial Notes

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (b)(5)(A), is classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 1904 of this title as this section.

Subsec. (b)(2). Pub. L. 117-81 substituted “sections 3201 through 3205” for “chapter 137”.

2018—Pub. L. 115-282, § 110(b), renumbered section 196 of this title as this section.

Subsec. (b)(1). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 115-282, § 123(b)(2), substituted “section 504” for “section 93”.

2016—Pub. L. 114-120 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

SUBCHAPTER II—CADETS

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, § 110(c)(1)(B), Dec. 4, 2018, 132 Stat. 4213, inserted subchapter II designation and heading.

§ 1921. Corps of Cadets authorized strength

The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred.

(Added Pub. L. 115-282, title I, § 110(c)(1)(B), Dec. 4, 2018, 132 Stat. 4213.)

§ 1922. Appointments

Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. In the administration of this section, the Secretary shall take such action as may be necessary and appropriate to insure¹ that female individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.

(Added Pub. L. 115-282, title I, § 110(c)(1)(B), Dec. 4, 2018, 132 Stat. 4213.)

¹ So in original. Probably should be “ensure”.

§ 1923. Admission of foreign nationals for instruction; restrictions; conditions

(a) A foreign national may not receive instruction at the Academy except as authorized by this section.

(b) The President may designate not more than 36 foreign nationals whom the Secretary may permit to receive instruction at the Academy.

(c) A foreign national receiving instruction under this section is entitled to the same pay, allowances, and emoluments, to be paid from the same appropriations, as a cadet appointed pursuant to section 1922 of this title. A foreign national may receive instruction under this section only if his country agrees in advance to reimburse the United States, at a rate determined by the Secretary, for the cost of providing such instruction, including pay, allowances, and emoluments, unless a waiver therefrom has been granted to that country by the Secretary. Funds received by the Secretary for this purpose shall be credited to the appropriations bearing the cost thereof, and may be apportioned between fiscal years.

(d) A foreign national receiving instruction under this section is—

(1) not entitled to any appointment in the Coast Guard by reason of his graduation from the Academy; and

(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary.

(Added Pub. L. 91-278, §1(6), June 12, 1970, 84 Stat. 304, §195; amended Pub. L. 94-468, Oct. 11, 1976, 90 Stat. 2002; Pub. L. 112-213, title II, §204, Dec. 20, 2012, 126 Stat. 1543; renumbered §1923 and amended Pub. L. 115-282, title I, §110(b), 123(c)(1), Dec. 4, 2018, 132 Stat. 4212, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §110(b), renumbered section 195 of this title as this section.

Subsec. (c). Pub. L. 115-282, §123(c)(1), substituted “section 1922” for “section 182”.

2012—Subsec. (c). Pub. L. 112-213 substituted “foreign national” for “person” in two places and “pay, allowances, and emoluments” for “pay and allowances” in two places.

Subsec. (d). Pub. L. 112-213, §204(1), substituted “foreign national” for “person” in introductory provisions.

1976—Pub. L. 94-468 substituted “foreign nationals” for “foreigners” in section catchline.

Subsec. (a). Pub. L. 94-468 substituted provision barring foreign nationals from receiving instruction at the Academy unless authorized by this section, for provision which authorized the Secretary to permit four persons at a time from the Republic of the Philippines, as designated by the President, to attend the Academy.

Subsec. (b). Pub. L. 94-468 substituted provision authorizing the President to designate not more than thirty-six foreign nationals whom the Secretary may permit to attend the Academy, for provision which authorized foreign nationals to receive the same pay and allowances as cadets at the Academy.

Subsec. (c). Pub. L. 94-468 substituted provision authorizing a foreign national to receive the same pay and allowances as a cadet providing his country agree in advance to reimburse the United States and direct-

ing the Secretary to credit any funds so received to the appropriations for pay and allowances, for provision which required that foreign nationals be subject to the same rules and regulations as cadets.

Subsec. (d). Pub. L. 94-468 added subsec. (d).

§ 1924. Conduct

The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

(Added Pub. L. 115-282, title I, §110(c)(1)(C), Dec. 4, 2018, 132 Stat. 4214.)

§ 1925. Agreement

(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

(2) That upon graduation from the Coast Guard Academy the cadet—

(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Guard; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet—

(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

(b)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

(c) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include—

(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

(2) procedures for determining whether such a breach has occurred; and

(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

(d) In this section, “commissioned service obligation”, with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer’s appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of the parent or guardian.

(f) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.

(Added Pub. L. 115-282, title I, §110(c)(1)(C), Dec. 4, 2018, 132 Stat. 4214.)

§ 1926. Cadet applicants; preappointment travel to Academy

The Secretary is authorized to expend appropriated funds for selective preappointment travel to the Academy for orientation visits of cadet applicants.

(Added Pub. L. 98-557, §24(a), Oct. 30, 1984, 98 Stat. 2872, §181a; renumbered §1926, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 181a of this title as this section.

§ 1927. Cadets; initial clothing allowance

The Secretary may prescribe a sum which shall be credited to each new cadet upon first admission to the Academy, to cover the cost of an initial clothing and equipment issue, which sum shall be deducted subsequently from the pay of such cadet. Each cadet discharged prior to graduation who is indebted to the United States on account of advances of pay to purchase required clothing and equipment shall be required to turn in to the Academy all clothing and equipment of a distinctively military nature to the extent required to discharge such indebtedness; and, if the value of such clothing and equipment so turned in does not cover the indebtedness incurred, then such indebtedness shall be canceled.

(Aug. 4, 1949, ch. 393, 63 Stat. 508, §183; Aug. 22, 1951, ch. 340, §3, 65 Stat. 196; renumbered §1927, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8506(a), Jan. 1, 2021, 134 Stat. 4752.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15 (June 23, 1906, ch. 3520, §2, 34 Stat. 452; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 3, 1926, ch. 742, §6, 44 Stat. 816; July 30, 1937, ch. 545, §5, 50 Stat. 549).

Said section has been divided. That part dealing with clothing allowance for cadets is placed in this section and the other parts are incorporated in section 182 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “of an initial” for “of his initial” and “from the pay of such cadet” for “from his pay”.

2018—Pub. L. 115-282 renumbered section 183 of this title as this section.

1951—Act Aug. 22, 1951, substituted provision that the Secretary may prescribe the sum to be credited for the former prescribed sum of \$250, and inserted second sentence.

§ 1928. Cadets; degree of bachelor of science

The Superintendent of the Academy may, under such rules and regulations as the Secretary shall prescribe, confer the degree of bachelor of science upon all graduates of the Academy and may, in addition, confer the degree of bachelor of science upon such other living graduates of the Academy as shall have met the requirements of the Academy for such degree.

(Aug. 4, 1949, ch. 393, 63 Stat. 508, §184; renumbered §1928, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15a (May 25, 1933, ch. 37, 48 Stat. 73; July 8, 1937, ch. 447, 50 Stat. 477; Aug. 9, 1946, ch. 928, 60 Stat. 961).

Changes in phraseology were made inasmuch as the Academy is now accredited by the Association of American Universities. It was not so accredited when the section was enacted.

Inasmuch as the acts cited above apply equally to the Military Academy and the Naval Academy, as well as the Coast Guard Academy, they are not scheduled for repeal but are being amended by section 13 of this act to eliminate reference to the Coast Guard. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 184 of this title as this section.

§ 1929. Cadets; appointment as ensign

The President may, by and with the advice and consent of the Senate, appoint as ensigns in the Coast Guard all cadets who shall graduate from the Academy. Ensigns so commissioned on the same date shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

(Aug. 4, 1949, ch. 393, 63 Stat. 508, §185; renumbered §1929, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15a-1 (May 25, 1943, ch. 99, 57 Stat. 84).

Said section has been divided. The proviso is incorporated in section 182 of this title. The other part is incorporated in this section.

The last sentence of this section is new as a statute; it makes statutory what has been the practice of years, and is similar to the third sentence of title 34, U.S.C., 1946 ed., §1057, applicable to graduates of the Naval Academy. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 185 of this title as this section.

§ 1930. Cadets: charges and fees for attendance; limitation

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.

(Added Pub. L. 108-375, div. A, title V, §545(d)(1), Oct. 28, 2004, 118 Stat. 1909, §197; amended Pub. L. 113-281, title II, §222(2), Dec. 18, 2014, 128 Stat. 3038; renumbered §1930, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 197 of this title as this section.

2014—Subsec. (b). Pub. L. 113-281 struck out “of Homeland Security” after “Secretary”.

SUBCHAPTER III—FACULTY

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §110(c)(1)(D), Dec. 4, 2018, 132 Stat. 4215, inserted subchapter III designation and heading.

§ 1941. Civilian teaching staff

(a) The Secretary may appoint in the Coast Guard such number of civilian faculty members at the Academy as the needs of the Service may require. They shall have such titles and perform duties as prescribed by the Secretary. Leaves of absence and hours of work for civilian faculty members shall be governed by regulations promulgated by the Secretary, without regard to the provisions of title 5.

(b) The compensation of individuals employed under this section is as prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 509, §186; Sept. 3, 1954, ch. 1263, §32, 68 Stat. 1238; Pub. L. 86-474, §1(9), May 14, 1960, 74 Stat. 145; Pub. L. 89-444, §1(9), June 9, 1966, 80 Stat. 195; Pub. L. 94-546, §1(14), Oct. 18, 1976, 90 Stat. 2520; renumbered §1941, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018,

132 Stat. 4212; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(12), Jan. 1, 2021, 134 Stat. 4748.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15d (Apr. 16, 1937, ch. 107, §3, 50 Stat. 67; May 2, 1942, ch. 273, 56 Stat. 265).

The last sentence is new and is inserted to permit adjustment of the work load and leave schedule of Academy faculty members due to the peculiarity of the academic schedule.

The last sentence of this section is new, being included in order to allow for adjusting the working time and leave of civilian instructors in conformity with the academic terms at the Academy. The work load of an instructor varies greatly, and flexibility in administration of a faculty is therefore essential. The leave provided for civil service employees does not fit the needs of an instruction staff, and this has been a source of difficulty in the past. This new provision would permit leave during the summer and between academic terms without deduction from pay, and, it is contemplated, at no other time.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “individuals” for “persons”.

2018—Pub. L. 115-282 renumbered section 186 of this title as this section.

1976—Subsec. (a). Pub. L. 94-546 substituted “Leaves of absence and hours of work for civilian faculty members shall be governed by regulations promulgated by the Secretary, without regard to the provisions of title 5.” for “Leaves of absence and hours of work for such personnel shall be governed by regulations issued by the Secretary of the Treasury, without regard to section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121-1125, and chapter 23, of title 5.”

1966—Subsec. (a). Pub. L. 89-444, §1(9)(A), (B), substituted “faculty members” for “members of the teaching staff” and struck out provision that compensation of faculty members be fixed in accordance with the Classification Act of 1949, as amended, and designated existing provisions as so amended as subsec. (a).

Subsec. (b). Pub. L. 89-444, §1(9)(C), added subsec. (b). 1960—Pub. L. 86-474 substituted “Coast Guard such number of civilian members of the teaching staff at the Academy as the needs of the Service may require” for “Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as the needs of the Service require, not to exceed eight”, and inserted provisions relating to titles and duties of the civilian members of the teaching staff.

1954—Act Sept. 3, 1954, substituted “Classification Act of 1949” for “Classification Act of 1923” and “section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121-1125, and chapter 23, of title 5” for “sections 29a, 30b-30m, 84, 663, 667, 672a-673, and chapter 18 of title 5”.

§ 1942. Permanent commissioned teaching staff; composition

The permanent commissioned teaching staff at the Academy shall consist of professors, associate professors, assistant professors and instructors, in such numbers as the needs of the Service require. They shall perform duties as prescribed by the Commandant, and exercise command only in the academic department of the Academy.

(Aug. 4, 1949, ch. 393, 63 Stat. 509, §187; Pub. L. 86-474, §1(10), May 14, 1960, 74 Stat. 145; renun-

bered § 1942, Pub. L. 115-282, title I, § 110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 15b, 15c (Apr. 16, 1937, ch. 107, § 1, 2, 50 Stat. 66; May 2, 1942, ch. 273, 56 Stat. 265).

Section 15b of title 14, U.S.C., 1946 ed., has been divided. Part of the provisions of the first sentence is placed in this section, while other provisions are placed in section 188 of this title.

Section 15c of title 14, U.S.C., 1946 ed., has been divided. The last sentence is incorporated in this section, while the other provisions are placed in section 189 of this title.

The composition of the teaching staff at the Academy is changed materially on the recommendation of the Academic Board and the Advisory Committee. The scope of duty of members of the staff is enlarged to include whatever the Commandant prescribes.

Title 14, U.S.C., 1946 ed., § 15b provides for five professors as heads or assistant heads of departments at the Academy. The Academic Board of the Academy and the Advisory Committee, after extensive study have recommended the change, as provided in this section, to three professors and twelve others on the permanent teaching staff, with designations to conform generally with the designations and grades of faculty members at other universities. The librarian is given faculty status because of the role of the library as the center of the modern university; this is in conformity with the practice of other higher educational institutions. It is believed that the increased number of permanent commissioned instructors is justified and desirable in view of the expansion of the Cadet Corps as the full effect of the return to a four-year course is felt. It is probable that, in the next few years, the number of cadets will approximate 450. The average number in the past two years has been about 300. This new set-up for the permanent commissioned teaching staff will permit desirable exchanges of professors with leading universities, and occasional sabbatical leaves in order to better the faculty generally. It is pointed out that this increase in permanent instructors does not increase the authorized number of officers in the Coast Guard, as they are all included in the limitation provided in section 42 of this title. If a teaching position at the Academy is not provided for permanently it will require the assignment of an additional regular officer, so it is apparent that the changes proposed in this section do not increase the size of the Service, or the expense, but represent a long-range plan to better the Academy as a leading educational institution within the present, recognized, standards for a proper university faculty. The last sentence retains the command status of the professors as provided in existing law but enlarges the field in which they may perform duty, in order to make it possible to give them interim assignments other than at the Academy, thus broadening their knowledge of the Service while still advantageously utilizing their services. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 187 of this title as this section.

1960—Pub. L. 86-474 substituted “shall consist of professors, associate professors, assistant professors and instructors, in such numbers as the needs of the Service require” for “shall consist of not more than three professors who may serve as heads of departments, and not more than twelve associate professors, assistant professors, and commissioned instructors, one of whom shall be the librarian”.

§ 1943. Appointment of permanent commissioned teaching staff

The President may appoint in the Coast Guard, by and with the advice and consent of

the Senate, the professors, associate professors, assistant professors, and instructors who are to serve on the permanent commissioned teaching staff of the Academy. An original appointment to the permanent commissioned teaching staff, unless the appointee has served as a civilian member of the teaching staff, regular commissioned officer, temporary commissioned officer, or reserve commissioned officer in the Coast Guard, shall be a temporary appointment until the appointee has satisfactorily completed a probationary term of four years of service; thereafter he may be regularly appointed and his rank shall date from the date of his temporary appointment in the grade in which permanently appointed.

(Aug. 4, 1949, ch. 393, 63 Stat. 509, § 188; Pub. L. 86-474, § 1(11), May 14, 1960, 74 Stat. 145; Pub. L. 94-546, § 1(15), Oct. 18, 1976, 90 Stat. 2520; renumbered § 1943, Pub. L. 115-282, title I, § 110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 15b (Apr. 16, 1937, ch. 107, § 1, 50 Stat. 66; May 2, 1942, ch. 273, 56 Stat. 265).

Said section has been divided. That part of the first sentence which provides for the composition of the teaching staff is incorporated in section 187 of this title. The other provisions are incorporated in this section, except for the proviso which has been omitted as no longer needed.

This section incorporates the following changes because of the new plan for the permanent teaching staff: the President is authorized to appoint a candidate to any of the grades prescribed; and the probationary term, applicable unless the candidate has served in the Coast Guard as prescribed in this section, is increased from two to four years. Authorization for appointment in any grade is deemed desirable in order to permit the acquisition of outstanding instructors for the staff. It is believed that the former two-year period was too short to fully evaluate the capabilities of a temporary appointee. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 188 of this title as this section.

1976—Pub. L. 94-546 substituted “grade in which permanently appointed” for “rank in which permanently appointed”.

1960—Pub. L. 86-474 substituted “and instructors who are to serve” for “and commissioned instructors who are to serve”, and “civilian member of the teaching staff” for “civilian instructor”.

§ 1944. Grade of permanent commissioned teaching staff

Professors shall be commissioned officers with grade not above captain, associate and assistant professors with grade not above commander, and instructors with grade not above lieutenant commander. All officers of the permanent commissioned teaching staff shall receive the pay and allowances of other commissioned officers of the same grade and length of service. When any such professor, associate professor, assistant professor, or instructor is appointed or commissioned with grade less than the highest grade permitted, he shall be promoted under regulations prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 509, § 189; Pub. L. 86-474, § 1(12), May 14, 1960, 74 Stat. 145; renum-

bered §1944, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15c (Apr. 16, 1937, ch. 107, §2, 50 Stat. 66).

Said section has been divided. The last sentence is incorporated in section 187 of this title. The other provisions are incorporated in this section.

The limitation on grade of professors is raised from Commander to Captain, and other limitations as to grades within the new permanent commissioned teaching staff are established.

This section prescribes the relative ranks for the various grades in the permanent commissioned teaching staff, establishes the pay as heretofore, and provides for promotion as the Secretary shall prescribe. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 189 of this title as this section.

1960—Pub. L. 86-474 substituted “and instructors with grade not above” for “and commissioned instructors with grade not above”, and “assistant professor, or instructor” for “or assistant professor”.

§ 1945. Retirement of permanent commissioned teaching staff

Professors, associate professors, assistant professors, and instructors in the Coast Guard shall be subject to retirement or discharge from active service for any cause on the same basis as other commissioned officers of the Coast Guard, except that they shall not be required to retire from active service under the provisions of section 2149 of this title, nor shall they be subject to the provisions of section 2150 of this title, nor shall they be required to retire at age sixty-two but may be permitted to serve until age sixty-four at which time unless earlier retired or separated they shall be retired. The Secretary may retire any member of the permanent commissioned teaching staff who has completed thirty years' active service. Service as a civilian member of the teaching staff at the Academy in addition to creditable service authorized by any other law in any of the military services rendered prior to an appointment as a professor, associate professor, assistant professor, or instructor shall be credited in computing length of service for retirement purposes. The provisions of law relating to retirement for disability in line of duty shall not apply in the case of a professor, associate professor, assistant professor, or instructor serving under a temporary appointment.

(Aug. 4, 1949, ch. 393, 63 Stat. 509, §190; Pub. L. 86-474, §1(13), May 14, 1960, 74 Stat. 145; Pub. L. 88-130, §1(8), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(10), June 9, 1966, 80 Stat. 196; Pub. L. 91-278, §1(5), June 12, 1970, 84 Stat. 304; renumbered §1945 and amended Pub. L. 115-282, title I, §§110(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4212, 4240.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15f (Apr. 16, 1937, ch. 107, §5, 50 Stat. 67).

The provision prohibiting the retirement of a professor because of physical disability with less than 15

years' service is changed to have application only during the temporary appointment of a professor.

This section provides for the retirement of associate professors, assistant professors, and commissioned instructors in addition to professors. It is believed that the provision of existing law requiring 15 years' service before becoming eligible for retirement, discriminated against this group of officers as no other group was discriminated against, and should be eliminated. It was changed so that these officers would be ineligible for retirement during their probationary term only.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2149” for “section 288” and “section 2150” for “section 289”.

Pub. L. 115-282, §110(b), renumbered section 190 of this title as this section.

1970—Pub. L. 91-278 permitted permanent teachers to retire at sixty-four rather than at sixty-two unless earlier retired or separated.

1966—Pub. L. 89-444 authorized the Secretary to retire any member of the permanent commissioned teaching staff who has completed thirty years' active service.

1963—Pub. L. 88-130 inserted “or discharge”, excepted staff members from retirement from active service under section 288 of this title, and from the provisions of section 289 of this title, and struck out “permanent” before “commissioned officers”.

1960—Pub. L. 86-474 substituted “civilian member of the teaching staff” for “civilian instructor or civilian librarian”, and struck out “commissioned” in three places before “instructors” and “instructor”, respectively.

§ 1946. Credit for service as member of civilian teaching staff

Service as a member of the civilian teaching staff at the Academy in addition to creditable services authorized by any other law in any of the military services rendered prior to an appointment as professor, associate professor, assistant professor, or instructor shall be credited in computing length of service as a professor, associate professor, assistant professor, or instructor for purposes of pay and allowances.

(Aug. 4, 1949, ch. 393, 63 Stat. 510, §191; Pub. L. 86-474, §1(14), May 14, 1960, 74 Stat. 146; renumbered §1946, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15e (Apr. 16, 1937, ch. 107, §4, 50 Stat. 67).

Changes in phraseology were made in order to adapt the section to the new structure of the permanent commissioned teaching staff. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 191 of this title as this section.

1960—Pub. L. 86-474 substituted “member of civilian teaching staff” for “civilian instructor” in section catchline, and “member of the civilian teaching staff” for “civilian instructor or civilian librarian” in text, and struck out “commissioned” before “instructor” in two places.

§ 1947. Assignment of personnel as instructors

The Commandant may assign any member to appropriate instruction duty at the Academy.

(Aug. 4, 1949, ch. 393, 63 Stat. 510, §192; Pub. L. 98-557, §15(a)(3)(H), Oct. 30, 1984, 98 Stat. 2865; renumbered §1947, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15i (Apr. 16, 1937, ch. 107, §8, 50 Stat. 67).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 192 of this title as this section.

1984—Pub. L. 98-557 substituted reference to member for reference to commissioned officer, warrant officer, and enlisted man.

§ 1948. Marine safety curriculum

The Commandant shall ensure that professional courses of study in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.

(Added Pub. L. 111-281, title V, §525(a), Oct. 15, 2010, 124 Stat. 2959, §200; renumbered §199 and amended Pub. L. 111-330, §1(7)(A), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 115-232, div. C, title XXXV, §3531(c)(11), Aug. 13, 2018, 132 Stat. 2320; renumbered §1948, Pub. L. 115-282, title I, §110(b), Dec. 4, 2018, 132 Stat. 4212.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 199 of this title as this section.

Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard”.

2010—Pub. L. 111-330 amended directory language of Pub. L. 111-281, §525(a), which enacted this section, and renumbered section 200 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(7)(A) is effective with the enactment of Pub. L. 111-281.

CHAPTER 21—PERSONNEL; OFFICERS

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2161.	Composition of boards.
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2164.	Officers considered for removal; retirement or discharge; separation benefits.
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2166. Continuation on active duty; Coast Guard officers with certain critical skills.

SUBCHAPTER III—GENERAL PROVISIONS

2181. Physical fitness of officers.
2182. Multirater assessment of certain personnel.

Editorial Notes

PRIOR PROVISIONS

A prior analysis for chapter 21 “COAST GUARD RESERVE” consisted of items 701 “Organization”, 702 “Authorized strength”, 703 “Coast Guard Reserve Boards”, 704 “Grades and ratings; military authority”, 705 “Benefits”, 706 “Temporary members of the Reserve; eligibility and compensation”, 707 “Temporary members of the Reserve; disability or death benefits”, 708 “Temporary members of the Reserve; certificate of honorable service”, 709 “Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade”, 709a “Reserve student pre-commissioning assistance program”, 710 “Appointment or wartime promotion; retention of grade upon release from active duty”, 711 “Exclusiveness of service”, 712 “Active duty for emergency augmentation of regular forces”, 713 “Enlistment of members engaged in schooling”, 720 “Definitions”, 721 “Applicability of this subchapter”, 722 “Suspension of this subchapter in time of war or national emergency”, 723 “Effect of this subchapter on retirement and retired pay”, 724 “Authorized number of officers”, 725 “Precedence”, 726 “Running mates”, 727 “Constructive credit upon initial appointment”, 728 “Promotion of Reserve officers on active duty”, 729 “Promotion; recommendations of selection boards”, 730 “Selection boards; appointment”, 731 “Establishment of promotion zones under running mate system”, 732 “Eligibility for promotion”, 733 “Recommendation for promotion of an officer previously removed from an active status”, 734 “Qualifications for promotion”, 735 “Promotion; acceptance; oath of office”, 736 “Date of rank upon promotion; entitlement to pay”, 737 “Type of promotion; temporary”, 738 “Effect of removal by the President or failure of consent of the Senate”, 739 “Failure of selection for promotion”, 740 “Failure of selection and removal from an active status”, 741 “Retention boards; removal from an active status to provide a flow of promotion”, 742 “Maximum ages for retention in an active status”, 743 “Rear admiral and rear admiral (lower half); maximum service in grade”, 744 “Appointment of a former Navy or Coast Guard officer”, 745 “Grade on entry upon active duty”, and 746 “Recall of a retired officer; grade upon release”, prior to repeal by Pub. L. 115–282, title I, § 112(a), Dec. 4, 2018, 132 Stat. 4215.

AMENDMENTS

2022—Pub. L. 117–263, div. K, title CXII, §§ 11235(b), 11245(b)(2), Dec. 23, 2022, 136 Stat. 4035, 4045, added items 2120a and 2166.

2021—Pub. L. 116–283, div. G, title LVXXXII [LXXXII], §§ 8203(b), 8276(b), Jan. 1, 2021, 134 Stat. 4645, 4687, added items 2130 and 2131. Item 2130 was added at the end of the analysis for this chapter to reflect the probable intent of Congress, notwithstanding directory language adding that item “at the end” of the analysis for subchapter I of this chapter, and item 2131 was added after item 2130 at that location.

2018—Pub. L. 115–282, title I, § 112(a), Dec. 4, 2018, 132 Stat. 4215, inserted chapter 21 designation and heading and added items 2101 to 2182.

SUBCHAPTER I—APPOINTMENT AND PROMOTION

Editorial Notes

PRIOR PROVISIONS

A prior subchapter A of chapter 21 designation and accompanying heading “GENERAL” were repealed by

Pub. L. 115–282, title I, § 112(c)(1), Dec. 4, 2018, 132 Stat. 4220.

AMENDMENTS

2018—Pub. L. 115–282, title I, § 112(c)(2), Dec. 4, 2018, 132 Stat. 4220, inserted subchapter I designation and heading.

Statutory Notes and Related Subsidiaries

OFFICER EVALUATION REPORT

Pub. L. 115–282, title VIII, § 803, Dec. 4, 2018, 132 Stat. 4299, provided that:

“(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act [Dec. 4, 2018], the Commandant of the Coast Guard shall reduce lieutenant junior grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

“(b) SURVEYS.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall conduct surveys of—

“(1) outgoing promotion board members and assignment officers to determine, at a minimum—

“(A) which sections of the officer evaluation report were most useful;

“(B) which sections of the officer evaluation report were least useful;

“(C) how to better reflect high performers; and

“(D) any recommendations for improving the officer evaluation report; and

“(2) at least 10 percent of the officers from each grade of officers from O1 to O6 to determine how much time each member of the rating chain spends on that member’s portion of the officer evaluation report.

“(c) REVISIONS.—

“(1) IN GENERAL.—Not later than 4 years after the date of the completion of the surveys required by subsection (b), the Commandant of the Coast Guard shall revise the officer evaluation report, and provide corresponding directions, taking into account the requirements under paragraph (2).

“(2) REQUIREMENTS.—In revising the officer evaluation report under paragraph (1), the Commandant shall—

“(A) consider the findings of the surveys under subsection (b);

“(B) improve administrative efficiency;

“(C) reduce and streamline performance dimensions and narrative text;

“(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

“(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

“(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

“(i) to minimize any impact to officer duties; and

“(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 545 days after the date of the enactment of this Act [Dec. 4, 2018], the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the surveys under subsection (b).

“(2) FORMAT.—The report under paragraph (1) shall be formatted by each rank, type of board, and position, as applicable.”

§ 2101. Original appointment of permanent commissioned officers

(a)(1) The President may appoint permanent commissioned officers in the Regular Coast

Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

(A) Graduates of the Coast Guard Academy.

(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

(2) 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.

(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.

(b) No individual shall be appointed a commissioned officer under this section until his mental, moral, physical, and professional fitness to perform the duties of a commissioned officer has been established under such regulations as the Secretary shall prescribe.

(c) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

(d) For the purposes of this section, the term “original”, with respect to the appointment of a member of the Coast Guard, refers to that member’s most recent appointment in the Coast Guard that is neither a promotion nor a demotion.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 177, §211; amended Pub. L. 89–444, §1(11), June 9, 1966, 80 Stat. 196; Pub. L. 98–557, §15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 109–241, title II, §217(a), July 11, 2006, 120 Stat. 525; Pub. L. 112–213, title II, §206, Dec. 20, 2012, 126 Stat. 1546; renumbered §2101, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(13), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116–283 substituted “individual” for “person”.

2018—Pub. L. 115–282 renumbered section 211 of this title as this section.

2012—Subsec. (d). Pub. L. 112–213 added subsec. (d).

2006—Subsec. (a). Pub. L. 109–241 amended subsec. (a) generally. Prior to amendment, subsec. (a) related to Presidential appointment of commissioned officers in the Regular Coast Guard in grades of ensign or above.

1984—Subsec. (a)(2). Pub. L. 98–557 substituted reference to enlisted members for reference to enlisted men.

1966—Subsec. (a)(4). Pub. L. 89–444 substituted “two years” for “four years”.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 88–130, §5, Sept. 24, 1963, 77 Stat. 193, as amended by Pub. L. 89–444, §3, June 9, 1966, 80 Stat. 198, provided that:

“(a) Officers in each grade who have been recommended as qualified for temporary promotion under laws and regulations in effect the day before the effective date of this Act [Sept. 24, 1963] but not promoted to the grade for which they were recommended shall be placed on a list of selectees in order of their precedence, and they shall be promoted as if they had been selected for promotion in the approved report of a selection board convened under this Act [enacting sections 41a, 211 to 214, 251 to 262, 271 to 277, 281 to 294, 321 to 327, 331 to 335, of this title amending sections 42, 44, 46, 47, 190, 433, 759a, and 791 of this title, and enacting provisions set out as notes under sections 262, 285, and 289 of this title, and repealing sections 221 to 248, 301 to 313a, 435 to 437, 439, and 440 of this title, and act Sept. 21, 1961, 75 Stat. 538, set out as a note under section 435 of this title].

“(b) Officers who have been recommended for promotion to the grade of rear admiral under laws and regulations in effect the day before the effective date of this Act but have not been promoted to that grade shall be promoted as if they had been so recommended in the approved report of a selection board convened under this Act.

“(c) The enactment of this Act does not terminate the appointment of any officer.

“(d) An officer of the Regular Coast Guard who on the day before the effective date of this Act had been promoted to and was serving on active duty in a temporary grade higher than his permanent grade shall be considered to have been promoted to that grade under section 271 [now 212] of title 14, United States Code.

“(e) An officer of the Regular Coast Guard who was appointed as a temporary commissioned officer under any provision of law in effect prior to the effective date of this Act and who is serving on active duty shall be considered to have been appointed under section 214 [now 2104] of title 14, United States Code, and subject to the provisions thereof. An officer of the Regular Coast Guard who was appointed as a permanent commissioned officer under any provision of law in effect prior to the effective date of this Act [Sept. 24, 1963], and who is serving on active duty shall be considered to have been appointed under section 211 [now 2101] of title 14, United States Code, and subject to the provisions thereof.

“(f) Each officer who would have been required to retire on June 30, 1962, under the provisions of section 288 [now 2149] of title 14, United States Code, had that section been in 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 [now 2149] 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 [now 2142, 2143, 2144, 2145, or 2149] 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].”

Executive Documents**EX. ORD. NO. 14106. UNITED STATES COAST GUARD
OFFICER PERSONNEL MANAGEMENT**

Ex. Ord. No. 14106, Aug. 14, 2023, 88 F.R. 55905, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to delegate certain functions concerning the appointment, promotion, separation, and retirement of commissioned officers of the United States Coast Guard, it is hereby ordered as follows:

SECTION 1. The Secretary of Homeland Security is directed to perform, without approval, ratification, or other action by the President, the following functions vested in the President:

(a) the authority vested in the President by section 2118(a) of title 14, United States Code, to approve, modify, or disapprove the report of a selection board;

(b) the authority vested in the President by sections 2118(b) and 2122(a) of title 14, United States Code, to remove a name of an officer from a selection board report or a list of selectees;

(c) the authority vested in the President by section 2101 of title 14, United States Code, to appoint officers from the categories described in section 2101(a)(1) of title 14, United States Code, to the grades of ensign, lieutenant (junior grade), and lieutenant, and to accept the resignations of officers appointed pursuant to section 2101 of title 14, United States Code;

(d) the authority vested in the President by section 2121(e) of title 14, United States Code, to appoint officers in the grades of lieutenant (junior grade) and lieutenant;

(e) the authority vested in the President by section 2104(a) of title 14, United States Code, to make temporary appointments not above lieutenant in the Regular Coast Guard and Coast Guard Reserve;

(f) the authority vested in the President by section 2150(f) of title 14, United States Code, to approve the report of a board convened to recommend for continuation on active duty officers serving in the grade of captain;

(g) the authority vested in the President by section 571(b) of title 10, United States Code, to appoint by commission regular chief warrant officers in the Coast Guard; and

(h) the authority vested in the President by sections 12241(b) and 571(b) of title 10, United States Code, to appoint by commission reserve chief warrant officers in the Coast Guard.

SEC. 2. (a) During a time of war or national emergency, the Secretary of Homeland Security is directed to perform the authority vested in the President by section 2125 of title 14, United States Code, 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, as authorized by section 2125 of title 14, United States Code, without the approval, ratification, or other action by the President.

(b) During a time of war or national emergency, the Secretary of Homeland Security is directed to perform the authority vested in the President by section 3733 of title 14, United States Code, to suspend the operation of subchapter II of chapter 37 of title 14, United States Code, concerning officers of the Coast Guard Reserve without the approval, ratification, or other action by the President.

(c) The authority delegated to the Secretary of Homeland Security by this section may not be exercised during the time of a national emergency declared by the President, unless the exercise of any such authority is specifically directed by the President in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631).

(d) The Secretary of Homeland Security shall ensure that actions taken pursuant to the authority delegated

by this section are accounted for as required by section 401 of the National Emergencies Act (50 U.S.C. 1641).

SEC. 3. All actions heretofore taken by the President with respect to the matters affected by this order and in force at the time of issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 4. As used in this order, the term “functions” embraces duties, powers, responsibilities, authority, or discretion, and the term “perform” may be construed to mean “exercise.”

SEC. 5. Whenever the entire Coast Guard operates as a service in the Navy, the references to the Secretary of Homeland Security in sections 1 and 2 of this order shall be deemed to be references to the Secretary of Defense.

SEC. 6. If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

SEC. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

§ 2102. Active duty promotion list

(a) The Secretary shall maintain a single active duty promotion list of officers of the Coast Guard on active duty in the grades of ensign and above. Reserve officers on active duty, other than pursuant to an active duty agreement executed under section 12311 of title 10, retired officers, and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not be included on the active duty promotion list.

(b) Officers shall be carried on the active duty promotion list in the order of seniority of the grades in which they are serving. Officers serving in the same grade shall be carried in the order of their seniority in that grade. The Secretary may correct any erroneous position on the active duty promotion list that was caused by administrative error.

(c) An individual appointed in the grade of ensign or above in the Regular Coast Guard shall be placed on the active duty promotion list in the order of his date of rank and seniority.

(d) A Reserve officer, other than one excluded by subsection (a), shall, when he enters on active duty, be placed on the active duty promotion list in accordance with his grade and seniority. The position of such a Reserve officer among other officers of the Coast Guard on active duty who have the same date of rank shall be determined by the Secretary.

(Added Pub. L. 88-130, §1(1), Sept. 24, 1963, 77 Stat. 174, §41a; amended Pub. L. 91-278, §1(2), June 12, 1970, 84 Stat. 304; Pub. L. 93-174, §1(1),

Dec. 5, 1973, 87 Stat. 692; Pub. L. 97–136, §6(a), Dec. 29, 1981, 95 Stat. 1706; Pub. L. 103–206, title II, §205(a), Dec. 20, 1993, 107 Stat. 2422; Pub. L. 103–337, div. A, title XVI, §1677(b)(1), Oct. 5, 1994, 108 Stat. 3019; renumbered §2102, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(14), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c). Pub. L. 116–283 substituted “An individual” for “A person”.

2018—Pub. L. 115–282 renumbered section 41a of this title as this section.

1994—Subsec. (a). Pub. L. 103–337 substituted “section 12311 of title 10” for “section 679 of title 10”.

1993—Subsec. (b). Pub. L. 103–206 struck out before period at end of second sentence “, except that the rear admiral serving as Chief of Staff shall be the senior rear admiral for all purposes other than pay”.

1981—Subsec. (a). Pub. L. 97–136, §6(a)(1), substituted “Reserve officers on active duty, other than pursuant to an active duty agreement executed under section 679 of title 10, retired officers, and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not” for “Retired officers and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not be included on the active duty promotion list. Reserve officers on extended active duty, other than those serving in connection with organizing, administering, recruiting, instructing, or training the Reserve components or assigned to the Selective Service System, shall”.

Subsec. (b). Pub. L. 97–136, §6(a)(2), inserted exception that rear admiral serving as Chief of Staff shall be senior rear admiral for all purposes other than pay.

Subsec. (d). Pub. L. 97–136, §6(a)(3), substituted “enters on active duty” for “enters on extended active duty”.

1973—Subsec. (a). Pub. L. 93–174 substituted “Retired officers and officers” for “Retired officers, officers” and struck out “, and officers of the Women’s Reserve” after “Coast Guard Academy”.

1970—Subsec. (a). Pub. L. 91–278 inserted “or assigned to the Selective Service System” after “components” in last sentence.

Statutory Notes and Related Subsidiaries

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.

§ 2103. Number and distribution of commissioned officers on active duty promotion list

(a) MAXIMUM TOTAL NUMBER.—

(1) IN GENERAL.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed—

- (A) 7,100 in fiscal year 2022;
- (B) 7,200 in fiscal year 2023;
- (C) 7,300 in fiscal year 2024; and
- (D) 7,400 in fiscal year 2025 and each subsequent fiscal year.

(2) TEMPORARY INCREASE.—Notwithstanding paragraph (1), the Commandant may temporarily increase the total number of commissioned officers permitted under such paragraph by up to 4 percent for not more than 60 days after the date of the commissioning of a Coast Guard Academy class.

(3) NOTIFICATION.—Not later than 30 days after exceeding the total number of commissioned officers permitted under paragraphs (1) and (2), and each 30 days thereafter until the total number of commissioned officers no longer exceeds the number of such officers permitted under paragraphs (1) and (2), the Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the number of officers on the active duty promotion list on the last day of the preceding 30-day period.

(b) DISTRIBUTION PERCENTAGES BY GRADE.—

(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

(c) COMPUTATIONS.—

(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of vice admiral serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers author-

ized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 497, § 42; July 20, 1956, ch. 647, § 2, 70 Stat. 588; Pub. L. 86-474, § 1(2), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, § 1(2), Sept. 24, 1963, 77 Stat. 174; Pub. L. 89-444, § 1(2), June 9, 1966, 80 Stat. 195; Pub. L. 90-385, July 5, 1968, 82 Stat. 293; Pub. L. 92-451, § 1(2), Oct. 2, 1972, 86 Stat. 755; Pub. L. 93-174, § 1(2), Dec. 5, 1973, 87 Stat. 692; Pub. L. 96-23, § 4, June 13, 1979, 93 Stat. 68; Pub. L. 97-417, § 2(2), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 97-449, § 5(b), Jan. 12, 1983, 96 Stat. 2442; Pub. L. 98-557, § 25(a)(1), Oct. 30, 1984, 98 Stat. 2872; Pub. L. 99-145, title V, § 514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 103-206, title II, § 201, Dec. 20, 1993, 107 Stat. 2420; Pub. L. 108-293, title II, § 214, Aug. 9, 2004, 118 Stat. 1037; Pub. L. 111-281, title II, § 204(a), Oct. 15, 2010, 124 Stat. 2910; Pub. L. 113-281, title II, § 201, Dec. 18, 2014, 128 Stat. 3024; renumbered § 2103, Pub. L. 115-282, title I, § 112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8217, Jan. 1, 2021, 134 Stat. 4653; Pub. L. 117-263, div. K, title CXII, § 11236(a), Dec. 23, 2022, 136 Stat. 4035.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 6a (July 23, 1947, ch. 301, § 1, 61 Stat. 409).

The only change is in phraseology in the second sentence, it being necessary to include the extra numbers authorized by the act of July 23, 1947, in the figure given as the present number of extra numbers in the Coast Guard. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263 amended subsec. (a) generally. Prior to amendment, text read as follows: “The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,900; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.”

2021—Subsec. (c)(3). Pub. L. 116-283 substituted “vice admiral” for “rear admiral (lower half)”.

2018—Pub. L. 115-282 renumbered section 42 of this title as this section.

2014—Subsec. (a). Pub. L. 113-281 substituted “6,900” for “7,200”.

2010—Pub. L. 111-281 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (e) relating to number and distribution of commissioned officers.

2004—Subsec. (a). Pub. L. 108-293, § 214(1), substituted “6,700 in each fiscal year 2004, 2005, and 2006” for “6,200”.

Subsec. (b). Pub. L. 108-293, § 214(2), substituted “commander 15.0; lieutenant commander 22.0” for “commander 12.0; lieutenant commander 18.0”.

1993—Subsec. (a). Pub. L. 103-206 substituted “6,200” for “6,000”.

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

1984—Subsec. (b). Pub. L. 98-557 substituted “.375” for “.375” in two places.

1983—Subsec. (b). Pub. L. 97-417 substituted “.375; commodore .375;” for “.0.75;” after “rear admiral”.

Subsec. (e). Pub. L. 97-449 substituted “section 324(d) of title 49” for “section 9(d)(1) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657)”.

1979—Subsec. (a). Pub. L. 96-23 substituted “6,000” for “five thousand”.

1973—Subsec. (e). Pub. L. 93-174 substituted “Coast Guard Academy and of the” for “Coast Guard Academy, of the” and struck out “, and of the Women’s Reserve” after “training and reserve components”.

1972—Subsec. (e). Pub. L. 92-451 inserted provision that officers excluded under section 1657(d)(1) of Title 49 shall not be counted in determining authorized strengths.

1968—Subsec. (a). Pub. L. 90-385 substituted “five thousand” for “four thousand”.

1966—Subsec. (a). Pub. L. 89-444 substituted “four thousand” for “three thousand five hundred”.

1963—Pub. L. 88-130 specified percentage of distribution of commissioned officers from rear admiral to lieutenant commander, authorized Secretary to prescribe percentages for lieutenant, lieutenant (junior grade), and ensign, required number in each grade to be computed by applying the applicable percentage to the total number of officers serving on active duty on the date the computation is made, provided that officers not on the active duty promotion list, officers serving as extra numbers in grade, and officers serving with other departments or agencies on a reimbursable basis shall not be counted in determining authorized strengths and that the number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy, of the Reserve, and of the Women’s Reserve shall be prescribed by the Secretary, and struck out provisions which included in the number of commissioned officers the extra numbers in grade which increase the authorized number of line officers upon separation or retirement of the person holding such number, and the members of the permanent commissioned teaching staff of the Coast Guard Academy, distributed commissioned officers in grades in the same percentages as prescribed for the Navy, determined authorized number of officers in the various grades by the actual number on active duty, including permanent, temporary, and reserve officers, but not including extra numbers in the Coast Guard at the date of making the computation, and which provided that no officer be reduced in permanent grade or pay or removed from the active list as a result of any computation of the number of officers in grade.

1960—Pub. L. 86-474 substituted “three thousand five hundred” for “three thousand”.

1956—Act July 20, 1956, substituted “three thousand” for “two thousand two hundred and fifty” and inserted “except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

§ 2104. Appointment of temporary officers

(a) The president may appoint temporary commissioned officers—

(1) 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 holders of licenses issued under chapter 71 of title 46; and

(2) in the Coast Guard Reserve 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 of the Coast Guard Reserve.

(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of individuals so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. An individual 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, §214; 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; Pub. L. 111-281, title II, §211, Oct. 15, 2010, 124 Stat. 2914; renumbered §2104, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(15), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “individuals” for “persons” and “An individual” for “A person”.

2018—Pub. L. 115-282 renumbered section 214 of this title as this section.

2010—Subsec. (a). Pub. L. 111-281 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “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 officers of the United States merchant marine.”

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.

Statutory Notes and Related Subsidiaries

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

Pub. L. 93-283, §2, May 14, 1974, 88 Stat. 141, provided that: “Paragraphs (5) and (8) of section 1 of this Act [amending this section and section 288 of this title] are effective as of the original date of enactment [Sept. 24, 1963] of the sections thereby amended.”

TEMPORARY APPOINTMENTS PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(e) of Pub. L. 88-130 considering officers appointed with temporary commissions prior to Sept. 24, 1963, as appointed under this section, are set out as a note under section 2101 of this title.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section to make temporary appointments not above lieu-

tenant in the Regular Coast Guard and Coast Guard Reserve delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, §1(e), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

§ 2105. Rank of warrant officers

(a) Among warrant officer grades, warrant officers of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

(b) Warrant officers shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in the Coast Guard in such grade. Precedence among warrant officers of the same grade who have the same date of commission shall be determined by regulations prescribed by the Secretary.

(Added Pub. L. 103-337, div. A, title V, §541(e)(1), Oct. 5, 1994, 108 Stat. 2766, §215; renumbered §2105, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 215 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

§ 2106. Selection boards; convening of boards

At least once a year and at such other times as the needs of the service require, the Secretary shall convene selection boards to recommend for promotion to the next higher grade officers on the active duty promotion list in each grade from lieutenant (junior grade) through captain, with separate boards for each grade. However, the Secretary is not required to convene a board to recommend officers for promotion to a grade when no vacancies exist in the grade concerned, and he estimates that none will occur in the next twelve months.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 178, §251; renumbered §2106, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 251 of this title as this section.

§ 2107. Selection boards; composition of boards

A board convened under section 2106 of this title shall consist of five or more officers on the active duty promotion list who are serving in or above the grade to which the board may recommend officers for promotion. No officer may be a member of two successive boards convened to consider officers of the same grade for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §252; renumbered §2107 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 2106” for “section 251”.

Pub. L. 115-282, §112(b), renumbered section 252 of this title as this section.

§ 2108. Selection boards; notice of convening; communication with board

(a) Before a board is convened under section 2106 of this title, notice of the convening date, the promotion zone to be considered, and the officers eligible for consideration shall be given to the service at large.

(b) Each officer eligible for consideration by a selection board convened under section 2106 of this title may send a communication through official channels to the board, to arrive not later than the date the board convenes, inviting attention to any matter of record in the armed forces concerning such officer. A communication sent under this section may not criticize any officer or reflect upon the character, conduct, or motive of any officer.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §253; amended Pub. L. 89-444, §1(15), June 9, 1966, 80 Stat. 196; Pub. L. 111-281, title II, §212(1), Oct. 15, 2010, 124 Stat. 2914; renumbered §2108 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8506(b), Jan. 1, 2021, 134 Stat. 4752.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “such officer” for “himself”.

2018—Pub. L. 115-282, §112(b), renumbered section 253 of this title as this section.

Subsecs. (a), (b). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251”.

2010—Subsec. (a). Pub. L. 111-281 inserted “and” after “zone to be considered,” and struck out “, and the number of officers the board may recommend for promotion” after “eligible for consideration”.

1966—Subsec. (a). Pub. L. 89-444 added officers eligible for consideration to list of items for which notice must be given to the service at large before a board is convened under section 251 of this title.

§ 2109. Selection boards; oath of members

Each member of a selection board shall swear—

(1) that the member will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon the member; and

(2) an oath in accordance with section 931.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §254; amended Pub. L. 112-213, title II, §207, Dec. 20, 2012, 126 Stat. 1546; renumbered §2109 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 254 of this title as this section.

Par. (2). Pub. L. 115-282, §123(b)(2), substituted “section 931” for “section 635”.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “Each member of a selection board shall swear that he will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon him.”

§ 2110. Number of officers to be selected for promotion

Before convening a board under section 2106 of this title to recommend officers for promotion to any grade, the Secretary shall determine the total number of officers to be selected for promotion to that grade. This number shall be equal to the number of vacancies existing in the grade, plus the number of additional vacancies estimated for the next twelve months, less the number of officers on the selection list for the grade.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §255; renumbered §2110 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 2106” for “section 251”.

Pub. L. 115-282, §112(b), renumbered section 255 of this title as this section.

§ 2111. Promotion zones

(a) Before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade) and below rear admiral (lower half), the Secretary shall establish a promotion zone for the grade to be considered. The promotion zone for each grade shall consist of the most senior officers of that grade on the active duty promotion list who are eligible for consideration for promotion to the next higher grade and who have not previously been placed in a promotion zone for selection for promotion to the next higher grade. The number of officers in each zone shall be determined after considering—

- (1) the needs of the service;
- (2) the estimated numbers of vacancies available in future years to provide comparable opportunity for promotion of officers in successive year groups; and
- (3) the extent to which current terms of service in that grade conform to a desirable career promotion pattern.

However, such number of officers shall not exceed the number to be selected for promotion divided by one-half.

(b) Promotion zones from which officers will be selected for promotion to the grade of rear admiral (lower half) shall be established by the Secretary as the needs of the service require.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §256; amended Pub. L. 89-444, §1(16),

June 9, 1966, 80 Stat. 196; Pub. L. 97-417, §2(3), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 99-661, div. A, title XIII, §1343(c), Nov. 14, 1986, 100 Stat. 3995; renumbered §2111 and amended Pub. L. 115-282, title I, §112(b), title III, §312, Dec. 4, 2018, 132 Stat. 4216, 4249.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282, §112(b), renumbered section 256 of this title as this section.

Subsec. (a). Pub. L. 115-282, §312, substituted “one-half.” for “six-tenths.” in concluding provisions.

1986—Subsec. (b). Pub. L. 99-661 substituted “rear admiral (lower half)” for “commodore”.

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

1983—Subsecs. (a), (b). Pub. L. 97-417 substituted “commodore” for “rear admiral”.

1966—Subsec. (a). Pub. L. 89-444 limited promotion zone by requiring that list of officers under consideration be officers eligible for consideration for promotion to next higher grade.

§ 2112. Promotion year; defined

For the purposes of this chapter, “promotion year” means the period which commences on July 1 of each year and ends on June 30 of the following year.

(Added Pub. L. 94-546, §1(17), Oct. 18, 1976, 90 Stat. 2520, §256a; renumbered §2112, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 256a of this title as this section.

§ 2113. Eligibility of officers for consideration for promotion

(a) An officer on the active duty promotion list becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

- (1) two years in the grade of lieutenant (junior grade);
- (2) three years in the grade of lieutenant;
- (3) four years in the grade of lieutenant commander;
- (4) four years in the grade of commander; and
- (5) three years in the grade of captain.

(b) For the purpose of this section, service in a grade includes all qualifying service in that grade or a higher grade, under either a temporary or permanent appointment. However, service in a grade under a temporary service appointment under section 2125 of this title is considered as service only in the grade that the officer concerned would have held had he not been so appointed.

(c) No officer may become eligible for consideration for promotion until all officers of his grade senior to him are so eligible.

(d) Except when his name is on a list of selectees, each officer who becomes eligible for consideration for promotion to the next higher grade remains eligible so long as he—

- (1) continues on active duty; and
- (2) is not promoted to that grade.

(e) An officer whose involuntary retirement or separation is deferred under section 2156 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment.

(f) The Secretary may waive subsection (a) to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

(g)(1) Notwithstanding subsection (a), the Commandant may provide that an officer may, upon the officer's request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 2106.

(2) The Commandant shall approve a request under paragraph (1) only if—

(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §257; amended Pub. L. 94-546, §1(19), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 98-557, §17(b)(1), Oct. 30, 1984, 98 Stat. 2867; Pub. L. 109-241, title II, §203, July 11, 2006, 120 Stat. 520; renumbered §2113 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8202(a), Jan. 1, 2021, 134 Stat. 4642.)

Editorial Notes

AMENDMENTS

2021—Subsec. (g). Pub. L. 116-283 added subsec. (g).
 2018—Pub. L. 115-282, §112(b), renumbered section 257 of this title as this section.
 Subsec. (b). Pub. L. 115-282, §123(b)(2), substituted “section 2125” for “section 275”.
 Subsec. (e). Pub. L. 115-282, §123(b)(2), substituted “section 2156” for “section 295”.
 2006—Subsec. (f). Pub. L. 109-241 added subsec. (f).
 1984—Subsec. (e). Pub. L. 98-557 added subsec. (e).
 1976—Subsec. (a). Pub. L. 94-546, §1(19)(a), substituted “promotion year” for “fiscal year”.
 Subsec. (d). Pub. L. 94-546, §1(19)(b), struck out cl. (3) “if serving in a grade below captain, has not twice failed of selection for promotion to the next higher grade.”

§ 2114. United States Deputy Marshals in Alaska

Commissioned officers may be appointed as United States Deputy Marshals in Alaska.

(Added Pub. L. 115-282, title I, §112(c)(3), Dec. 4, 2018, 132 Stat. 4221.)

§ 2115. Selection boards; information to be furnished boards

(a) IN GENERAL.—The Secretary shall furnish the appropriate selection board convened under section 2106 of this title with—

(1) the number of officers that the board may recommend for promotion to the next higher grade;

(2) the names and records of all officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion; and

(3) in the case of an eligible officer considered for promotion to a rank above lieutenant, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry and any information placed in the personnel service record of the officer under section 1745(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1561 note), shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary.

(b) PROVISION OF DIRECTION AND GUIDANCE.—

(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 2106 of this title.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180, §258; amended Pub. L. 89-444, §1(17), June 9, 1966, 80 Stat. 196; Pub. L. 104-324, title II, §212, Oct. 19, 1996, 110 Stat. 3915; Pub. L. 111-281, title II, §212(2), Oct. 15, 2010, 124 Stat. 2914; renumbered §2115 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 117-263, div. K, title CXII, §11245(a), Dec. 23, 2022, 136 Stat. 4043.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(3). Pub. L. 117-263 added par. (3).
 2018—Pub. L. 115-282, §112(b), renumbered section 258 of this title as this section.
 Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251” in introductory provisions.
 Subsec. (b)(2). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251”.
 2010—Pub. L. 111-281 designated existing provisions as subsec. (a), inserted heading, substituted “with—” for

“with:” in introductory provisions, and added subsec. (b).

1996—Cl. (2). Pub. L. 104-324 struck out “, with identification of those officers who are in the promotion zone” after “officers for promotion”.

1966—Pub. L. 89-444 substituted “officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion” for “officers to be considered by the board” in cl. 2.

§ 2116. Officers to be recommended for promotion

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 2115 of this title, considers best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(b) The number of officers that a board convened under section 2106 of this title may recommend for promotion to a grade below rear admiral (lower half) from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

(1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;

(2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and

(3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.

(c)(1) In selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed three times the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date on which the Secretary

publishes a finding, based upon the results of the survey, that implementation of this subsection will improve Coast Guard officer retention.

(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180, §259; amended Pub. L. 97-417, §2(4), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 107-295, title III, §313(1), Nov. 25, 2002, 116 Stat. 2102; Pub. L. 111-281, title II, §212(3), Oct. 15, 2010, 124 Stat. 2915; Pub. L. 112-213, title II, §217(3), Dec. 20, 2012, 126 Stat. 1557; renumbered §2116 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 117-263, div. K, title CXII, §11238, Dec. 23, 2022, 136 Stat. 4037.)

Editorial Notes

AMENDMENTS

2022—Subsec. (c)(1). Pub. L. 117-263 inserted “three times” after “may not exceed”.

2018—Pub. L. 115-282, §112(b), renumbered section 259 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2115” for “section 258”.

Subsec. (b). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251” in introductory provisions.

Subsec. (c)(1). Pub. L. 115-282, §123(b)(2), substituted “section 2121(a)” for “section 271(a)”.

2012—Subsec. (c)(1). Pub. L. 112-213 substituted “In selecting” for “After selecting”.

2010—Subsec. (a). Pub. L. 111-281 inserted “, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,” after “whom the board”.

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

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

1983—Subsec. (b). Pub. L. 97-417 substituted “commodore” for “real admiral”.

§ 2117. Selection boards; reports

(a) Each board convened under section 2106 of this title shall submit a report in writing, signed by all the members thereof, containing the names of the officers recommended for promotion and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 2121(a) of this title.

(b) A board convened under section 2106 of this title shall certify that, in the opinion of at least a majority of the members if the board has five members, or in the opinion of at least two-thirds of the members if the board has more than five members, the officers recommended for promotion are the best qualified for promotion to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 2115 of this title) of those officers whose names have been furnished to the board.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180, §260; amended Pub. L. 107-295, title III,

§ 313(2), Nov. 25, 2002, 116 Stat. 2103; Pub. L. 111-281, title II, § 212(4), Oct. 15, 2010, 124 Stat. 2915; renumbered § 2117 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 260 of this title as this section.

Subsec. (a). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251” and “section 2121(a)” for “section 271(a)”.

Subsec. (b). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251” and “section 2115” for “section 258”.

2010—Subsec. (b). Pub. L. 111-281 inserted “to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)” after “qualified for promotion”.

2002—Subsec. (a). Pub. L. 107-295 inserted “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” before period at end.

§ 2118. Selection boards; submission of reports

(a) A board convened under section 2106 of this title shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review, the Secretary shall submit the report of the board to the President for his approval, modification, or disapproval.

(b) If any officer recommended for promotion is not acceptable to the President, the President may remove the name of that officer from the report of the board.

(c) Upon approval by the President the names of officers selected for promotion by a board convened under section 2106 of this title shall be promptly disseminated to the service at large.

(d) Except as required by this section, the proceedings of a selection board, including a special selection board convened under section 2120, shall not be disclosed to any individual who is not a member of the board.

(e) If the Secretary makes a recommendation under this section that the name of an officer be removed from a report of a selection board and the recommendation is accompanied by information that was not presented to that selection board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 181, § 261; amended Pub. L. 112-213, title II, § 208(b), Dec. 20, 2012, 126 Stat. 1549; renumbered § 2118 and amended Pub. L. 115-282, title I, §§ 112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(16), Jan. 1, 2021, 134 Stat. 4748; Pub. L.

117-263, div. K, title CXII, § 11245(c), Dec. 23, 2022, 136 Stat. 4045.)

Editorial Notes

AMENDMENTS

2022—Subsec. (e). Pub. L. 117-263 added subsec. (e).

2021—Subsec. (d). Pub. L. 116-283 substituted “individual who is” for “person”.

2018—Pub. L. 115-282, § 112(b), renumbered section 261 of this title as this section.

Subsecs. (a), (c). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251”.

Subsec. (d). Pub. L. 115-282, § 123(b)(2), substituted “section 2120” for “section 263”.

2012—Subsec. (d). Pub. L. 112-213 substituted “selection board, including a special selection board convened under section 263,” for “selection board”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-213, title II, § 208(e)(1), Dec. 20, 2012, 126 Stat. 1549, provided that: “The amendments made by this section [enacting section 263 of this title and amending this section and section 262 of this title] shall take effect on the date of enactment of this Act [Dec. 20, 2012] and the Secretary may convene a special selection board on or after that date under section 263 [now 2120] of title 14, United States Code, with respect to any error or other action for which such a board may be convened if that error or other action occurred on or after the date that is 1 year before the date of enactment of this Act.”

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsecs. (a) and (b) of this section to approve, modify, or disapprove the report of a selection board, and to remove a name of an officer from a selection board report, respectively, delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, § 1(a), (b), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

§ 2119. Failure of selection for promotion

An officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade under section 2111 of this title, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 181, § 262; amended Pub. L. 112-213, title II, § 208(c), Dec. 20, 2012, 126 Stat. 1549; renumbered § 2119 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 2111” for “section 256”.

Pub. L. 115-282, § 112(b), renumbered section 262 of this title as this section.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) describing failure of selection for promotion with an exception made if an officer was not considered because of administrative error.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2012 AMENDMENT**

Amendment by Pub. L. 112-213 effective Dec. 20, 2012, with provision for convening a special selection board for certain errors occurring on or after the date that is 1 year before Dec. 20, 2012, see section 208(e)(1) of Pub. L. 112-213, set out as a note under section 2118 of this title.

PLACEMENT OUT OF LINE OF PROMOTION PRIOR TO SEPTEMBER 24, 1963

Pub. L. 88-130, §2(a), (b), Sept. 24, 1963, 77 Stat. 190, provided that:

“(a) Officers who have been placed permanently out of line of promotion under laws and regulations of the Secretary in effect the day before the effective date of this Act [Sept. 24, 1963] shall be considered as having failed of selection for promotion to the next higher grade for the second time on the day before the effective date of this Act, and shall be subject to the provisions of sections 282 through 285 [now 2142 through 2145] of title 14, United States Code, as appropriate. No officer shall be separated from the service under the above provisions prior to the last day of the sixth calendar month following the effective date of this Act.

“(b) Officers who have been placed temporarily out of line of promotion for appointment for temporary service under laws and regulations of the Secretary in effect the day before the effective date of this Act [Sept. 24, 1963] shall be considered as having once failed of selection for promotion to the next higher grade.”

§ 2120. Special selection boards; correction of errors**(a) OFFICERS NOT CONSIDERED DUE TO ADMINISTRATIVE ERROR.—**

(1) **IN GENERAL.**—If the Secretary determines that as the result of an administrative error—

(A) an officer or former officer was not considered for selection for promotion by a selection board convened under section 2106; or

(B) the name of an officer or former officer was not placed on an all-fully-qualified-officers list;

the Secretary shall convene a special selection board to determine whether such officer or former officer should be recommended for promotion and such officer or former officer shall not be considered to have failed of selection for promotion prior to the consideration of the special selection board.

(2) **EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.**—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is below the grade of captain and whose name was referred to that board for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—

(1) **IN GENERAL.**—In the case of an officer or former officer who was eligible for promotion, was considered for selection for promotion by a selection board convened under section 2106, and was not selected for promotion by that board, the Secretary may convene a special selection board to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

(A) an action of the selection board that considered the officer or former officer—

(i) was contrary to law in a matter material to the decision of the board; or

(ii) involved material error of fact or material administrative error; or

(B) the selection board that considered the officer or former officer did not have before it for consideration material information.

(2) **EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.**—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is that of commander or below and whose name was referred to that board for consideration, the officer or former officer shall be considered—

(A) to have failed of selection for promotion with respect to the board that considered the officer or former officer prior to the consideration of the special selection board; and

(B) to incur no additional failure of selection for promotion as a result of the action of the special selection board.

(c) **REQUIREMENTS FOR SPECIAL SELECTION BOARDS.**—Each special selection board convened under this section shall—

(1) be composed in accordance with section 2107 and the members of the board shall be required to swear the oaths described in section 2109;

(2) consider the record of an applicable officer or former officer as that record, if corrected, would have appeared to the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board and that record shall be compared with a sampling of the records of—

(A) those officers of the same grade who were recommended for promotion by such prior selection board; and

(B) those officers of the same grade who were not recommended for promotion by such prior selection board; and

(3) submit to the Secretary a written report in a manner consistent with sections 2117 and 2118.

(d) **APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.**—

(1) **IN GENERAL.**—An officer or former officer whose name is placed on a promotion list as a result of the recommendation of a special selection board convened under this section shall be appointed, as soon as practicable, to the next higher grade in accordance with the law and policies that would have been applicable to the officer or former officer had the officer or former officer been recommended for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

(2) **EFFECT.**—An officer or former officer who is promoted to the next higher grade as a result of the recommendation of a special selection board convened under this section shall have, upon such promotion, the same date of

rank, the same effective date for the pay and allowances of that grade, and the same position on the active duty promotion list as the officer or former officer would have had if the officer or former officer had been recommended for promotion to that grade by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

(3) **RECORD CORRECTION.**—If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not eligible for promotion or a former officer whose name was referred to the board for consideration, the Secretary may act under section 1552 of title 10 to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from the officer or former officer not being selected for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

(e) **APPLICATION PROCESS AND TIME LIMITS.**—The Secretary shall issue regulations regarding the process by which an officer or former officer may apply to have a matter considered by a special selection board convened under this section, including time limits related to such applications.

(f) **LIMITATION OF OTHER JURISDICTION.**—No official or court of the United States shall have authority or jurisdiction over any claim based in any way on the failure of an officer or former officer to be selected for promotion by a selection board convened under section 2106, until—

(1) the claim has been referred to a special selection board convened under this section and acted upon by that board; or

(2) the claim has been rejected by the Secretary without consideration by a special selection board convened under this section.

(g) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—A court of the United States may review—

(A) a decision of the Secretary not to convene a special selection board under this section to determine if the court finds that the decision of the Secretary was arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law; and

(B) an action of a special selection board under this section to determine if the court finds that the action of the special selection board was contrary to law or involved material error of fact or material administrative error.

(2) **REMAND AND RECONSIDERATION.**—If, with respect to a review under paragraph (1), a court makes a finding described in subparagraph (A) or (B) of that paragraph, the court shall remand the case to the Secretary and the Secretary shall provide the applicable officer or former officer consideration by a new special selection board convened under this section.

(h) **DESIGNATION OF BOARDS.**—The Secretary may designate a selection board convened under

section 2106 as a special selection board convened under this section. A selection board so designated may function in the capacity of a selection board convened under section 2106 and a special selection board convened under this section.

(Added Pub. L. 112-213, title II, § 208(a), Dec. 20, 2012, 126 Stat. 1546, § 263; renumbered § 2120 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 263 of this title as this section.

Subsec. (a)(1)(A). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251”.

Subsec. (b)(1). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251” in introductory provisions.

Subsec. (c)(1). Pub. L. 115-282, § 123(b)(2), substituted “section 2107” for “section 252” and “section 2109” for “section 254”.

Subsec. (c)(3). Pub. L. 115-282, § 123(b)(2), substituted “sections 2117 and 2118” for “sections 260 and 261”.

Subsec. (f). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251” in introductory provisions.

Subsec. (h). Pub. L. 115-282, § 123(b)(2), substituted “section 2106” for “section 251” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 20, 2012, with provision for convening a special selection board for certain errors occurring on or after the date that is 1 year before Dec. 20, 2012, see section 208(e)(1) of Pub. L. 112-213, set out as an Effective Date of 2012 Amendment note under section 2118 of this title.

§ 2120a. Special selection review boards

(a) **IN GENERAL.**—(1) If the Secretary determines that a person recommended by a promotion board for promotion to a grade at or below the grade of rear admiral is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 2115(a)(3) of this title that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

(B) shall not be forwarded to the President or the Senate, as applicable, or included on a promotion list under section 2121 of this title.

(b) **CONVENING.**—(1) Any special selection review board convened under this section shall be

convened in accordance with the provisions of section 2120(c) of this title.

(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary shall specify in convening such special selection review board.

(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

(A) The record and information concerning the person furnished in accordance with section 2115 of this title to the promotion board that recommended the person for promotion.

(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 2115(a)(3) of this title.

(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in section 2115 of this title.

(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary shall ensure that—

(i) such information is made available to the person; and

(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

(B) If information on a person described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

(I) such information was made available to the person in connection with the furnishing of such information under section 2115(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

(II) the person submitted comments on such information to that promotion board.

(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

(D) A person may waive either or both of the following:

(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

(2) The provisions of sections 2117(a) of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 2106 of this title.

(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with section 2121 of this title.

(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

(g) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(h) PROMOTION BOARD DEFINED.—In this section, the term “promotion board” means a selection board convened by the Secretary under section 2106 of this title.

(Added Pub. L. 117-263, div. K, title CXII, § 11245(b)(1), Dec. 23, 2022, 136 Stat. 4043.)

§ 2121. Promotions; appointments

(a) When the report of a board convened to recommend officers for promotion has been approved by the President, the Secretary shall place the names of all officers selected and approved on a list of selectees in the order of their seniority on the active duty promotion list. The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.

(b) Officers on the list of selectees may be promoted by appointment in the next higher grade to fill vacancies in the authorized active duty strength of the grade as determined under section 2103 of this title after officers on any previous list of selectees for that grade have been promoted. Officers shall be promoted in the order that their names appear on the list of selectees. The date of rank of an officer promoted under this subsection shall be the date of his appointment in that grade.

(c) An officer serving on active duty in the grade of ensign may, if found fully qualified for promotion in accordance with regulations prescribed by the Secretary, be promoted to the grade of lieutenant (junior grade) by appointment after he has completed twelve months' active service in grade. The date of rank of an officer promoted under this subsection shall be the date of his appointment in the grade of lieutenant (junior grade) as specified by the Secretary.

(d) When a vacancy in the grade of rear admiral occurs, the senior rear admiral (lower half) serving on the active duty promotion list shall be appointed by the President, by and with the advice and consent of the Senate, to fill the vacancy. The appointment shall be effective on the date the vacancy occurred.

(e) Appointments of regular officers under this section shall be made by the President, by and with the advice and consent of the Senate except that advice and consent is not required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant. Appointments of Reserve officers shall be made as prescribed in section 12203 of title 10.

(f)(1) The promotion of an officer may be delayed without prejudice if any of the following applies:

(A) The officer is under investigation or proceedings of a court-martial or a board of officers are pending against the officer.

(B) A criminal proceeding in a Federal or State court is pending against the officer.

(C) The Secretary determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 2115(a)(3), with respect to the officer will result in the convening of a special selection review board under section 2120a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.

(2)(A) Subject to subparagraph (B), a promotion may be delayed under this subsection until, as applicable—

(i) the completion of the investigation or proceedings described in subparagraph (A);

(ii) a final decision in the proceeding described in subparagraph (B) is issued; or

(iii) the special selection review board convened under section 2120a of this title issues recommendations with respect to the officer.

(B) Unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted.

(3) An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 181, § 271; amended Pub. L. 91-278, § 1(8), June 12, 1970, 84 Stat. 305; Pub. L. 97-417, § 2(5), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-145, title V, § 514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 101-225, title II, § 203(2), Dec. 12, 1989, 103 Stat. 1911; Pub. L. 103-337, div. A, title XVI, § 1677(b)(2), Oct. 5, 1994, 108 Stat. 3020; Pub. L. 107-295, title III, § 313(3), Nov. 25, 2002, 116 Stat. 2103; renumbered § 2121 and amended Pub. L. 115-282, title I, §§ 112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 117-263, div. K, title CXII, § 11245(d), Dec. 23, 2022, 136 Stat. 4046.)

Editorial Notes

AMENDMENTS

2022—Subsec. (f). Pub. L. 117-263 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “The promotion of an officer who is under investigation or against whom proceedings of a court-martial or a board of officers are pending may be delayed without prejudice by the Secretary until completion of the investigation or proceedings. However, unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted. An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.”

2018—Pub. L. 115-282, § 112(b), renumbered section 271 of this title as this section.

Subsec. (b). Pub. L. 115-282, § 123(b)(2), substituted “section 2103” for “section 42”.

2002—Subsec. (a). Pub. L. 107-295 inserted at end “The names of all officers approved by the President and rec-

ommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”

1994—Subsec. (e). Pub. L. 103-337 substituted “section 12203 of title 10” for “section 593 of title 10”.

1989—Subsec. (e). Pub. L. 101-225 inserted “except that advice and consent is not required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant” before the period at end of first sentence.

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

1983—Subsec. (c). Pub. L. 97-417, §2(5)(A), inserted a comma after “ensign may”.

Subsecs. (d) to (f). Pub. L. 97-417, §2(5)(B), (C), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

1970—Subsec. (c). Pub. L. 91-278 substituted “twelve” for “eighteen”.

Statutory Notes and Related Subsidiaries

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.

RULE OF CONSTRUCTION

Pub. L. 112-213, title II, §208(e)(2), Dec. 20, 2012, 126 Stat. 1549, provided that: “Sections 271, 272, and 273 [now 2121, 2122, and 2123] of title 14, United States Code, apply to the activities of—

“(A) a selection board convened under section 251 [now 2106] of such title; and

“(B) a special selection board convened under section 263 [now 2120] of such title.”

PERMANENT GRADES AND TITLES FOR OFFICERS HOLDING CERTAIN GRADES ON JANUARY 3, 1983

Pub. L. 97-417, §4, Jan. 4, 1983, 96 Stat. 2087, provided that:

“(a) An officer of the Coast Guard who on the day before the effective date of this Act [Jan. 4, 1983]—

“(1) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half; or

“(2) was serving on active duty in the grade of admiral or vice admiral,

shall after that date hold the permanent grade of rear admiral.

“(b) An officer who on the day before the effective date of this Act [Jan. 4, 1983] was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half shall after that date hold the permanent grade of commodore, but shall retain the title of rear admiral.

“(c) An officer who on the day before the effective date of this Act [Jan. 4, 1983] was on an approved list of officers recommended for promotion to the grade of rear admiral shall, upon promotion, hold the grade of commodore with the title of rear admiral.

“(d) An officer who on the day before the effective date of this Act [Jan. 4, 1983]—

“(1) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half; or

“(2) was on an approved list of officers recommended for promotion to the grade of rear admiral,

shall, on and after the effective date of this Act, or in the case of an officer on such a list, upon promotion to the grade of commodore, be entitled to wear the uniform and insignia of a rear admiral.

“(e) An officer of the Coast Guard who on the day before the effective date of this Act [Jan. 4, 1983] held the grade of rear admiral on the retired list retains the grade of rear admiral and is entitled after that date to

wear the uniform and insignia of a rear admiral. Such an officer, when ordered to active duty—

“(1) holds the grade and has the right to wear the uniform and insignia of a rear admiral; and

“(2) ranks among commissioned officers of the Armed Forces as and is entitled to the basic pay of—

“(A) a commodore, if his retired pay was based on the basic pay of a rear admiral of the lower half on the day before the effective date of this Act; or

“(B) a rear admiral, if his retired pay was based on the basic pay of a rear admiral of the upper half on the day before the effective date of this Act.

“(f) Unless entitled to a higher grade under another provision of law, an officer who on the day before the effective date of this Act [Jan. 4, 1983]—

“(1) was serving on active duty, and

“(2) held the grade of rear admiral;

and who retires on or after the effective date of this Act, retires in the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral. If such an officer is ordered to active duty after his retirement, he is considered, for the purposes of determining his pay, uniform, insignia, and rank among other commissioned officers, as having held the grade of rear admiral on the retired list on the day before the effective date of this Act.”

TEMPORARY GRADES AND RECOMMENDATIONS FOR PROMOTIONS IN EFFECT PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(a), (b), and (d) of Pub. L. 88-130, protecting officers recommended for promotion or serving in temporary grade higher than permanent grade, are set out as a note under section 2101 of this title.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (e) of this section to appoint officers in the grades of lieutenant (junior grade) and lieutenant delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, §1(d), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

§ 2122. Removal of officer from list of selectees for promotion

(a) The President may remove the name of any officer from a list of selectees established under section 2121 of this title.

(b) If the Senate does not consent to the appointment of an officer whose name is on a list of selectees established under section 2121 of this title, that officer's name shall be removed from this list.

(c) An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is selected for promotion by the next selection board and promoted, he shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held if his name had not been removed. However, if the officer is not selected by the next selection board or if his name is again removed from the list of selectees, he shall be considered for all purposes as having twice failed of selection for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 182, §272; renumbered §2122 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 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-

missioned service on the same date, and the decision of the Secretary in this regard is conclusive.

(Added Pub. L. 89-444, §1(20), June 9, 1966, 80 Stat. 197, §373; amended Pub. L. 94-546, §1(28), Oct. 18, 1976, 90 Stat. 2521; renumbered §2129 and amended Pub. L. 115-282, title I, §112(b), title III, §313, Dec. 4, 2018, 132 Stat. 4216, 4249.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 373 of this title as this section.

Subsec. (a). Pub. L. 115-282, §313, inserted “designated under section 2317” after “cadet”.

1976—Subsec. (a). Pub. L. 94-546 substituted reference to section 2003 of title 10 for reference to section 6023(b) of title 10.

§ 2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant

(a) IN GENERAL.—An officer in the grade of lieutenant (junior grade), lieutenant, lieutenant commander, or commander who is described in subsection (b) may be temporarily promoted to the grade of lieutenant, lieutenant commander, commander, or captain under regulations prescribed by the Secretary. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

(1) has a skill in which the Coast Guard has a critical shortage of personnel (as determined by the Secretary); and

(2) is serving in a position (as determined by the Secretary) that—

(A) is designated to be held by a lieutenant, lieutenant commander, commander, or captain; and

(B) requires that an officer serving in such position have the skill possessed by such officer.

(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—

(1) The temporary positions authorized under this section shall not be counted among or included in the list of positions on the active duty promotion list.

(2) An appointment under this section does not change the position on the active duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary for the purpose of recommending officers for such promotions.

(e) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member

so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section beginning on the date the appointment is made.

(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant, lieutenant commander, commander, or captain;

(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of lieutenant, lieutenant commander, commander, or captain, in which case the appointment terminates on the date the officer is promoted to that grade;

(3) when the appointment officer determines that the officer who received the appointment has engaged in misconduct or has displayed substandard performance; or

(4) when otherwise determined by the Commandant to be in the best interests of the Coast Guard.

(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary for the purposes of this section. The number of positions so designated may not exceed the following percentages of the respective grades:

(1) As lieutenant, 0.5 percent.

(2) As lieutenant commander, 3.0 percent.

(3) As commander, 2.6 percent.

(4) As captain, 2.6 percent.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8203(a), Jan. 1, 2021, 134 Stat. 4643.)

§ 2131. College student pre-commissioning initiative

(a) IN GENERAL.—There is authorized within the Coast Guard a college student pre-commissioning initiative program (in this section referred to as the “Program”) for eligible undergraduate students to enlist and receive a guaranteed commission as an officer in the Coast Guard.

(b) CRITERIA FOR SELECTION.—To be eligible for the Program a student must meet the following requirements upon submitting an application:

(1) AGE.—A student must be not less than 19 years old and not more than 27 years old as of September 30 of the fiscal year in which the Program selection panel selecting such student convenes.

(2) CHARACTER.—

(A) ALL APPLICANTS.—All applicants must be of outstanding moral character and meet other character requirements as set forth by the Commandant.

(B) COAST GUARD APPLICANTS.—An applicant serving in the Coast Guard may not be commissioned if in the 36 months prior to the first Officer Candidate School class convening date in the selection cycle, such applicant was convicted by a court-martial or awarded nonjudicial punishment, or did not meet performance or character requirements set forth by the Commandant.

(3) **CITIZENSHIP.**—A student must be a United States citizen.

(4) **CLEARANCE.**—A student must be eligible for a secret clearance.

(5) **DEPENDENCY.**—

(A) **IN GENERAL.**—A student may not have more than 2 dependents.

(B) **SOLE CUSTODY.**—A student who is single may not have sole or primary custody of dependents.

(6) **EDUCATION.**—

(A) **INSTITUTION.**—A student must be an undergraduate sophomore or junior—

(i) at a historically Black college or university described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

(ii) an undergraduate sophomore or junior enrolled at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that, at the time of application of the sophomore or junior, has had for 3 consecutive years an enrollment of undergraduate full-time equivalent students (as defined in section 312(e) of such Act (20 U.S.C. 1058(e))) that is a total of at least 50 percent Black American, Hispanic, Asian American (as defined in section 371(c) of such Act (20 U.S.C. 1067q(c))), Native American Pacific Islander (as defined in such section), or Native American (as defined in such section), among other criteria, as determined by the Commandant.

(B) **LOCATION.**—The institution at which such student is an undergraduate must be within 100 miles of a Coast guard¹ unit or Coast Guard Recruiting Office unless otherwise approved by the Commandant.

(C) **RECORDS.**—A student must meet credit and grade point average requirements set forth by the Commandant.

(7) **MEDICAL AND ADMINISTRATIVE.**—A student must meet other medical and administrative requirements as set forth by the Commandant.

(c) **ENLISTMENT AND OBLIGATION.**—Individuals selected and accept to participate in the Program shall enlist in the Coast Guard in pay grade E-3 with a 4-year duty obligation and 4-year inactive Reserve obligation.

(d) **MILITARY ACTIVITIES PRIOR TO OFFICER CANDIDATE SCHOOL.**—Individuals enrolled in the Program shall participate in military activities each month, as required by the Commandant, prior to attending Officer Candidate School.

(e) **PARTICIPATION IN OFFICER CANDIDATE SCHOOL.**—Each graduate of the Program shall attend the first enrollment of Officer Candidate School that commences after the date of such graduate's graduation.

(f) **COMMISSIONING.**—Upon graduation from Officer Candidate School, Program graduates shall be discharged from enlisted status and commissioned as an O-1 with an initial 3-year duty obligation.

(g) **BRIEFING.**—

(1) **IN GENERAL.**—Not later than August 15 of each year, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the Program.

(2) **CONTENTS.**—The briefing required under paragraph (1) shall describe—

(A) outreach and recruitment efforts over the previous year; and

(B) demographic information of enrollees including—

(i) race;

(ii) ethnicity;

(iii) gender;

(iv) geographic origin; and

(v) educational institution.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8276(a), Jan. 1, 2021, 134 Stat. 4685.)

SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE

Editorial Notes

PRIOR PROVISIONS

A prior subchapter B of chapter 21 designation and accompanying heading “COMMISSIONED OFFICERS” were repealed by Pub. L. 115-282, title I, §112(c)(1), Dec. 4, 2018, 132 Stat. 4220.

AMENDMENTS

2018—Pub. L. 115-282, title I, §112(c)(4), Dec. 4, 2018, 132 Stat. 4221, inserted subchapter II designation and heading.

§2141. Revocation of commissions during first five years of commissioned service

The Secretary, under such regulations as he may prescribe, may revoke the commission of any regular officer on active duty who, at the date of such revocation, has had less than five years of continuous service as a commissioned officer in the Regular Coast Guard.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 183, §281; amended Pub. L. 107-295, title IV, §416(a)(1), Nov. 25, 2002, 116 Stat. 2121; renumbered §2141, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 281 of this title as this section.

2002—Pub. L. 107-295 substituted “five” for “three” in section catchline and text.

§2142. Regular lieutenants (junior grade); separation for failure of selection for promotion

Each officer of the Regular Coast Guard appointed under section 2101 of this title who is serving in the grade of lieutenant (junior grade) and who has failed of selection for promotion to the grade of lieutenant for the second time, shall:

(1) be honorably discharged on June 30 of the promotion year in which his second failure of selection occurs; or

¹ So in original. Probably should be “Guard”.

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he is eligible for retirement under any law, be retired on that date.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 184, §282; amended Pub. L. 94-546, §1(21), Oct. 18, 1976, 90 Stat. 2520; renumbered §2142 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 2101” for “section 211” in introductory provisions.

Pub. L. 115-282, §112(b), renumbered section 282 of this title as this section.

1976—Pub. L. 94-546 substituted “promotion year” for “fiscal year” in cl. (1).

Statutory Notes and Related Subsidiaries

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

EFFECTIVENESS OF ELECTION, CHANGE, OR REVOCATION OF ELECTION OF ANNUITY

Savings provisions in section 5(h) of Pub. L. 88-130 providing that notwithstanding section 1431 of Title 10, Armed Forces, an election, change or revocation thereof affecting an annuity, by an officer retired under this section, is effective if made prior to the first day of the third month following September 1963, are set out as a note under section 2101 of this title.

§ 2143. Regular lieutenants; separation for failure of selection for promotion; continuation

(a) Each officer of the Regular Coast Guard appointed under section 2101 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander for the second time shall:

(1) be honorably discharged on June 30 of the promotion year in which his second failure of selection occurs; or

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date; or

(4) if, on the date specified for his discharge in clause (1), he has completed at least eighteen years of active service, be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

(b)(1) When the needs of the service require, the Secretary may direct a selection board, which has been convened under section 2106 of this title, to recommend for continuation on active duty for terms of not less than two nor

more than four years a designated number of officers of the grade of lieutenant who would otherwise be discharged or retired under this section. When so directed, the board shall recommend for continuation on active duty those officers under consideration who are, in the opinion of the board, best qualified for continuation. Each officer so recommended may, with the approval of the Secretary, and notwithstanding subsection (a), be continued on active duty for the term recommended.

(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

(A) except as provided in subparagraph (B), be honorably discharged with separation pay computed under section 2146 of this title;

(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

(C) if, on the date specified for the officer's discharge under this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.

(c) Each officer who has been continued on active duty under subsection (b) shall, unless earlier removed from active duty, be retired on the last day of the month in which he completes twenty years of active service.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 184, §283; amended Pub. L. 93-283, §1(6), May 14, 1974, 88 Stat. 140; Pub. L. 94-546, §1(22), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 97-295, §2(9), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 104-324, title II, §205, Oct. 19, 1996, 110 Stat. 3907; Pub. L. 107-295, title IV, §416(a)(2), Nov. 25, 2002, 116 Stat. 2121; renumbered §2143 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 283 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2101” for “section 211” in introductory provisions.

Subsec. (b)(1). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251”.

Subsec. (b)(2)(A). Pub. L. 115-282, §123(b)(2), substituted “section 2146” for “section 286”.

2002—Subsec. (b)(2)(A). Pub. L. 107-295 substituted “separation” for “severance”.

1996—Subsec. (b). Pub. L. 104-324 designated existing provisions as par. (1), struck out “Upon the completion of such a term he shall, unless selected for further continuation, be honorably discharged with severance pay computed under section 286 of this title, or, if eligible for retirement under any law, be retired.” at end of par. (1), and added par. (2).

1982—Subsec. (b). Pub. L. 97-295 substituted “of this title” for “of this chapter” after “section 251”.

1976—Subsec. (a)(1). Pub. L. 94-546 substituted “promotion year” for “fiscal year”.

1974—Subsec. (a)(3). Pub. L. 93-283 substituted “he has completed at least 20 years of active service or is eligible” for “he is eligible”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2002 AMENDMENT**

Amendment by Pub. L. 107-295 effective 4 years after Nov. 25, 2002, see section 416(c) of Pub. L. 107-295, set out as a note under section 2146 of this title.

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

EFFECTIVENESS OF ELECTION, CHANGE, OR REVOCATION OF ELECTION OF ANNUITY

Savings provisions in section 5(h) of Pub. L. 88-130 providing that notwithstanding section 1431 of Title 10, Armed Forces, an election, change or revocation thereof affecting an annuity, by an officer retired under this section, is effective if made prior to the first day of the third month following September 1963, are set out as a note under section 2101 of this title.

§ 2144. Regular Coast Guard; officers serving under temporary appointments

(a) Each officer of the Regular Coast Guard appointed under section 2104 of this title who is serving in the grade of lieutenant (junior grade) or lieutenant and who has failed of selection for promotion to the grade of lieutenant or lieutenant commander, respectively, for the second time shall:

(1) be honorably discharged on June 30 of the promotion year in which his second failure of selection occurs; or

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if on the date specified for his discharge in this section he is eligible for retirement under any law, be retired under that law on that date.

(b) Each officer subject to discharge or retirement under subsection (a) may elect to revert to his permanent grade.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 184, § 284; amended Pub. L. 94-546, § 1(23), Oct. 18, 1976, 90 Stat. 2520; renumbered § 2144 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 284 of this title as this section.

Subsec. (a). Pub. L. 115-282, § 123(b)(2), substituted “section 2104” for “section 214” in introductory provisions.

1976—Subsec. (a)(1). Pub. L. 94-546 substituted “promotion year” for “fiscal year”.

Statutory Notes and Related Subsidiaries**RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963**

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

EFFECTIVENESS OF ELECTION, CHANGE, OR REVOCATION OF ELECTION OF ANNUITY

Savings provisions in section 5(h) of Pub. L. 88-130 providing that notwithstanding section 1431 of Title 10,

Armed Forces, an election, change or revocation thereof affecting an annuity, by an officer retired under this section, is effective if made prior to the first day of the third month following September 1963, are set out as a note under section 2101 of this title.

§ 2145. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion

(a) Each officer of the Regular Coast Guard serving in the grade of lieutenant commander or commander, who has failed of selection for promotion to the grade of commander or captain, respectively, for the second time shall:

(1) if he has completed at least 20 years of active service or is eligible for retirement under any law on June 30 of the promotion year in which his second failure of selection occurs, be retired on that date; or

(2) if ineligible for retirement on the date specified in clause (1) be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 2106 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b) but is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 185, § 285; amended Pub. L. 93-283, § 1(7), May 14, 1974, 88 Stat. 140; Pub. L. 94-546, § 1(24), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 107-295, title IV, § 412, Nov. 25, 2002, 116 Stat. 2118; renumbered

§ 2145 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 285 of this title as this section.

Subsec. (b). Pub. L. 115–282, § 123(b)(2), substituted “section 2106” for “section 251”.

2002—Pub. L. 107–295 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1976—Pub. L. 94–546 substituted “promotion year” for “fiscal year” in cl. (1).

1974—Pub. L. 93–283 substituted “if he has completed at least 20 years of active service or is eligible” for “if eligible” in cl. (1).

Statutory Notes and Related Subsidiaries

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88–130 providing that Pub. L. 88–130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

EFFECTIVENESS OF ELECTION, CHANGE, OR REVOCATION OF ELECTION OF ANNUITY

Savings provisions in section 5(h) of Pub. L. 88–130 providing that notwithstanding section 1431 of Title 10, Armed Forces, an election, change or revocation thereof affecting an annuity, by an officer retired under this section, is effective if made prior to the first day of the third month following September 1963, are set out as a note under section 2101 of this title.

§ 2146. Discharge in lieu of retirement; separation pay

(a) Each officer who is retained on active duty under section 2143(a)(4), 2143(b), or 2145 of this title may, if he so requests, with the approval of the Secretary, be honorably discharged at any time prior to the date otherwise specified for his retirement or discharge.

(b) An officer of the Regular Coast Guard who is discharged under this section or section 2142, 2143, or 2144 of this title and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

(c) An officer of the Regular Coast Guard who is discharged under section 2164 of this title and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

(d) Notwithstanding subsections (a) and (b), an officer discharged under this chapter for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer requested in writing or otherwise sought not to be selected for promotion, or requested removal from the list of selectees.

(Added Pub. L. 88–130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 185, § 286; amended Pub. L. 107–295, title IV, § 416(a)(3), Nov. 25, 2002, 116 Stat. 2121; renum-

bered § 2146 and amended Pub. L. 115–282, title I, §§ 112(b), 123(b)(2), (c)(2)(A), Dec. 4, 2018, 132 Stat. 4216, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, § 112(b), renumbered section 286 of this title as this section.

Subsec. (a). Pub. L. 115–282, § 123(b)(2), substituted “section 2143(a)(4), 2143(b), or 2145” for “section 283(a)(4), 283(b), or 285”.

Subsec. (b). Pub. L. 115–282, § 123(b)(2), substituted “section 2142, 2143, or 2144” for “section 282, 283, or 284”.

Subsec. (c). Pub. L. 115–282, § 123(b)(2), substituted “section 2164” for “section 327”.

Subsec. (d). Pub. L. 115–282, § 123(c)(2)(A), substituted “this chapter” for “chapter 11 of this title”.

2002—Pub. L. 107–295 substituted “separation” for “severance” in section catchline, added subsecs. (b) to (d), and struck out former subsec. (b) which read as follows: “Each officer discharged under this section or under section 282, 283, or 284 of this title is entitled to a lump-sum payment computed by multiplying his years of active commissioned service, but not more than twelve, by two months’ basic pay of the grade in which he is serving on the date of his discharge. In determining the total number of years of active service to be used as a multiplier in computing this payment, a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded. The acceptance of a lump-sum payment under this section does not deprive a person of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received payment under this section until the total amount deducted equals the amount of the lump-sum payment.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–295, title IV, § 416(c), Nov. 25, 2002, 116 Stat. 2122, provided that: “The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) [amending this section and sections 283, 286a, and 327 of this title] shall take effect 4 years after the date of enactment of this Act [Nov. 25, 2002], except that subsection (d) of section 286 [now 2146] of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section, shall take effect on the date of enactment of this Act and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of [former] chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect 4 years after the date of enactment of this Act.”

§ 2147. Regular warrant officers: separation pay

(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

(c) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.

(d) The acceptance of separation pay under this section does not deprive an individual of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received separation pay under this section, until the total deductions equal the amount of such separation pay.

(Added Pub. L. 96-513, title V, §505(a)(1), Dec. 12, 1980, 94 Stat. 2918, §286a; amended Pub. L. 102-190, div. A, title XI, §1125(b)(1), Dec. 5, 1991, 105 Stat. 1505; Pub. L. 103-337, div. A, title V, §541(f)(2), Oct. 5, 1994, 108 Stat. 2766; Pub. L. 105-383, title II, §201(a), (b), Nov. 13, 1998, 112 Stat. 3414; Pub. L. 107-295, title IV, §416(a)(4), Nov. 25, 2002, 116 Stat. 2121; Pub. L. 112-213, title II, §217(4), Dec. 20, 2012, 126 Stat. 1557; renumbered §2147, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(17), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (d). Pub. L. 116-283 substituted “an individual” for “a person”.

2018—Pub. L. 115-282 renumbered section 286a of this title as this section.

2012—Subsec. (d). Pub. L. 112-213 substituted “separation pay” for “severance pay” wherever appearing.

2002—Pub. L. 107-295 substituted “separation” for “severance” in section catchline, added subsecs. (a) to (c), and struck out former subsecs. (a) to (c) which related to, in subsec. (a), severance pay of a regular warrant officer of the Coast Guard who is separated under section 580(a)(4)(A) of title 10, in subsec. (b), severance pay of a regular warrant officer of the Coast Guard who is separated under section 1166 of title 10, and, in subsec. (c), the calculation of part of the year of service for the purposes of this section.

1998—Subsec. (b). Pub. L. 105-383, §201(b), inserted before period at end “, unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay”.

Subsec. (d). Pub. L. 105-383, §201(a), struck out at end “However, no person is entitled to severance pay under this section in an amount that is more than \$15,000.”

1994—Subsec. (a). Pub. L. 103-337 substituted “section 580(a)(4)(A) of title 10” for “section 564(a)(3) of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act)”.

1991—Subsec. (a). Pub. L. 102-190 inserted “(as in effect on the day before the effective date of the Warrant Officer Management Act)” after “section 564(a)(3) of title 10”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-295 effective 4 years after Nov. 25, 2002, see section 416(c) of Pub. L. 107-295, set out as a note under section 2146 of this title.

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.

EFFECTIVE DATE

Section 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 Title 10, Armed Forces.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513, and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of Title 10, Armed Forces.

§ 2148. Separation for failure of selection for promotion or continuation; time of

If, under section 2142, 2143, 2144, 2145, 2150, or 2151 of this title, the discharge or retirement of any officer would be required less than six months following approval of the report of the board which considered but did not select him for promotion or continuation, the discharge or retirement of such officer shall be deferred until the last day of the sixth calendar month after such approval.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 185, §287; amended Pub. L. 92-451, §1(6), Oct. 2, 1972, 86 Stat. 755; renumbered §2148 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 2142, 2143, 2144, 2145, 2150, or 2151” for “section 282, 283, 284, 285, 289, or 290”.

Pub. L. 115-282, §112(b), renumbered section 287 of this title as this section.

1972—Pub. L. 92-451 inserted reference to section 290.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

§ 2149. Regular captains; retirement

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral (lower half) shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection

for promotion from below the zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title, is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone or placed at the top of the list of selectees, as applicable.

(b) Retired pay computed under section 2504(a) of this title of an officer retired under this section shall not be less than 50 percent of the basic pay upon which the computation of his retired pay is based.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 185, § 288; amended Pub. L. 93-283, § 1(8), May 14, 1974, 88 Stat. 140; Pub. L. 94-546, § 1(25), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 96-342, title VIII, § 813(f)(1), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 97-417, § 2(7), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-348, title II, § 205(b)(4), July 1, 1986, 100 Stat. 700; Pub. L. 99-661, div. A, title XIII, § 1343(c), Nov. 14, 1986, 100 Stat. 3995; renumbered § 2149 and amended Pub. L. 115-282, title I, §§ 112(b), 123(b)(2), title III, § 309, Dec. 4, 2018, 132 Stat. 4216, 4240, 4248.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, § 112(b), renumbered section 288 of this title as this section.

Subsec. (a). Pub. L. 115-282, § 309, substituted “zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title, is” for “zone is” and inserted “or placed at the top of the list of selectees, as applicable” before period at end.

Subsec. (b). Pub. L. 115-282, § 123(b)(2), substituted “section 2504(a)” for “section 423(a)”.

1986—Subsec. (a). Pub. L. 99-661 substituted “rear admiral (lower half)” for “commodore”.

Subsec. (b). Pub. L. 99-348 substituted “Retired pay computed under section 423(a) of this title” for “Except as provided in section 423(b) of this title, the retired pay”.

1983—Subsec. (a). Pub. L. 97-417 substituted “commodore” for “rear admiral”.

1980—Subsec. (b). Pub. L. 96-342 substituted “Except as provided in section 423(b)” for “Notwithstanding section 423”.

1976—Subsec. (a). Pub. L. 94-546 substituted “promotion year” for “fiscal year”.

1974—Subsec. (a). Pub. L. 93-283 prohibited an involuntary retirement under this section of an officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone earlier than if he had not been selected from below the zone.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-283 effective Sept. 24, 1963, see section 2 of Pub. L. 93-283, set out as a note under section 2104 of this title.

RETIREMENT, RETIRED PAY, AND ELECTION OF ANNUITY AS AFFECTED BY PUB. L. 88-130

Savings provisions in section 5(f)–(h) of Pub. L. 88-130 relating to retirement, retirement pay, and election, change or revocation of election of an annuity, are set out as a note under section 2101 of this title.

§ 2150. Captains; continuation on active duty; involuntary retirement

(a) The Secretary may, whenever the needs of the service require, but not more often than an-

nually, convene a board consisting of not less than six officers of the grade of rear admiral (lower half) or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of rear admiral (lower half). Officers who are subject to retirement under section 2149 of this title during the promotion year in which the board meets shall not be considered by this board.

(b) Whenever he convenes a board under this section, the Secretary shall establish a continuation zone. The zone shall consist of the most senior captains eligible for consideration for continuation on active duty who have not previously been placed in a continuation zone under this section. The Secretary shall, based upon the needs of the service, prescribe the number of captains to be included in the zone.

(c) Based on the needs of the service the Secretary shall furnish the board with the number of officers that may be recommended for continuation on active duty. This number shall be no less than 50 percent of the number considered. The board shall select from the designated continuation zone, in the number directed by the Secretary, those officers who are, in the opinion of the board, best qualified for continuation on active duty.

(d) The provisions of sections 2108, 2109, 2115, and 2117 of this title relating to selection for promotion shall, to the extent that they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(e) The Secretary shall prescribe by regulation the detailed procedures whereby officers in a continuation zone will be selected for continuation on active duty.

(f) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval. Except as required by the procedures of this section, the proceedings of the board shall not be disclosed to any individual who is not a member of the board.

(g) Each officer who is considered but not recommended for continuation on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which the report of the continuation board convened under this section is approved, or the last day of the month in which he completes twenty years of active service, whichever is later.

(h) Notwithstanding subsection (g) and section 2149 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 2149 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 186, §289; amended Pub. L. 94-546, §1(26), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 97-417, §2(8), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 101-225, title II, §203(3), Dec. 12, 1989, 103 Stat. 1911; Pub. L. 104-324, title II, §203, Oct. 19, 1996, 110 Stat. 3907; Pub. L. 107-295, title IV, §414, Nov. 25, 2002, 116 Stat. 2120; renumbered §2150 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(18), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (f). Pub. L. 116-283 substituted “individual who is” for “person”.

2018—Pub. L. 115-282, §112(b), renumbered section 289 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2149” for “section 288”.

Subsec. (d). Pub. L. 115-282, §123(b)(2), substituted “sections 2108, 2109, 2115, and 2117” for “sections 253, 254, 258, and 260”.

Subsec. (h). Pub. L. 115-282, §123(b)(2), substituted “section 2149” for “section 288” in two places.

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

1996—Subsec. (f). Pub. L. 104-324 struck out “Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.” after “for his approval.”

1989—Subsec. (c). Pub. L. 101-225 substituted “50 percent” for “75 percent”.

1985—Subsec. (a). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore” in two places.

1983—Subsec. (a). Pub. L. 97-417 substituted “commodore or rear admiral” for “rear admiral” after “six officers of the grade of”, and “commodore” for “rear admiral” after “promotion to the grade of”.

1976—Subsecs. (a), (g). Pub. L. 94-546 substituted “promotion year” for “fiscal year” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 88-130, §6, Sept. 24, 1963, 77 Stat. 193, provided that: “Section 289 [now 2150] of title 14, United States Code, as enacted by section 1(10)(C) of this Act [see section 5(a) of Pub. L. 88-130, set out as a note under section 2101 of this title], becomes effective three years after the effective date of this Act [Sept. 24, 1963], or on July 1, 1966, whichever is later.”

CONSIDERATION FOR RETENTION ON ACTIVE DUTY UNDER FORMER SECTION 248 OF THIS TITLE

Pub. L. 88-130, §2(c), Sept. 24, 1963, 77 Stat. 191, provided that: “Officers who, prior to the effective date of this Act [Sept. 24, 1963], were considered but not selected for retention on active duty under the provisions of [former] section 248, title 14, United States Code, shall remain subject to the provisions of subsections (b) and (c) of that section.”

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (f) of this section to approve the report of a board convened to re-

commend for continuation on active duty officers serving in the grade of captain delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, §1(f), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

§ 2151. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement

(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral (lower half) or rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in or above the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued at the grade of rear admiral. A board shall consist of at least 5 officers (other than the Commandant) serving in the grade of admiral or vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of rear admiral (lower half) or rear admiral is subject to consideration for continuation during a promotion year in which that officer completes not less than four or more than five years combined service in the grades of rear admiral (lower half) and rear admiral.

(b) The Secretary shall, based upon the needs of the service, furnish each board convened under this section with the number of officers to be considered for continuation on active duty. The number that may be recommended for continuation shall be not less than 50 per centum or more than 75 per centum of the number of officers being considered for continuation.

(c) The provisions of sections 2108, 2109, 2115, and 2117 of this title relating to selection and continuation boards shall to the extent they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(d) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After final review the Secretary shall submit the report of the board to the President for approval.

(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on July 1 of the promotion year immediately following the promotion year in which the report of the continuation board convened under this section is approved.

(f)(1) Unless retired under another provision of law, each officer who is continued on active duty under this section shall, except as provided in paragraph (2), be retired on July 1 of the promotion year immediately following the promotion year in which that officer completes seven years of combined service in the grades of rear admiral (lower half) and rear admiral, un-

less that officer is selected for or serving in the grade of admiral or vice admiral or the position of Superintendent of the Coast Guard Academy.

(2) The Commandant, with the approval of the Secretary, may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under paragraph (1). Unless selected for or serving in the grade of admiral or vice admiral or the position of Superintendent of the Coast Guard Academy, or retired under another provision of law, an officer so retained shall be retired on July 1 of the promotion year immediately following the promotion year in which no action is taken to further retain that officer under this paragraph.

(g)(1) Unless retired under another provision of law, an officer subject to this section shall, except as provided in paragraph (2), be retired on July 1 of the promotion year immediately following the promotion year in which that officer completes a total of thirty-six years of active commissioned service unless selected for or serving in the grade of admiral.

(2) The Commandant, with the approval of the Secretary, may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under paragraph (1). Unless selected for or serving in the grade of admiral or retired under another provision of law, an officer so retained shall be retired on July 1 of the promotion year immediately following the promotion year in which no action is taken to further retain that officer under this paragraph.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §290; amended Pub. L. 92-451, §1(7), Oct. 2, 1972, 86 Stat. 756; Pub. L. 94-546, §1(27), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 97-136, §6(b), Dec. 29, 1981, 95 Stat. 1706; Pub. L. 97-417, §2(9)(A), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 98-557, §25(a)(2), Oct. 30, 1984, 98 Stat. 2872; Pub. L. 99-145, title V, §514(c)(1), (2)(A), Nov. 8, 1985, 99 Stat. 629; Pub. L. 102-241, §5, Dec. 19, 1991, 105 Stat. 2210; Pub. L. 103-206, title II, §205(d), Dec. 20, 1993, 107 Stat. 2422; Pub. L. 111-281, title V, §511(e), Oct. 15, 2010, 124 Stat. 2952; Pub. L. 112-213, title II, §217(5), Dec. 20, 2012, 126 Stat. 1557; Pub. L. 114-328, div. C, title XXXV, §3522, Dec. 23, 2016, 130 Stat. 2793; Pub. L. 115-232, div. C, title XXXV, §3537, Aug. 13, 2018, 132 Stat. 2322; renumbered §2151 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 290 of this title as this section.

Subsec. (a). Pub. L. 115-232 substituted “Officers serving” for “Officers, other than the Commandant, serving”.

Subsec. (c). Pub. L. 115-282, §123(b)(2), substituted “sections 2108, 2109, 2115, and 2117” for “sections 253, 254, 258, and 260”.

2016—Subsec. (a). Pub. L. 114-328 substituted “5 officers (other than the Commandant) serving in the grade of admiral or vice admiral” for “five officers serving in the grade of vice admiral”.

2012—Subsec. (a). Pub. L. 112-213 substituted “in or above the grade of vice admiral” for “in the grade of vice admiral” in second sentence.

2010—Subsec. (a). Pub. L. 111-281 substituted “Officers, other than the Commandant, serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued at the grade of rear admiral.” for “Officers serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral.”

1993—Subsec. (a). Pub. L. 103-206, §205(d)(1), struck out “or in the position of Chief of Staff” before “are not subject to” in second sentence.

Subsec. (f). Pub. L. 103-206, §205(d)(2), (3), struck out “Chief of Staff or” before “Superintendent” in pars. (1) and (2).

1991—Subsec. (a). Pub. L. 102-241, §5(b)(1), substituted “that officer” for “he”.

Subsec. (d). Pub. L. 102-241, §5(b)(2), struck out “his” before “final review” and “approval”.

Subsec. (e). Pub. L. 102-241, §5(a)(1), substituted “July 1 of the promotion year immediately following” for “June 30 of”.

Subsecs. (f), (g). Pub. L. 102-241, §5(a)(2), added subsecs. (f) and (g) and struck out former subsecs. (f) and (g), which read as follows:

“(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which he completes a total of thirty-six years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, 434 of this title.

“(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain him under this subsection.”

1985—Pub. L. 99-145, §514(c)(2)(A), substituted “rear admirals (lower half)” for “commodores” in section catchline.

Subsec. (a). Pub. L. 99-145, §514(c)(1), substituted “rear admiral (lower half)” for “commodore” in three places.

1984—Subsec. (a). Pub. L. 98-557 substituted “Boards” for “Board”.

1983—Pub. L. 97-417, §2(9)(A)(i), inserted “and commodores” after “Rear admirals” in section catchline.

Subsec. (a). Pub. L. 97-417, §2(9)(A)(ii), substituted “commodore or rear admiral” for “rear admiral” after “promotion list serving in the grade of” and after “each officer serving in the grade of”, and “five years combined service in the grades of commodore and rear admiral” for “five years service in that grade”.

1981—Subsec. (a). Pub. L. 97-136 inserted “or in the position of Chief of Staff” after “vice admiral”.

1976—Subsecs. (a), (e) to (g). Pub. L. 94-546 substituted “promotion year” for “fiscal year” wherever appearing.

1972—Pub. L. 92-451 substituted “continuation on active duty” for “retention on the active list” in section catchline.

Subsecs. (a), (b). Pub. L. 92-451 added subsecs. (a) and (b). Former subsecs. (a) and (b) redesignated (f) and (g), respectively.

Subsec. (c). Pub. L. 92-451 added subsec. (c). Former subsec. (c) provided that provisions of former subsecs. (a) and (b) were inapplicable to officers serving as Commandants.

Subsecs. (d), (e). Pub. L. 92-451 added subsecs. (d) and (e).

Subsec. (f). Pub. L. 92-451 incorporated provisions of former subsec. (a) in provisions designated as subsec. (f), and among other changes extended the minimum service for retirement from 35 years to 36 years of ac-

tive commissioned service and deleted the alternative seven year permanent grade service.

Subsec. (g). Pub. L. 92-451 incorporated provisions of former subsec. (b) in provisions designated as subsec. (g), and among other changes, substituted officer for rear admiral.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-451, §3, Oct. 2, 1972, 86 Stat. 757, provided that: “This Act [enacting sections 50 and 51 of this title, and amending this section, sections 41, 42, 44, 47, and 287 of this title, and section 202 of Title 37, Pay and Allowances of the Uniformed Services] is effective upon enactment [Oct. 2, 1972] except that continuation boards, pursuant to subsection (a) of section 290 [now 2151] of title 14, United States Code, as amended by this Act [subsec. (a) of this section], may not be held until one year following enactment hereof [Oct. 2, 1972]. During the period of one year following enactment hereof the Secretary of the Department in which the Coast Guard is operating shall convene a board consisting of not less than three Coast Guard officers serving in the grade of vice admiral to recommend for continuation on active duty Coast Guard officers on the active duty promotion list serving in the grade of rear admiral, who during the fiscal year in which the board meets will complete not less than five years’ service in that grade. Subsections (b) through (g) of section 290 [now 2151] and other sections of title 14, United States Code, as amended by this Act [sections 41, 42, 44, 47, 50, 51, and 287 of this title], apply to continuation board action taken pursuant to this section. No officer who is entitled to the basic pay of a rear admiral of the upper half may have his basic pay reduced because of the reduction which results from this Act in the number of officers entitled to the basic pay of a rear admiral of the upper half.”

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

§ 2152. Voluntary retirement after twenty years’ service

Any regular commissioned officer who has completed twenty years’ active service in the Coast Guard, Navy, Army, Air Force, Marine Corps, or Space Force, or the Reserve components thereof, including active duty for training, at least ten years of which shall have been active commissioned service, may, upon his own application, in the discretion of the President, be retired from active service.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §291; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700; renumbered §2152, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116-283, div. A, title IX, §927(b)(1), Jan. 1, 2021, 134 Stat. 3831.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

2018—Pub. L. 115-282 renumbered section 291 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade with which retired” after “from active service”.

Statutory Notes and Related Subsidiaries

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

§ 2153. Voluntary retirement after thirty years’ service

Any regular commissioned officer who has completed thirty years’ service may, upon his own application, in the discretion of the Secretary, be retired from active service.¹

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §292; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700; renumbered §2153, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 292 of this title as this section.

1986—Pub. L. 99-348 which directed that “, with retired pay of the grade with which retired” be struck out was executed by striking out that phrase after “from active service” as the probable intent of Congress even though there was no comma before “with retired”.

Statutory Notes and Related Subsidiaries

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130, providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

§ 2154. Compulsory retirement

(a) REGULAR COMMISSIONED OFFICERS.—Any regular commissioned officer, except a commissioned warrant officer, serving in a grade below rear admiral (lower half) shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

(b) FLAG-OFFICER GRADES.—(1) Except as provided in paragraph (2), any regular commissioned officer serving in a grade of rear admiral (lower half) or above shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(2) The retirement of an officer under paragraph (1) may be deferred—

(A) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

(B) by the Secretary of the department in which the Coast Guard is operating, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

(Added Pub. L. 111-281, title II, §215(a), Oct. 15, 2010, 124 Stat. 2916, §293; renumbered §2154, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

¹ See 1986 Amendment note below.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 293 of this title as this section.

§ 2155. Retirement for physical disability after selection for promotion; grade in which retired

An officer whose name appears on an approved list of officers selected for promotion to the next higher grade and who is retired for physical disability under the provisions of chapter 61 of title 10 prior to being promoted shall be retired in the grade to which he was selected for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §294; renumbered §2155, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 294 of this title as this section.

Statutory Notes and Related Subsidiaries

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

§ 2156. Deferment of retirement or separation for medical reasons

(a) Subject to subsection (b), the Secretary may defer the retirement or separation of a commissioned officer, other than a commissioned warrant officer, if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization, medical observation, or other physical disability processing that cannot be completed before the date on which the officer would otherwise be retired or separated.

(b) A deferment under subsection (a)—

(1) may only be made with the consent of the officer involved; and

(2) if the Secretary receives written notice from the officer withdrawing that consent, shall end not later than the end of the sixty-day period beginning on the date the Secretary receives that notice.

(Added Pub. L. 98-557, §17(b)(2)(A), Oct. 30, 1984, 98 Stat. 2867, §295; renumbered §2156, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 295 of this title as this section.

§ 2157. Flag officers

During any period in which the Coast Guard is not operating as a service in the Navy, section 1216(d) of title 10 does not apply with respect to flag officers of the Coast Guard.

(Added Pub. L. 113-281, title II, §212(a), Dec. 18, 2014, 128 Stat. 3029, §296; renumbered §2157, Pub.

L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 296 of this title as this section.

§ 2158. Review of records of officers

The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether he shall be required to show cause for his retention on active duty—

(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

(2) because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §321; renumbered §2158, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 321 of this title as this section.

§ 2159. Boards of inquiry

(a) Boards of inquiry shall be convened at such places as the Secretary may prescribe to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under section 2158 of this title should be retained on active duty.

(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

(c) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the record of its proceedings to a board of review.

(d) If a board of inquiry determines that the officer has established that he should be retained, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of section 2158 of this title, and at any time after the date of the determination in a case arising under clause (2) of that section, an officer may again be required to show cause for retention.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 188, §322; amended Pub. L. 97-295, §2(10), Oct. 12, 1982, 96 Stat. 1302; renumbered §2159 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 322 of this title as this section.

Subsecs. (a), (d). Pub. L. 115-282, §123(b)(2), substituted “section 2158” for “section 321”.

1982—Subsec. (d). Pub. L. 97-295 inserted “of this title” after “section 321”.

§ 2160. Boards of review

(a) Boards of review shall be convened at such times as the Secretary may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal.

(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained, it shall send its recommendation to the Secretary for his action.

(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on active duty, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of section 2158 of this title and at any time after the date of the determination in a case arising under clause (2) of that section, an officer may again be required to show cause for retention.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 188, §323; amended Pub. L. 97-295, §2(10), Oct. 12, 1982, 96 Stat. 1302; renumbered §2160 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 323 of this title as this section.

Subsec. (c). Pub. L. 115-282, §123(b)(2), substituted “section 2158” for “section 321”.

1982—Subsec. (c). Pub. L. 97-295 inserted “of this title” after “section 321”.

§ 2161. Composition of boards

(a) A board convened under section 2158, 2159, or 2160 of this title shall consist of at least three officers of the grade of commander or above, all of whom are serving in a grade senior to the grade of any officer considered by the board.

(b) No individual may be a member of more than one board convened under section 2158, 2159, or 2160 of this title to consider the same officer.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 188, §324; renumbered §2161 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(19), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes**AMENDMENTS**

2021—Subsec. (b). Pub. L. 116-283 substituted “individual” for “person”.

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2158, 2159, or 2160” for “section 321, 322, or 323” in subsecs. (a) and (b).

Pub. L. 115-282, §112(b), renumbered section 324 of this title as this section.

§ 2162. Rights and procedures

Each officer under consideration for removal under section 2159 of this title shall be—

(1) notified in writing at least thirty days before the hearing of the case by a board of inquiry of the reasons for which the officer is being required to show cause for retention;

(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary, to prepare his defense;

(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

(4) allowed full access to, and furnished copies of, records relevant to the case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security. In any case where any records are withheld under this clause, the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 188, §325; renumbered §2162 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 2159” for “section 322” in introductory provisions.

Pub. L. 115-282, §112(b), renumbered section 325 of this title as this section.

§ 2163. Removal of officer from active duty; action by Secretary

The Secretary may remove an officer from active duty if his removal is recommended by a board of review under section 2160 of this title. The Secretary’s action in such a case is final and conclusive.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §326; renumbered §2163 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 2160” for “section 323”.

Pub. L. 115-282, §112(b), renumbered section 326 of this title as this section.

§ 2164. Officers considered for removal; retirement or discharge; separation benefits

(a) At any time during proceedings under section 2159 or 2160 of this title, and before the removal of an officer, the Secretary may grant a request—

(1) for voluntary retirement, if the officer is otherwise qualified therefor; or

(2) for discharge with separation benefits under section 2146(c) of this title.

(b) Each officer removed from active duty under section 2163 of this title shall—

(1) if on the date of removal the officer is eligible for voluntary retirement under any law, be retired in the grade for which he would be eligible if retired at his request; or

(2) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged with separation benefits under section 2146(c) of this title, unless under regu-

lations promulgated by the Secretary the condition under which the officer is discharged does not warrant an honorable discharge.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §327; amended Pub. L. 97-295, §2(10), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 99-348, title II, §205(b)(6), July 1, 1986, 100 Stat. 700; Pub. L. 105-383, title II, §201(c), Nov. 13, 1998, 112 Stat. 3414; Pub. L. 107-295, title IV, §416(a)(5), Nov. 25, 2002, 116 Stat. 2122; renumbered §2164 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 327 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2159 or 2160” for “section 322 or 323” in introductory provisions.

Subsec. (a)(2). Pub. L. 115-282, §123(b)(2), substituted “section 2146(c)” for “section 286(c)”.

Subsec. (b). Pub. L. 115-282, §123(b)(2), substituted “section 2163” for “section 326” in introductory provisions.

Subsec. (b)(2). Pub. L. 115-282, §123(b)(2), substituted “section 2146(c)” for “section 286(c)”.

2002—Pub. L. 107-295, §416(a)(5)(A), substituted “separation” for “severance” in section catchline.

Subsec. (a)(2). Pub. L. 107-295, §416(a)(5)(B), added par. (2) and struck out former par. (2) which read as follows: “for honorable discharge with severance benefits under subsection (b) in those cases arising under clause (1) of section 321 of this title; or”.

Subsec. (a)(3). Pub. L. 107-295, §416(a)(5)(C), struck out par. (3) which read as follows: “for discharge with severance benefits under subsection (b) in those cases arising under clause (2) of section 321 of this title.”

Subsec. (b)(2). Pub. L. 107-295, §416(a)(5)(D), added par. (2) and struck out former par. (2) which read as follows: “if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than twelve, by one month’s basic pay of that grade, in those cases arising under clause (1) of section 321 of this title; or”.

Subsec. (b)(3). Pub. L. 107-295, §416(a)(5)(E), struck out par. (3) which read as follows: “if on that date the officer is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than twelve, by one month’s basic pay of that grade, in those cases arising under clause (2) of section 321 of this title, unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.”

1998—Subsec. (b)(3). Pub. L. 105-383 inserted before period at end “, unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay”.

1986—Subsec. (b)(1). Pub. L. 99-348 struck out “, and with the pay” after “in the grade”.

1982—Pub. L. 97-295 inserted “of this title” after “section 322 or 323” and “section 321” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-295 effective 4 years after Nov. 25, 2002, see section 416(c) of Pub. L. 107-295, set out as a note under section 2146 of this title.

§ 2165. 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, §333; renumbered §2165, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 333 of this title as this section.

§ 2166. Continuation on active duty; Coast Guard officers with certain critical skills

(a) IN GENERAL.—The Commandant may authorize an officer in a grade above grade O-2 to remain on active duty after the date otherwise provided for the retirement of such officer in section 2154 of this title, if the officer possesses a critical skill, or specialty, or is in a career field designated pursuant to subsection (b).

(b) CRITICAL SKILLS, SPECIALTY, OR CAREER FIELD.—The Commandant shall designate any critical skill, specialty, or career field eligible for continuation on active duty as provided in subsection (a).

(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

(d) POLICY.—The Commandant shall carry out this section by prescribing policy which shall specify the criteria to be used in designating any critical skill, specialty, or career field for purposes of subsection (b).

(Added Pub. L. 117-263, div. K, title CXII, §11235(a), Dec. 23, 2022, 136 Stat. 4035.)

SUBCHAPTER III—GENERAL PROVISIONS

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §112(c)(5), Dec. 4, 2018, 132 Stat. 4221, inserted subchapter III designation and heading.

§ 2181. 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, §335; renumbered §2181, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 335 of this title as this section.

§ 2182. Multirater assessment of certain personnel

(a) MULTIRATER ASSESSMENT OF CERTAIN PERSONNEL.—

(1) IN GENERAL.—Commencing not later than one year after the date of the enactment of the Coast Guard Authorization Act of 2016, the Commandant shall develop and implement a plan to conduct every two years a multirater assessment for each of the following:

(A) Each flag officer of the Coast Guard.

(B) Each member of the Senior Executive Service of the Coast Guard.

(C) Each officer of the Coast Guard nominated for promotion to the grade of flag officer.

(2) OFFICERS.—Each officer of the Coast Guard shall undergo a multirater assessment before promotion to—

(A) the grade of O-4;

(B) the grade of O-5; and

(C) the grade of O-6.

(3) ENLISTED MEMBERS.—Each enlisted member of the Coast Guard shall undergo a multirater assessment before advancement to—

(A) the grade of E-7;

(B) the grade of E-8;

(C) the grade of E-9; and

(D) the grade of E-10.

(4) SELECTION.—An individual assessed shall not be permitted to select the peers and subordinates who provide opinions for the multirater assessment of such individual.

(5) POST-ASSESSMENT ELEMENTS.—

(A) IN GENERAL.—Following an assessment of an individual pursuant to paragraphs (1) through (3), the individual shall be provided appropriate post-assessment counseling and leadership coaching.

(B) AVAILABILITY OF RESULTS.—The supervisor of the individual assessed shall be provided with the results of the multirater assessment.

(b) MULTIRATER ASSESSMENT DEFINED.—In this section, the term “multirater assessment” means a review that seeks opinion from members senior to the reviewee and the peers and subordinates of the reviewee.

(Added Pub. L. 114-120, title II, § 214(a)(1), Feb. 8, 2016, 130 Stat. 43, § 429; amended Pub. L. 114-328, div. C, title XXXV, § 3503(a), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115-232, div. C, title XXXV, § 3531(c)(12), Aug. 13, 2018, 132 Stat. 2320; renumbered § 2182, Pub. L. 115-282, title I, § 112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 117-263, div. K, title CXII, § 11244(a), Dec. 23, 2022, 136 Stat. 4042.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

AMENDMENTS

2022—Subsec. (a)(2) to (5). Pub. L. 117-263 added pars. (2) to (5) and struck out former par. (2). Prior to amend-

ment, text of par. (2) read as follows: “Following an assessment of an individual pursuant to paragraph (1), the individual shall be provided appropriate post-assessment counseling and leadership coaching.”

2018—Pub. L. 115-282 renumbered section 429 of this title as this section.

Subsec. (a)(1). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard” in introductory provisions.

2016—Subsec. (a)(1). Pub. L. 114-328 substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 315 of this title.

CHAPTER 23—PERSONNEL; ENLISTED

Sec.	
2301.	Recruiting campaigns.
2302.	Enlistments; term, grade.
2303.	Promotion.
2304.	Compulsory retirement at age of sixty-two.
2305.	Voluntary retirement after thirty years' service.
2306.	Voluntary retirement after twenty years' service.
2307.	Retirement of enlisted members: increase in retired pay.
2308.	Recall to active duty during war or national emergency.
2309.	Recall to active duty with consent of member.
2310.	Relief of retired enlisted member promoted while on active duty.
2311.	Retirement in cases where higher grade or rating has been held.
2312.	Extension of enlistments.
2313.	Retention beyond term of enlistment in case of disability.
2314.	Detention beyond term of enlistment.
2315.	Inclusion of certain conditions in enlistment contract.
2316.	Discharge within three months before expiration of enlistment.
2317.	Aviation cadets; procurement; transfer.
2318.	Aviation cadets; benefits.
2319.	Critical skill training bonus.

Editorial Notes

PRIOR PROVISIONS

A prior analysis for chapter 23 “COAST GUARD AUXILIARY” consisted of items 821 “Administration of the Coast Guard Auxiliary”, 822 “Purpose of the Coast Guard Auxiliary”, 823 “Eligibility; enrollments”, 823a “Members of the Auxiliary; status”, 824 “Disenrollment”, 825 “Membership in other organizations”, 826 “Use of member's facilities”, 827 “Vessel deemed public vessel”, 828 “Aircraft deemed public aircraft”, 829 “Radio station deemed government station”, 830 “Availability of appropriations”, 831 “Assignment and performance of duties”, and 832 “Injury or death in line of duty”, prior to repeal by Pub. L. 115-282, title I, § 113(a), Dec. 4, 2018, 132 Stat. 4221.

AMENDMENTS

2018—Pub. L. 115-282, title I, § 113(a), Dec. 4, 2018, 132 Stat. 4221, inserted chapter 23 designation and heading and added items 2301 to 2319.

§ 2301. Recruiting campaigns

The Secretary shall initiate and carry forward an intensified voluntary enlistment campaign to obtain the required personnel strengths.

(Added Aug. 10, 1956, ch. 1041, § 7(a), 70A Stat. 620, § 350; renumbered § 2301, Pub. L. 115–282, title I, § 113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
350	34:187 (as made applicable to Coast Guard by 34:189). 34:189 (as applicable to 34:187). 50 App.:470 (last sentence).	Oct. 6, 1945, ch. 393, §§ 2 (as made applicable to Coast Guard by § 13), 13 (as applicable to § 2), 59 Stat. 538, 542, June 24, 1948, ch. 625, § 20 (last sentence), 62 Stat. 627; Sept. 27, 1950, ch. 1059, § 1(14), 64 Stat. 1074.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 350 of this title as this section.

Statutory Notes and Related Subsidiaries

PARTNERSHIP PROGRAM TO DIVERSIFY COAST GUARD

Pub. L. 117–263, div. K, title CXII, § 11246, Dec. 23, 2022, 136 Stat. 4046, provided that:

“(a) ESTABLISHMENT.—The Commandant [of the Coast Guard] shall establish a program for the purpose of increasing the number of individuals in the enlisted ranks of the Coast Guard who are—

“(1) underrepresented minorities; or

“(2) from rural areas.

“(b) PARTNERSHIPS.—In carrying out the program established under subsection (a), the Commandant shall—

“(1) seek to enter into 1 or more partnerships with eligible institutions—

“(A) to increase the visibility of Coast Guard careers;

“(B) to promote curriculum development—

“(i) to enable acceptance into the Coast Guard; and

“(ii) to improve success on relevant exams, such as the Armed Services Vocational Aptitude Battery; and

“(C) to provide mentoring for students entering and beginning Coast Guard careers; and

“(2) enter into a partnership with an existing Junior Reserve Officers’ Training Corps for the purpose of promoting Coast Guard careers.

“(c) DEFINITIONS.—In this section:

“(1) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution—

“(A) that is—

“(i) an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

“(ii) a junior or community college (as such term is defined in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058)(j)); and

“(B) that is—

“(i) a part B institution (as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061));

“(ii) a Tribal College or University (as such term is defined in section 316(b) of such Act (20 U.S.C. 1059c(b)));

“(iii) a Hispanic-serving institution (as such term is defined in section 502 of such Act (20 U.S.C. 1101a));

“(iv) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as such term is defined in section 317(b) of such Act (20 U.S.C. 1059d(b)));

“(v) a Predominantly Black institution (as such term is defined in section 371(c) of that Act (20 U.S.C. 1067g(c)));

“(vi) an Asian American and Native American Pacific Islander-serving institution (as defined in section 320(b) of such Act (20 U.S.C. 1059g(b))); or

“(vii) a Native American-serving nontribal institution (as defined in section 319(b) of such Act (20 U.S.C. 1059f(b))).

“(2) RURAL AREA.—The term ‘rural area’ means an area that is outside of an urbanized area, as determined by the Bureau of the Census.”

§ 2302. Enlistments; term, grade

(a) Under regulations prescribed by the Secretary, the Commandant may enlist persons for the duration of their minority or a period of at least two years but not more than six years.

(b) The Secretary shall prescribe the grades or ratings for persons enlisting in the Regular Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 520, § 351; Aug. 3, 1950, ch. 536, § 16, 64 Stat. 407; Aug. 10, 1956, ch. 1041, §§ 8(a), 53, 70A Stat. 620, 679; Pub. L. 98–557, § 15(a)(3)(F), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 108–293, title II, § 203, Aug. 9, 2004, 118 Stat. 1032; Pub. L. 115–232, div. C, title XXXV, § 3533(h), Aug. 13, 2018, 132 Stat. 2321; renumbered § 2302, Pub. L. 115–282, title I, § 113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

1949 ACT

Based on title 14, U.S.C., 1946 ed., §§ 35, 35a, 206 (May 26, 1906, ch. 2556, § 1, 34 Stat. 200; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Apr. 21, 1924, ch. 130, § 6, 43 Stat. 106; July 30, 1937, ch. 545, § 1, 50 Stat. 547; July 11, 1941, ch. 290, § 8, 55 Stat. 586; Aug. 18, 1941, ch. 364, § 3, 55 Stat. 629).

Section 35 of title 14, U.S.C., 1946 ed., has been divided. The provisions of the first sentence of subsection (a) are placed in this section. The proviso of subsection (a) is covered in section 367(b) of this title. Subsection (b) is placed in section 365 of this title. Subsections (c) and (d) are placed in section 367(a) of this title, except that part (3) of subsection (c) is covered by section 366 of this title.

Section 206 of title 14, U.S.C., 1946 ed., has been divided. That part dealing with special temporary enlistments is incorporated in this section. That part dealing with temporary appointments of warrant officers is placed in section 302 of this title.

Certain additional details concerning the two types of enlistments are added; these details were previously covered in Coast Guard Regulations.

This section makes provision for the enlistment of personnel in the Coast Guard. The first sentence grants the necessary authority to the Secretary, changes existing law in regard to the term of enlistment from “not to exceed four years” to “not to exceed six years”, and adds a provision for the enlistment of minors for their minority only, such provision being in accordance with existing law applicable to the Navy. The next three sentences establish and define the two types of enlistments that are now in effect in the Coast Guard, setting forth the basic difference in the two types. The last sentence continues a provision to the effect that original enlistments in the Coast Guard shall be temporary. This section is a combination of existing law and regulations in regard to enlistments, with changes as noted above. See title 14, U.S.C., 1946 ed., § 35, and Coast Guard Regulations, sections 531 and 532. 81st Congress, House Report No. 557.

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
351	14:351. 34:188 (as made applicable to Coast Guard by 34:189). 34:189 (as applicable to 34:188).	Aug. 4, 1949, ch. 393, § 1 (351), 63 Stat. 520; Aug. 3, 1950, ch. 536, § 16, 64 Stat. 407. Oct. 6, 1945, ch. 393, § 5 (as made applicable to Coast Guard by § 13), 13 (as applicable to § 5); 59 Stat. 539, 542.

The words “notwithstanding any other provision of law” and “or reenlisted” are omitted as surplusage. 34 U.S.C. 188 (proviso) is omitted as executed.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 351 of this title as this section.

Subsec. (a). Pub. L. 115-232 inserted “the duration of their” before “minority”.

2004—Subsec. (a). Pub. L. 108-293 substituted “a period of at least two years but not more than six years.” for “terms of full years not exceeding six years.”

1984—Subsec. (a). Pub. L. 98-557 substituted reference to persons for reference to men.

1956—Act Aug. 10, 1956, repealed and reenacted section by general amendment thereby designating existing provisions as subsec. (a) and adding subsec. (b), relating to grades or ratings of enlistees.

1950—Act Aug. 3, 1950, struck out references to two types of enlistments that were deemed necessary prior to the enactment of the Career Compensation Act.

§ 2303. Promotion

Enlisted members shall be advanced in rating by the Commandant under regulations prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 520, §352; Pub. L. 98-557, §15(a)(3)(C), Oct. 30, 1984, 98 Stat. 2865; renumbered §2303, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Derived from title 14, U.S.C., 1946 ed., §23 (Apr. 16, 1908, ch. 145, §8, 35 Stat. 62).

Inasmuch as all phases of promotion of enlisted men, except the points covered by title 14, U.S.C., 1946 ed., §23, have been left to administrative control heretofore, and this has proved most satisfactory, the entire promotion of enlisted men is delegated to administrative control by this section. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 352 of this title as this section.

1984—Pub. L. 98-557 substituted “Enlisted members” for “Enlisted men”.

§ 2304. Compulsory retirement at age of sixty-two

Any enlisted member who has reached the age of sixty-two shall be retired from active service.

(Aug. 4, 1949, ch. 393, 63 Stat. 520, §353; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2304, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §173 (Apr. 12, 1902, ch. 501, §4, 32 Stat. 100).

Section 173 of title 14, U.S.C., 1946 ed., has been divided. That part dealing with enlisted men is placed in this section. That part dealing with commissioned officers is placed in section 230 of this title. That part dealing with warrant officers is placed in section 303 of this title.

The compulsory retirement age is changed from 64 to 62 in order to make it the same for enlisted men as for officers. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 353 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “active service”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

§ 2305. Voluntary retirement after thirty years’ service

Any enlisted member who has completed thirty years’ service may, upon his own application, in the discretion of the Commandant, be retired from active service.

(Aug. 4, 1949, ch. 393, 63 Stat. 521, §354; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2305, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §175 (Jan. 28, 1915, ch. 20, §3, 38 Stat. 801).

Said section has been divided. That part dealing with retirement of enlisted men is placed in this section. That part dealing with retirement of commissioned officers is placed in section 231 of this title. That part dealing with retirement of warrant officers is placed in section 304 of this title. That part providing for retired pay is incorporated in section 423 of this title. That part providing for assignment of duties to retired personnel is incorporated in sections 241, 311, and 360 of this title.

The authority to approve was granted to the Commandant in lieu of the Secretary. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 354 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “active service”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

§ 2306. Voluntary retirement after twenty years’ service

Any enlisted member who has completed twenty years’ service may, upon his own application, in the discretion of the Commandant, be retired from active service.

(Aug. 4, 1949, ch. 393, 63 Stat. 521, §355; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2306, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §185a (May 24, 1939, ch. 146, §2, 53 Stat. 755).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 355 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “active service”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

§ 2307. Retirement of enlisted members: increase in retired pay

An enlisted member voluntarily or involuntarily retired after twenty years of service who was cited for extraordinary heroism in the line of duty shall be entitled to an increase in retired pay. The retired pay shall be increased by 10 percent of—

(1) the active-duty pay and permanent additions thereto of the grade or rating with which retired when the member's retired pay is computed under section 2504(a) of this title; or

(2) the member's retired pay base under section 1407 of title 10, when a member's retired pay is computed under section 2504(b) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 521, § 357; Aug. 3, 1950, ch. 536, § 17, 64 Stat. 407; Pub. L. 88-114, § 1(1), Sept. 6, 1963, 77 Stat. 144; Pub. L. 98-557, § 15(a)(3)(A), (B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, § 205(b)(9), July 1, 1986, 100 Stat. 700; Pub. L. 102-241, § 6, Dec. 19, 1991, 105 Stat. 2210; Pub. L. 114-120, title II, § 215(a), (b)(1), Feb. 8, 2016, 130 Stat. 45, 46; renumbered § 2307 and amended Pub. L. 115-282, title I, §§ 113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 185, 185d (May 24, 1939, ch. 146, § 1, 5, 53 Stat. 755).

Subsection (b) is new and implements the preceding subsection; it seems necessary in view of certain statutes enacted as the result of World War II.

Subsection (c) is based on title 14, U.S.C., 1946 ed., § 185d (May 24, 1939, ch. 146, § 5, 53 Stat. 756). Said section has been divided. The first sentence is incorporated in section 423 of this title. The second proviso is incorporated in section 424 of this title. The remainder is placed in this subsection.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, § 113(b), renumbered section 357 of this title as this section.

Par. (1). Pub. L. 115-282, § 123(b)(2), substituted “section 2504(a)” for “section 423(a)”.

Par. (2). Pub. L. 115-282, § 123(b)(2), substituted “section 2504(b)” for “section 423(b)”.

2016—Pub. L. 114-120, § 215(b)(1), substituted “Retirement of enlisted members: increase in retired pay” for “Involuntary retirement of enlisted members” in section catchline.

Pub. L. 114-120, § 215(a), struck out subsec. (i) designation before “An enlisted member” and struck out subsecs. (a) to (h) and (j) which related to procedures and requirements for involuntary retirement of enlisted members.

1991—Pub. L. 102-241 substituted “Involuntary retirement of enlisted members” for “Enlisted Personnel Board” in section catchline and amended text generally. Prior to amendment, text provided that the Commandant assemble annually a Coast Guard Enlisted Personnel Board to recommend enlisted members for retirement, that the recommendations be transmitted to the Commandant for approval, in which event the enlisted members concerned would be noti-

fied and given opportunity to file a written protest, which would require a subsequent annual Board determination and approval by the Commandant to effect the involuntary retirement of that member, and further provided that an enlisted member with twenty years' service retired from active duty by the Commandant pursuant to this section was to receive retired pay, and that an enlisted member voluntarily or involuntarily retired by reason of twenty years' service who had been cited for extraordinary heroism was entitled to an increase in retired pay.

1986—Subsec. (b). Pub. L. 99-348, § 205(b)(9)(A), substituted “retired pay” for “the retired pay of the grade or rating with which retired”.

Subsec. (c). Pub. L. 99-348, § 205(b)(9)(B), substituted provision that retired pay be increased by an amount equal to 10 percent of the active-duty pay and permanent additions thereto of the grade or rating with which retired, in the case of a member whose retired pay is computed under 423(a) of this title, or the member's retired pay base under section 1407 of title 10, in the case of a member whose retired pay is computed under section 423(b) of this title for provision that the retired pay be increased by an amount equal to 10 percent of the active-duty pay and permanent additions thereto of the grade or rating with which retired.

1984—Pub. L. 98-557, § 15(a)(3)(A), substituted reference to enlisted member for reference to enlisted man wherever appearing in subsecs. (a) to (c).

Subsec. (a). Pub. L. 98-557, § 15(a)(3)(B), substituted reference to enlisted members for reference to enlisted men in two places.

1963—Subsec. (c). Pub. L. 88-114 struck out provisions which entitled enlisted men whose average marks in conduct were not less than 97½ percent of the maximum to a 10-percent increase of their retired pay.

1950—Subsec. (c). Act Aug. 3, 1950, substituted “years” for “years”.

Statutory Notes and Related Subsidiaries

ENLISTED MEN IN SERVICE ON SEPTEMBER 6, 1963

Pub. L. 88-114, § 2, Sept. 6, 1963, 77 Stat. 144, provided that: “The amendment made by subsection (1) of section 1 of this Act [amending this section] does not apply to any enlisted man in service on the effective date of this Act [Sept. 6, 1963].”

SERVICE CREDIT FOR CERTAIN ENLISTED PERSONNEL

Act June 3, 1948, ch. 394, 62 Stat. 302, provided for special service credit for enlisted men of the Coast Guard who, in 1940 and 1941, were discharged to accept employment as policemen and guards at the Ivigtut Cryolite Mine, Greenland, and who reenlisted in the Coast Guard within three months after the termination of their service at the mine.

§ 2308. Recall to active duty during war or national emergency

In times of war or national emergency, the Commandant may order any enlisted member on the retired list to active duty.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, § 359; Aug. 3, 1950, ch. 536, § 18, 64 Stat. 407; Pub. L. 98-557, § 15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered § 2308, Pub. L. 115-282, title I, § 113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 185c (May 24, 1939, ch. 146, § 4, 53 Stat. 755).

This section was changed so as to make provisions for enlisted men parallel to similar provisions for commissioned and warrant officers (see §§ 240 and 310 of the revised title). It seems fair and equitable that similar provisions should apply to all classes of personnel insofar as practicable. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 359 of this title as this section.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

1950—Act Aug. 3, 1950, struck out all references to pay.

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, 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.

§ 2309. Recall to active duty with consent of member

Any enlisted member on the retired list may, with his consent, be assigned to such duties as he may be able to perform, except that no enlisted member on the retired list who has reached the age of sixty-two years shall be recalled in time of peace.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §360; Aug. 3, 1950, ch. 536, §19, 64 Stat. 407; Pub. L. 98-557, §15(a)(3)(A), (4)(B)(i), Oct. 30, 1984, 98 Stat. 2865; renumbered §2309, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §185c (May 24, 1939, ch. 146, §4, 53 Stat. 755).

This section was changed so as to make provisions for enlisted men parallel to similar provisions for commissioned and warrant officers (see §§241 and 311 of the revised title). It seems fair and equitable that similar provisions should apply to all classes of personnel insofar as practicable. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 360 of this title as this section.

1984—Pub. L. 98-557 substituted “member” for “man” in section catchline, and in text substituted reference to enlisted member for reference to enlisted man in two places.

1950—Act Aug. 3, 1950, struck out all references to pay.

§ 2310. Relief of retired enlisted member promoted while on active duty

Any enlisted member on the retired list recalled to active duty who during such active duty is advanced to a higher grade or rating under a permanent or temporary appointment or promotion shall, upon relief from active duty be advanced on the retired list to the highest grade or rating held while on active duty. In case the appointment or promotion was temporary the advancement on the retired list shall be made only to such grade or rating in which the member served satisfactorily on active duty.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §361; Aug. 3, 1950, ch. 536, §20, 64 Stat. 407; Pub. L. 98-557, §15(a)(3)(A), (G), (4)(C)(i), Oct. 30, 1984, 98 Stat. 2865; renumbered §2310, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., §§3501(a) and (b), 350j(b) (July 24, 1941, ch. 320, §10, 55 Stat. 605; Feb. 21, 1946, ch. 34, §8(a), 60 Stat. 28).

Said sections have application to officers only, but in accord with the general plan to make as many provisions as possible applicable both to officers and men, it seems highly desirable to provide similarly for enlisted men—a fortiori because there are cases in the Coast Guard in which enlisted men are suffering inequitably because there is no provision for advancing men on the retired list after they have been advanced in rating while serving on active duty after recall from the retired list. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 361 of this title as this section.

1984—Pub. L. 98-557 in section catchline substituted “enlisted member” for “man”, and in two places in text substituted “member” for “man”.

1950—Act Aug. 3, 1950, struck out all references to pay.

§ 2311. Retirement in cases where higher grade or rating has been held

Any enlisted member who is retired under any provision of section 2304, 2305, 2306, or 2307 of this title shall be retired from active service with the highest grade or rating held by him while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, but not lower than his permanent grade or rating.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §362; Aug. 3, 1950, ch. 536, §21, 64 Stat. 407; Pub. L. 97-295, §2(9), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2311 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

HISTORICAL AND REVISION NOTES

Based on title 34, U.S.C., 1946 ed., §3501(e) (July 24, 1941, ch. 320, §10, 55 Stat. 605; Feb. 21, 1946, ch. 34, §8(a), 60 Stat. 28).

The requirement that the higher grade or rating be held prior to June 30, 1946, has been eliminated; this seems to be in line with the intent of Congress as expressed in section 303 of the act of June 29, 1948, ch. 708, 62 Stat. 1081. The act of July 24, 1941, 55 Stat. 605, was enacted primarily for application to Navy personnel but it is made applicable to Coast Guard personnel by its own terms (see title 34, U.S.C., 1946 ed., §350j(b)). 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2304, 2305, 2306, or 2307” for “section 353, 354, 355, or 357”.

Pub. L. 115-282, §113(b), renumbered section 362 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “permanent grade or rating”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

1982—Pub. L. 97-295 substituted “of this title” for “of this chapter” after “357”.

1950—Act Aug. 3, 1950, struck out reference to section 356.

§ 2312. Extension of enlistments

Under regulations prescribed by the Secretary, the term of enlistment of any enlisted member may, by voluntary written agreement, be extended and re-extended for a period not exceeding six full years from the date of expiration of the then-existing term of enlistment, and subsequent to such date an enlisted member who so extends his term of enlistment shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of his term of enlistment. However, the total of all such extensions of an enlistment may not exceed six years. No such extension shall operate to deprive the enlisted member concerned, upon discharge at the termination thereof, of any right, privilege, or benefit to which he would have been entitled if his term of enlistment had not been so extended.

(Aug. 4, 1949, ch. 393, 63 Stat. 523, §365; Pub. L. 86-474, §1(18), May 14, 1960, 74 Stat. 146; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2312, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §35 (May 26, 1906, ch. 2556, §1, 34 Stat. 200; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 30, 1937, ch. 545, §1, 50 Stat. 547; July 11, 1941, ch. 290, §8, 55 Stat. 586).

Said section has been divided. Subsection (b) is placed in this section. The provisions of the first sentence of subsection (a) are placed in section 351 of this title. The proviso of subsection (a) is covered in section 367(b) of this title. Subsections (c) and (d) are placed in section 367(a) of this title, except that part (3) of subsection (c) is covered in section 366 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 365 of this title as this section.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man in three places.

1960—Pub. L. 86-474 increased maximum term for extension of a reenlistment period from four to six years.

§ 2313. Retention beyond term of enlistment in case of disability

Any enlisted member of the Coast Guard in the active service whose term of enlistment expires while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment. Any such enlisted member shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances, including credit for longevity, until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the Coast Guard that the disease or injury is of a character that recovery to such an extent would be impossible. Any enlisted member whose enlistment is so extended shall be subject to forfeitures in the same manner and to the same extent

as if his term of enlistment had not expired. Nothing contained in this section shall prevent any enlisted member from being held in the service without his consent under section 2314 of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 523, §366; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2313 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §35b (Dec. 12, 1941, ch. 566, 55 Stat. 797).

The parenthetical part, which has no application insofar as the Coast Guard is concerned, has been eliminated.

Inasmuch as the act cited above applies equally to the Army, Navy, and Marine Corps, as well as the Coast Guard, it is not scheduled for repeal but is being amended by section 14 of this act to eliminate reference to the Coast Guard.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2314” for “section 367”.

Pub. L. 115-282, §113(b), renumbered section 366 of this title as this section.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man in four places.

§ 2314. Detention beyond term of enlistment

Under regulations prescribed by the Secretary, an enlisted member may be detained in the Coast Guard beyond the term of his enlistment:

(1) until the first arrival of the vessel on which he is serving at its permanent station, or at a port in a State of the United States or in the District of Columbia; or

(2) if attached to a shore station beyond the continental limits of the United States or in Alaska, until his first arrival at a port in any State of the United States or in the District of Columbia where his reenlistment or discharge may be effected, or until he can be discharged or reenlisted at his station beyond the continental limits of the United States or in Alaska, whichever is earlier, but in no event to exceed three months; or

(3) during a period of war or national emergency as proclaimed by the President, and, in the interest of national defense, for a period not to exceed six months after the end of the war or the termination of the emergency; or

(4) for a period of not exceeding thirty days in other cases whether or not specifically covered by this section, when essential to the public interests, and the determination that such detention is essential to the public interests, made in accordance with regulations prescribed by the Secretary, shall be final and conclusive.

Any member detained in the Coast Guard as provided in this section shall be entitled to receive pay and allowances and benefits under the same conditions as though his enlistment period had not expired, and shall be subject in all respects to the laws and regulations for the government

of the Coast Guard until his discharge therefrom. Enlisted members detained under the provisions of clause (1) shall be entitled to the pay and allowances provided for enlisted personnel of the Navy detained under similar circumstances.

(Aug. 4, 1949, ch. 393, 63 Stat. 523, §367; Aug. 3, 1950, ch. 536, §22, 64 Stat. 407; July 24, 1956, ch. 692, §§2(4), 3, 70 Stat. 631; Pub. L. 98-557, §§15(a)(3)(A), (C), 17(b)(4), Oct. 30, 1984, 98 Stat. 2865, 2868; renumbered §2314, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§35, 35a, 35c (May 26, 1906, ch. 2556, §1, 34 Stat. 200; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 30, 1937, ch. 545, §1, 50 Stat. 547; July 11, 1941, ch. 290, §8, 55 Stat. 586; Aug. 18, 1941, ch. 364, §3, 55 Stat. 629; Dec. 13, 1941, ch. 570, §5, 55 Stat. 799).

Section 35 of title 14, U.S.C., 1946 ed., has been divided. The proviso of subsection (a) is covered by subsection (b) of this section. Subsections (c) and (d) are placed in subsection (a) of this section, except that part (3) of subsection (c) is covered in section 366 of this title. The first sentence of subsection (a) is placed in section 351 of this title. Subsection (b) is placed in section 365 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 367 of this title as this section.

1984—Pub. L. 98-557 struck out subsec. “(a)” designation; in provisions preceding cl. (1) substituted “enlisted member” for “enlisted man”; and in provisions following cl. (4) substituted “member detained” for “person detained”, “Enlisted members” for “Enlisted men”, and “clause (1)” for “(1) of this subsection”.

1956—Subsec. (a). Act July 24, 1956, §§2(4), 3, repealed cl. (3) permitting detention of enlisted members beyond term of their enlistment while waiting disciplinary action or trial and disposition of their case, struck out provisions prohibiting payment of pay or allowances for any period beyond term of enlistment if trial of such members results in conviction, and redesignated cls. (4) and (5) as (3) and (4), respectively. See section 972(a) of Title 10, Armed Forces.

Subsecs. (b), (c). Act July 24, 1956, §2(4), repealed subsecs. (b) and (c) which required enlisted members to make good time lost by unauthorized absence from duty, or by confinement under sentence or pending trial, or by reason of sickness resulting from misconduct. See section 972(a) of Title 10.

1950—Subsec. (c). Act Aug. 3, 1950, added subsec. (c).

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, 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.

§ 2315. Inclusion of certain conditions in enlistment contract

The enlistment contract shall contain the substance of sections 2312 to 2314,¹ inclusive, of this title.

¹ See 2018 Amendment note below.

(Aug. 4, 1949, ch. 393, 63 Stat. 524, §369; renumbered §2315 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

HISTORICAL AND REVISION NOTES

It is believed desirable to have the provisions specified included in the enlistment contract, as they include certain privileges and obligations that any man should clearly understand before enlisting. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), which directed amendment of this title by striking each reference to a section redesignated by title I of Pub. L. 115-282 and inserting a reference to the redesignated section, was executed by substituting “sections 2312 to 2314” for “sections 365 to 368” to reflect the probable intent of Congress. Sections 365 to 367 of this title were redesignated as sections 2312 to 2314 of this title by title I of Pub. L. 115-282, whereas section 368 of this title had previously been repealed by Pub. L. 97-322, title I, §115(b)(1), Oct. 15, 1982, 96 Stat. 1585.

Pub. L. 115-282, §113(b), renumbered section 369 of this title as this section.

§ 2316. Discharge within three months before expiration of enlistment

Under regulations prescribed by the Secretary, any enlisted member may be discharged at any time within three months before the expiration of his term of enlistment or extended enlistment without prejudice to any right, privilege, or benefit that he would have received, except pay and allowances for the unexpired period not served, or to which he would thereafter become entitled, had he served his full term of enlistment or extended enlistment.

(Added June 8, 1955, ch. 136, §2, 69 Stat. 88, §370; amended Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2316, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 370 of this title as this section.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

§ 2317. Aviation cadets; procurement; transfer

(a) The grade of aviation cadet is established as a special enlisted grade in the Coast Guard. Under such regulations as the Secretary prescribes, citizens in civil life may be enlisted as, and enlisted members of the Coast Guard with their consent may be designated as, aviation cadets.

(b) Except in time of war or national emergency declared by Congress, not less than 20 percent of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Coast Guard.

(c) No individuals may be enlisted or designated as an aviation cadet unless—

(1) the individual agrees in writing that, upon successful completion of the course of

training as an aviation cadet, the individual will accept a commission as an ensign in the Coast Guard Reserve and will serve on active duty as such for at least three years, unless sooner released; and

(2) if under twenty-one years of age, the individual has the consent of the individual's parent or guardian to the agreement.

(d) Under such regulations as the Secretary prescribes, an aviation cadet may be transferred to another enlisted grade or rating in the Coast Guard, released from active duty, or discharged.

(Added Pub. L. 89-444, §1(20), June 9, 1966, 80 Stat. 196, §371; amended Pub. L. 97-295, §2(11), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98-557, §15(a)(1), Oct. 30, 1984, 98 Stat. 2864; renumbered §2317, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(20), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c). Pub. L. 116-283, §8505(a)(20)(A), substituted “individuals” for “persons” in introductory provisions.

Subsec. (c)(1). Pub. L. 116-283, §8505(a)(20)(B), substituted “individual” for “person” in two places.

Subsec. (c)(2). Pub. L. 116-283, §8505(a)(20)(B), (C), substituted “individual” for “person” and “individual’s” for “person’s”.

2018—Pub. L. 115-282 renumbered section 371 of this title as this section.

1984—Subsec. (a). Pub. L. 98-557, §15(a)(1)(A), struck out “male” before “citizens” and “enlisted members”. Subsec. (c)(1). Pub. L. 98-557, §15(a)(1)(B), substituted “the person” for “he” in two places and struck out “his” after “upon”.

Subsec. (c)(2). Pub. L. 98-557, §15(a)(1)(C), substituted “the person” for “he”, “the person’s” for “his”, and “the agreement” for “his agreement”.

1982—Subsec. (b). Pub. L. 97-295 substituted “percent” for “per centum”.

§ 2318. Aviation cadets; benefits

Except as provided in section 402(c) of title 37, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits as are provided for enlisted members in pay grade E-4. While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.

(Added Pub. L. 89-444, §1(20), June 9, 1966, 80 Stat. 197, §372; renumbered §2318, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 372 of this title as this section.

§ 2319. Critical skill training bonus

(a) The Secretary may provide a bonus, not to exceed \$20,000, to an enlisted member who completes training in a skill designated as critical, if at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this

section may be paid in a single lump sum or in periodic installments.

(b) If an enlisted member voluntarily or because of misconduct does not complete the member's term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary may charge interest on the amount repaid at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the calendar quarter preceding the date on which the amount to be repaid is determined.

(Added Pub. L. 108-293, title II, §204(a), Aug. 9, 2004, 118 Stat. 1032, §374; renumbered §2319, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 374 of this title as this section.

CHAPTER 25—PERSONNEL; GENERAL PROVISIONS

SUBCHAPTER I—GENERAL PROVISIONS

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| 2501. | Grade on retirement. |
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| 2506. | Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution. |
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| 2508. | Emergency leave retention authority. |
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| 2510. | Sea service letters. |
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| 2512. | Leave policies for the Coast Guard. |
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SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

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| 2521. | Advisory Board on Women in the Coast Guard. |
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[SUBCHAPTER III—REPEALED]

[2531 to 2536 repealed.]

Editorial Notes

PRIOR PROVISIONS

A prior analysis for chapter 25 “GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY” consisted of items 891 “Flags; pennants; uniforms and insignia”, 892 “Penalty”, 893 “Limitation on rights of members of the Auxiliary and temporary members of the Reserve”, and 894 “Availability of facilities and appropriations”, prior to repeal by Pub. L. 115-282, title I, §114(a), Dec. 4, 2018, 132 Stat. 4223.

AMENDMENTS

2022—Pub. L. 117-263, div. K, title CXIV, §11410(b), title CXVIII, §11808(a)(18), Dec. 23, 2022, 136 Stat. 4117,

4166, added item 2516 and struck out item for subchapter III “LIGHTHOUSE SERVICE” and items 2531 “Personnel of former Lighthouse Service”, 2532 “Retirement of employees”, 2533 “Surviving spouses”, and 2534 “Application for benefits”.

Pub. L. 117–263, div. K, title CXII, § 11242(b), Dec. 23, 2022, 136 Stat. 4040, which directed amendment of the analysis for this chapter by adding item 2515 “after the item relating to section 2515”, was executed by adding item 2515 after item 2514 to reflect the probable intent of Congress.

2021—Pub. L. 116–283, div. G, title LVXXXII [LXXXII], §§ 8204(b), 8215(c)(3), title LVXXXV [LXXXV], §§ 8510(c), 8511(c), Jan. 1, 2021, 134 Stat. 4648, 4652, 4758, 4759, added item 2514, substituted “ADVISORY BOARD ON WOMEN IN THE COAST GUARD” for “LIGHTHOUSE SERVICE” in item for subchapter II and added item 2521, inserted item for subchapter III before item 2531, and added items 2532 to 2534. Item 2514 was added to the analysis for this chapter to reflect the probable intent of Congress, notwithstanding directory language adding that item to the analysis for subchapter I of this chapter.

2018—Pub. L. 115–282, title I, § 114(a), Dec. 4, 2018, 132 Stat. 4223, inserted chapter 25 designation and heading and added items 2501 to 2531.

SUBCHAPTER I—GENERAL PROVISIONS

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, title I, § 114(c)(1), Dec. 4, 2018, 132 Stat. 4224, inserted subchapter I designation and heading.

Statutory Notes and Related Subsidiaries

PHYSICAL DISABILITY EVALUATION SYSTEM PROCEDURE REVIEW

Pub. L. 117–263, div. K, title CXII, § 11243, Dec. 23, 2022, 136 Stat. 4040, provided that:

“(a) STUDY.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [Dec. 23, 2022], the Comptroller General of the United States shall complete a study on the Coast Guard Physical Disability Evaluation System and medical retirement procedures.

“(2) ELEMENTS.—In completing the study required under paragraph (1), the Comptroller General shall review, and provide recommendations to address, the following:

“(A) Coast Guard compliance with all applicable laws, regulations, and policies relating to the Physical Disability Evaluation System and the Medical Evaluation Board.

“(B) Coast Guard compliance with timelines set forth in—

“(i) the instruction of the Commandant [of the Coast Guard] entitled ‘Physical Disability Evaluation System’ issued on May 19, 2006 (COMDTNST M1850.2D); and

“(ii) the Physical Disability Evaluation System Transparency Initiative (ALCGPSC 030/20).

“(C) An evaluation of Coast Guard processes in place to ensure the availability, consistency, and effectiveness of counsel appointed by the Coast Guard Office of the Judge Advocate General to represent members of the Coast Guard undergoing an evaluation under the Physical Disability Evaluation System.

“(D) The extent to which the Coast Guard has and uses processes to ensure that such counsel may perform the functions of such counsel in a manner that is impartial, including being able to perform such functions without undue pressure or interference by the command of the affected member of the Coast Guard, the Personnel Service Center, and the Coast Guard Office of the Judge Advocate General.

“(E) The frequency, including the frequency aggregated by member pay grade, with which members of the Coast Guard seek private counsel in lieu of counsel appointed by the Coast Guard Office of the Judge Advocate General.

“(F) The timeliness of determinations, guidance, and access to medical evaluations necessary for retirement or rating determinations and overall well-being of the affected member of the Coast Guard.

“(G) The guidance, formal or otherwise, provided by the Personnel Service Center and the Coast Guard Office of the Judge Advocate General, other than the counsel directly representing affected members of the Coast Guard, in communication with medical personnel examining members.

“(H) The guidance, formal or otherwise, provided by the medical professionals reviewing cases within the Physical Disability Evaluation System to affected members of the Coast Guard, and the extent to which such guidance is disclosed to the commanders, commanding officers, or other members of the Coast Guard in the chain of command of such affected members.

“(I) The feasibility of establishing a program to allow members of the Coast Guard to select an expedited review to ensure completion of the Medical Evaluation Board report not later than 180 days after the date on which such review was initiated.

“(b) REPORT.—The Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study conducted under subsection (a) and recommendations for improving the Physical Disability Evaluation System process.

“(c) UPDATED POLICY GUIDANCE.—

“(1) IN GENERAL.—Not later than 180 days after the date on which the report under subsection (b) is submitted, the Commandant shall issue updated policy guidance in response to the findings and recommendations contained in the report.

“(2) ELEMENTS.—The updated policy guidance required under paragraph (1) shall include the following:

“(A) A requirement that a member of the Coast Guard, or the counsel of such a member, shall be informed of the contents of, and afforded the option to be present for, any communication between the member’s command and the Personnel Service Center, or other Coast Guard entity, with respect to the duty status of the member.

“(B) An exception to the requirement described in subparagraph (A) that such a member, or the counsel of the member, is not required to be informed of the contents of such a communication if it is demonstrated that there is a legitimate health or safety need for the member to be excluded from such communications, supported by a medical opinion that such exclusion is necessary for the health or safety of the member, command, or any other individual.

“(C) An option to allow a member of the Coast Guard to initiate an evaluation by a Medical Evaluation Board if a Coast Guard healthcare provider, or other military healthcare provider, has raised a concern about the ability of the member to continue serving in the Coast Guard, in accordance with existing medical and physical disability policy.

“(D) An updated policy to remove the command endorsement requirement for retirement or separation unless absolutely necessary for the benefit of the United States.”

POLICY ON REQUESTS FOR PERMANENT CHANGES OF STATION OR UNIT TRANSFERS BY PERSONS WHO REPORT BEING THE VICTIM OF SEXUAL ASSAULT

Pub. L. 117–263, div. K, title CXII, § 11273, Dec. 23, 2022, 136 Stat. 4068, provided that:

“(a) INTERIM UPDATE.—Not later than 30 days after the date of enactment of this Act [Dec. 23, 2022], the

Commandant [of the Coast Guard], in consultation with the Director of the Health, Safety, and Work Life Directorate, shall issue an interim update to Coast Guard policy guidance to allow a member of the Coast Guard who has reported being the victim of a sexual assault, or any other offense covered by section 920, 920c, or 930 of title 10, United States Code (article 120, 120c, or 130 of the Uniform Code of Military Justice), to request an immediate change of station or an immediate unit transfer.

“(b) FINAL POLICY.—The Commandant shall issue a final policy based on the interim updates issued under the preceding sentence not later than 1 year after the date of enactment of this Act.”

SEX OFFENSES AND PERSONNEL RECORDS

Pub. L. 117–263, div. K, title CXII, §11274, Dec. 23, 2022, 136 Stat. 4068, provided that:

“Not later than 180 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard] shall issue final regulations or policy guidance required to fully implement section 1745 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1561 note) with respect to members of the Coast Guard.”

IMPROVEMENTS TO PHYSICAL DISABILITY EVALUATION SYSTEM AND TRANSITION PROGRAM

Pub. L. 117–263, div. K, title CXIV, §11411, Dec. 23, 2022, 136 Stat. 4117, provided that:

“(a) TEMPORARY POLICY.—Not later than 60 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard] shall develop a temporary policy that—

“(1) improves timeliness, communication, and outcomes for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;

“(2) affords maximum career transition benefits to members of the Coast Guard determined by a Medical Evaluation Board to be unfit for retention in the Coast Guard; and

“(3) maximizes the potential separation and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process.

“(b) ELEMENTS.—The policy required under subsection (a) shall include the following:

“(1) A requirement that any member of the Coast Guard who is undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be placed in a duty status that allows the member the opportunity to attend necessary medical appointments and other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.

“(2) In the case of a Medical Evaluation Board report that is not completed not later than 120 days after the date on which an evaluation by the Medical Evaluation Board was initiated, the option for such a member to enter permissive duty status.

“(3) A requirement that the date of initiation of an evaluation by a Medical Evaluation Board shall include the date on which any verbal or written affirmation is made to the member, command, or medical staff that the evaluation by the Medical Evaluation Board has been initiated.

“(4) An option for such member to seek an internship under the SkillBridge program established under section 1143(e) of title 10, United States Code, and outside employment aimed at improving the transition of the member to civilian life, only if such an internship or employment does not interfere with necessary medical appointments required for the member’s physical disability evaluation.

“(5) A requirement that not less than 21 days notice shall be provided to such a member for any such medical appointment, to the maximum extent prac-

ticable, to ensure that the appointment timeline is in the best interests of the immediate health of the member.

“(6) A requirement that the Coast Guard shall provide such a member with a written separation date upon the completion of a Medical Evaluation Board report that finds the member unfit to continue active duty.

“(7) To provide certainty to such a member with respect to a separation date, a policy that ensures—

“(A) that accountability measures are in place with respect to Coast Guard delays throughout the Physical Disability Evaluation System, including—

“(i) placement of the member in an excess leave status after 270 days have elapsed since the date of initiation of an evaluation by a Medical Evaluation Board by any competent authority; and

“(ii) a calculation of the costs to retain the member on active duty, including the pay, allowances, and other associated benefits of the member, for the period beginning on the date that is 90 days after the date of initiation of an evaluation by a Medical Evaluation Board by any competent authority and ending on the date on which the member is separated from the Coast Guard; and

“(B) the availability of administrative solutions to any such delay.

“(8) With respect to a member of the Coast Guard on temporary limited duty status, an option to remain in the member’s current billet, to the maximum extent practicable, or to be transferred to a different active-duty billet, so as to minimize any negative impact on the member’s career trajectory.

“(9) A requirement that each respective command shall report to the Coast Guard Personnel Service Center any delay of more than 21 days between each stage of the Physical Disability Evaluation System for any such member, including between stages of the processes, the Medical Evaluation Board, the Informal Physical Evaluation Board, and the Formal Physical Evaluation Board.

“(10) A requirement that, not later than 7 days after receipt of a report of a delay described in paragraph (9), the Personnel Service Center shall take corrective action, which shall ensure that the Coast Guard exercises maximum discretion to continue the Physical Disability Evaluation System of such a member in a timely manner, unless such delay is caused by the member.

“(11) A requirement that—

“(A) a member of the Coast Guard shall be allowed to make a request for a reasonable delay in the Physical Disability Evaluation System to obtain additional input and consultation from a medical or legal professional; and

“(B) any such request for delay shall be approved by the Commandant based on a showing of good cause by the member.

“(c) REPORT ON TEMPORARY POLICY.—Not later than 60 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the policy developed under subsection (a).

“(d) PERMANENT POLICY.—Not later than 180 days after the date of enactment of this Act, the Commandant shall publish a Commandant Instruction making the policy developed under subsection (a) a permanent policy of the Coast Guard.

“(e) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on, and a copy of, the permanent policy.

“(f) ANNUAL REPORT ON COSTS.—

“(1) IN GENERAL.—Not less frequently than annually, the Commandant shall submit to the Committee

on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, for the preceding fiscal year—

“(A) details the total aggregate service-wide costs described in subsection (b)(7)(A)(ii) for members of the Coast Guard whose Physical Disability Evaluation System process has exceeded 90 days; and

“(B) includes for each such member—

“(i) an accounting of such costs; and

“(ii) the number of days that elapsed between the initiation and completion of the Physical Disability Evaluation System process.

“(2) PERSONALLY IDENTIFIABLE INFORMATION.—A report under paragraph (1) shall not include the personally identifiable information of any member of the Coast Guard.”

§ 2501. Grade on retirement

(a) COMMISSIONED OFFICERS.—

(1) IN GENERAL.—A commissioned officer who is retired under any provision of this title, shall be retired from active service with the highest grade held by the commissioned officer for not less than six months while on active duty in which, as determined by the Secretary, the commissioned officer's performance of duty was satisfactory.

(2) CONDITIONAL DETERMINATION.—When a commissioned officer is under investigation for alleged misconduct at the time of retirement—

(A) the Secretary may conditionally determine the highest grade of satisfactory service of the commissioned officer pending completion of the investigation; and

(B) the grade under subparagraph (A) is subject to resolution under subsection (c)(2).

(b) WARRANT OFFICERS.—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 the warrant officer for not less than six months on active duty in which, as determined by the Secretary, the warrant officer's performance of duty was satisfactory.

(c) RETIREMENT IN LOWER GRADE.—

(1) MISCONDUCT IN LOWER GRADE.—In the case of a commissioned officer whom the Secretary determines committed misconduct in a lower grade, the Secretary may determine the commissioned officer has not served satisfactorily in any grade equal to or higher than that lower grade.

(2) ADVERSE FINDINGS.—A determination of the retired grade of a commissioned officer shall be resolved following a conditional determination under subsection (a)(2) if the investigation of or personnel action against the commissioned officer results in adverse findings.

(3) RECALCULATION OF RETIRED PAY.—If the retired grade of a commissioned officer is reduced pursuant to this subsection, the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

(d) FINALITY OF RETIRED GRADE DETERMINATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a determination of the retired grade of a commissioned officer under this section is administratively final on the day the commissioned officer is retired, and may not be reopened.

(2) REOPENING DETERMINATIONS.—A determination of the retired grade of a commissioned officer may be reopened if—

(A) the retirement or retired grade of the commissioned officer was procured by fraud;

(B) substantial evidence comes to light after the retirement that could have led to a lower retired grade under this section and such evidence was not known by competent authority at the time of retirement;

(C) a mistake of law or calculation was made in the determination of the retired grade;

(D) in the case of a retired grade following a conditional determination under subsection (a)(2), the investigation of or personnel action against the commissioned officer results in adverse findings; or

(E) the Secretary determines, under regulations prescribed by the Secretary, that good cause exists to reopen the determination.

(3) REQUIREMENTS.—If a determination of the retired grade of a commissioned officer is reopened under paragraph (2), the Secretary—

(A) shall notify the commissioned officer of the reopening; and

(B) may not make an adverse determination on the retired grade of the commissioned officer until the commissioned officer has had a reasonable opportunity to respond regarding the basis of the reopening.

(4) RECALCULATION OF RETIRED PAY.—If the retired grade of a commissioned officer is reduced through the reopening of the commissioned officer's retired grade under paragraph (2), the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

(e) INAPPLICABILITY TO COMMISSIONED WARRANT OFFICERS.—This section, including subsection (b), shall not apply to commissioned warrant officers.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 190, §334; 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; renumbered §2501, Pub. L. 115-282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8201(c), Jan. 1, 2021, 134 Stat. 4641.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §8201(c)(1), designated existing provisions as par. (1), inserted subsec.

heading and par. (1) heading, substituted “A commissioned officer” for “Any commissioned officer, other than a commissioned warrant officer,” “the commissioned officer” for “him”, and “the commissioned officer’s” for “his”, and added par. (2).

Subsec. (b). Pub. L. 116-283, § 8201(c)(2), inserted heading and substituted “the warrant officer” for “him” and “the warrant officer’s” for “his”.

Subsecs. (c) to (e). Pub. L. 116-283, § 8201(c)(3), added subsecs. (c) to (e).

2018—Pub. L. 115-282 renumbered section 334 of this title as this section.

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.

Statutory Notes and Related Subsidiaries

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.

§ 2502. Retirement

(a) Every commissioned officer, warrant officer, or enlisted member who is retired under any provisions of this title shall be retired with the permanent grade or rate held at the time of retirement, unless entitled to retire with a higher grade or rate under any provision of this title or any other law.

(b) Where an officer is entitled, under any provision of law, to retire with one grade higher than the grade in which serving at the time of retirement, the next higher grade in the case of captain shall be rear admiral (lower half), and the next higher grade in the case of commissioned warrant officer shall be lieutenant (junior grade).

(Aug. 4, 1949, ch. 393, 63 Stat. 524, § 421; Pub. L. 97-417, § 2(10), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 98-557, § 15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-145, title V, § 514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 99-348, title II, § 205(b)(10), July 1, 1986, 100 Stat. 700; renumbered § 2502, Pub. L. 115-282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223.)

HISTORICAL AND REVISION NOTES

Subsection (a) is new in this form, but the provision contained therein is expressed or implied in numerous

statutes relating to the retirement of military personnel.

A provision defining the next higher grade to that of commissioned warrant officer as lieutenant (junior grade), for purposes of retirement, was added.

The other provisions of said section are obsolete and are no longer needed.

Subsection (a) is new, but the provision contained in it is expressed or implied in numerous statutes relating to retirement of military personnel. It is believed desirable to include such a provision to prevent any misconstruction of retirement statutes, even though no change in existing law is intended on the point covered, either by other sections dealing with retirement or by this section.

Subsection (b) is a codification of the only provision of title 14, U.S.C., 1946 ed., § 174, that it is desired to retain, and in addition designated the next higher grade for commissioned warrant officers as lieutenant (junior grade) because the pay of the commissioned warrant officers is the same as for the grade of lieutenant (junior grade) and advancing such officers to the grade of ensign would in some aspects not appear to be a promotion. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 421 of this title as this section.

1986—Subsec. (a). Pub. L. 99-348 substituted “rate” for “rating” in two places.

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

1984—Subsec. (a). Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

1983—Subsec. (b). Pub. L. 97-417 substituted “commodore” for “rear admiral”.

Statutory Notes and Related Subsidiaries

REPORT ON RESIGNATION AND RETIREMENT PROCESSING TIMES AND DENIAL

Pub. L. 117-263, div. K, title CXII, § 11241, Dec. 23, 2022, 136 Stat. 4039, provided that:

“(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Dec. 23, 2022], and annually thereafter, the Commandant [of the Coast Guard] shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates resignation and retirement processing timelines.

“(b) ELEMENTS.—The report required under subsection (a) shall include, for the preceding calendar year—

“(1) statistics on the number of resignations, retirements, and other separations that occurred;

“(2) the processing time for each action described in paragraph (1);

“(3) the percentage of requests for such actions that had a command endorsement;

“(4) the percentage of requests for such actions that did not have a command endorsement; and

“(5) for each denial of a request for a command endorsement and each failure to take action on such a request, a detailed description of the rationale for such denial or failure to take such action.”

§ 2503. Status of recalled personnel

All retired personnel when recalled to active duty shall serve in the grade or rate in which they were serving at the time of retirement.

(Aug. 4, 1949, ch. 393, 63 Stat. 524, § 422; Pub. L. 99-348, title II, § 205(b)(10), July 1, 1986, 100 Stat. 700; renumbered § 2503, Pub. L. 115-282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223.)

HISTORICAL AND REVISION NOTES

This provision is desirable because many enlisted men and low-ranking officers may now retire with higher grade which they previously held on a temporary basis. If recalled in the higher grades, they might not be capable of holding same at the time of recall. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 422 of this title as this section.

1986—Pub. L. 99-348 substituted “rate” for “rating”.

§ 2504. Computation of retired pay

(a)(1) The retired pay of a member who first became a member of a uniformed service (as defined in section 101 of title 10) before September 8, 1980, is determined by multiplying—

(A) the sum of—

(i) the basic pay of the member’s retired grade or rate, and

(ii) all permanent additions thereto including longevity credit to which the member was entitled at the time of retirement; by

(B) the retired pay multiplier determined under section 1409 of title 10 for the number of years of service that may be credited to the member under section 1405 of such title.

(2) In the case of an officer who served as Commandant, retired pay under paragraph (1) shall be computed at the highest rate of basic pay applicable to the officer while so serving.

(3) In the case of an enlisted member who served as the master chief petty officer of the Coast Guard, retired pay under paragraph (1) shall be computed at the highest rate of basic pay to which the member was entitled while so serving, if that basic pay is greater than the basic pay of the grade or rate to which the member is otherwise entitled at the time of retirement.

(4) In the case of an officer whose retired pay is computed on the pay of a grade for which basic pay is not based upon years of service, retired pay under paragraph (1) shall be computed on the basis of the number of years of service for which the officer would be entitled to credit in the computation of pay on the active list had the officer been serving in the grade of captain at the time of retirement.

(b) The retired pay of a member who first became a member of a uniformed service (as defined in section 101 of title 10) on or after September 8, 1980, is determined by multiplying—

(1) the retired pay base determined under section 1407 of title 10; by

(2) the retired pay multiplier determined under section 1409 of title 10 for the number of years of service that may be credited to the member under section 1405 of such title.

(c)(1) In computing for the purpose of subsection (a) or (b) the number of years of service that may be credited to a member under section 1405 of title 10—

(A) each full month of service that is in addition to the number of full years of service creditable to the member shall be counted as $\frac{1}{12}$ of a year; and

(B) any remaining fractional part of a month shall be disregarded.

(2) Retired pay computed under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(d) In addition to amounts computed pursuant to subsections (a) through (c) of this section, a full TSP member (as defined in section 8440e(a) of title 5) of the Coast Guard is entitled to continuation pay pursuant to section 356 of title 37.

(Aug. 4, 1949, ch. 393, 63 Stat. 525, § 423; Aug. 3, 1950, ch. 536, § 23, 64 Stat. 407; Pub. L. 85-422, § 11(b), May 20, 1958, 72 Stat. 132; Pub. L. 88-132, § 5(i), Oct. 2, 1963, 77 Stat. 214; Pub. L. 92-455, § 2, Oct. 2, 1972, 86 Stat. 761; Pub. L. 96-342, title VIII, § 813(f)(2), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 97-295, § 2(12), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98-94, title IX, §§ 922(b), 923(d), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 98-557, § 15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, § 205(a), July 1, 1986, 100 Stat. 699; Pub. L. 115-141, div. F, title II, § 225, Mar. 23, 2018, 132 Stat. 616; Pub. L. 115-232, div. C, title XXXV, § 3531(c)(13), Aug. 13, 2018, 132 Stat. 2320; renumbered § 2504, Pub. L. 115-282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 162a, 167, 175c, 185d (Apr. 12, 1902, ch. 501, § 9, 32 Stat. 101; Jan. 12, 1938, ch. 3, § 3, 52 Stat. 5; May 24, 1939, ch. 146, § 5, 53 Stat. 756; Feb. 21, 1946, ch. 34, § 10, 60 Stat. 29).

Section was enlarged to include computation of retired pay in all situations. It is in accord with the provisions of Navy statutes. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 423 of this title as this section.

Subsec. (a)(2). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard”.

Subsec. (d). Pub. L. 115-141 added subsec. (d).

1986—Pub. L. 99-348 amended section generally. Prior to amendment, section provided that retired pay of a grade or rating would be computed at the rate of $\frac{2}{3}$ percent of the sum of the basic pay of that grade or rating and all permanent additions thereto including longevity credit, multiplied by the number of years of service credited, with certain exceptions, and that retired pay of an officer or member of the Coast Guard who first became a member of a uniformed service, as defined in section 1407(a)(2) of title 10, after Sept. 7, 1980, would be computed at the rate of $\frac{2}{3}$ percent of the monthly retired pay base computed under section 1407(f) of title 10, multiplied by the number of years of service credited, but that retired pay was not to be more than 75 percent of such monthly retired pay base.

1984—Subsec. (a). Pub. L. 98-557 substituted reference to enlisted member concerned for reference to enlisted man concerned.

1983—Subsec. (a). Pub. L. 98-94, § 923(d), substituted “In computing the number of years of service by which the rate of $\frac{2}{3}$ percent is multiplied, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded” for “A fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of $\frac{2}{3}$ percent is multiplied”.

Pub. L. 98-94, § 922(b), inserted “Retired pay, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

1982—Subsec. (b). Pub. L. 97-295 substituted “after September 7, 1980” for “on or after the date of the enactment of the Department of Defense Authorization Act, 1981”.

1980—Pub. L. 96-342 designated existing provisions as subsec. (a), substituted “Except as provided in subsection (b), the” for “The”, and added subsec. (b).

1972—Pub. L. 92-455 provided for computation of retired pay of an enlisted member serving as the master chief petty officer of the Coast Guard at the highest basic pay applicable to him while he so served, if that basic pay is greater than the basic pay of the grade or rating to which he was otherwise entitled at the time of retirement.

1963—Pub. L. 88-132 substituted “basic” for “active-duty” wherever appearing.

1958—Pub. L. 85-422 substituted “that may be credited to him under section 1405 of title 10” for “for which he was entitled to credit in the computation of his pay when last on active duty”.

1950—Act Aug. 3, 1950, struck out reference to computation of pay of retired personnel retired by reason of physical disability.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of Title 10, Armed Forces.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of Title 10.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88-132 effective Oct. 1, 1963, see section 14 of Pub. L. 88-132, set out as a note under section 201 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-422 effective June 1, 1958, see Pub. L. 85-422, § 9, May 20, 1958, 72 Stat. 130.

§ 2505. Limitations on retirement and retired pay

(a) The provisions of any section of this title shall not be construed so as to prevent any member from being placed on the retired list with the highest grade or rate and the highest retired pay to which the member may be entitled under the provisions of any other section of this title or under any other law.

(b) In no case may the retired pay of a member exceed 75 percent of (1) the sum of the active-duty pay and all permanent additions thereto (including longevity credit to which the member is entitled) of the grade or rate on which the member's pay is computed, or (2) the retired pay base determined under section 1407 of title 10, as appropriate.

(Aug. 4, 1949, ch. 393, 63 Stat. 525, § 424; Pub. L. 98-557, § 15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, § 205(b)(11), July 1, 1986, 100 Stat. 700; renumbered § 2505, Pub. L. 115-282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223.)

HISTORICAL AND REVISION NOTES

The two provisions of this section are considered desirable as safeguards to eliminate any possible misconstruction of situations relating to retirement and retired pay in respect to the two points covered. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 424 of this title as this section.

1986—Pub. L. 99-348 amended section generally. Prior to amendment, section read as follows: “The provisions of any section of this title shall not be construed so as to prevent any officer or enlisted member from being placed on the retired list with the highest grade or rating and the highest retired pay to which such officer or enlisted member may be entitled under the provisions of any other section of this title or under the provisions of any other law. In no case shall the retired pay of an officer or enlisted member exceed 75 percent of the sum of the active-duty pay and all permanent additions thereto, including longevity credit to which the officer or enlisted member concerned is entitled, of the grade or rating on which his pay is computed.”

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man in four places.

§ 2506. Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution

Under procedures prescribed by the Secretary, the Secretary may suspend the payment of the retired pay of a member or former member during periods in which the member willfully remains outside the United States to avoid criminal prosecution or civil liability. The procedures shall address the types of criminal offenses and civil proceedings for which the procedures may be used, including the offenses specified in section 8312 of title 5, and the manner by which a member, upon the return of the member to the United States, may obtain retired pay withheld during the member's absence.

(Added Pub. L. 107-295, title IV, § 444(a), Nov. 25, 2002, 116 Stat. 2132, § 424a; renumbered § 2506, Pub. L. 115-282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 424a of this title as this section.

§ 2507. Board for Correction of Military Records deadline

(a) DEADLINE FOR COMPLETION OF ACTION.—The Secretary shall complete processing of an application for correction of military records under section 1552 of title 10 by not later than 10 months after the date the Secretary receives the completed application.

(b) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the department in which the Coast Guard is operating; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, directing final action be taken within 30 days from the date the order is entered; and
 (B) from amounts appropriated to the department in which the Coast Guard is operating, the costs of obtaining the order, including a reasonable attorney's fee.

(Added Pub. L. 104-324, title II, §209(a), Oct. 19, 1996, 110 Stat. 3914, §425; renumbered §2507, Pub. L. 115-282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 425 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 104-324, §209(d), Oct. 19, 1996, 110 Stat. 3914, provided that: “This section [enacting this section and provisions set out as a note below] shall be effective on and after June 12, 1990.”

SPECIAL RIGHT OF APPLICATIONS AFTER DEADLINE FOR COMPLETION OF BOARD ACTION

Pub. L. 104-324, §209(c), Oct. 19, 1996, 110 Stat. 3914, provided that: “This section [enacting this section and provisions set out as a note above] applies to any applicant who had an application filed with or pending before the Board or the Secretary of the department in which the Coast Guard is operating on or after June 12, 1990, who files with the Board for Correction of Military Records of the Coast Guard an application for relief under the amendment made by subsection (a) [enacting this section]. If a recommended decision was modified or reversed on review with final agency action occurring after expiration of the 10-month deadline under that amendment, an applicant who so requests shall have the order in the final decision vacated and receive the relief granted in the recommended decision if the Coast Guard has the legal authority to grant such relief. The recommended decision shall otherwise have no effect as precedent.”

§ 2508. Emergency leave retention authority

(a) IN GENERAL.—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in response to a spill of national significance shall be treated, for the purpose of section 701(e) of title 10, as a duty assignment in support of a contingency operation.

(b) DEFINITIONS.—In this section:

(1) SPILL OF NATIONAL SIGNIFICANCE.—The term “spill of national significance” means a discharge of oil or a hazardous substance that is declared by the Commandant to be a spill of national significance.

(2) DISCHARGE.—The term “discharge” has the meaning given that term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

(Added Pub. L. 111-281, title II, §207(a), Oct. 15, 2010, 124 Stat. 2912, §426; renumbered §2508, Pub. L. 115-282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223; amended Pub. L. 117-263, div. A, title VI, §631(c)(1), Dec. 23, 2022, 136 Stat. 2631.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263 substituted “section 701(e)” for “section 701(f)(2)”.

2018—Pub. L. 115-282 renumbered section 426 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-232 effective Jan. 1, 2023, see section 631(d) of Pub. L. 117-263, set out as a note under section 701 of Title 10, Armed Forces.

EFFECTIVE DATE

Pub. L. 111-281, title II, §207(c), Oct. 15, 2010, 124 Stat. 2912, provided that: “The amendments made by this section [enacting this section] shall be deemed to have been enacted on April 19, 2010.”

§ 2509. Prohibition of certain involuntary administrative separations

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may not authorize the involuntary administrative separation of a covered individual based on a determination that the covered individual is unsuitable for deployment or other assignment due to a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual that resulted in the covered individual being determined to be fit for duty.

(b) REEVALUATION.—

(1) IN GENERAL.—The Secretary may require a Physical Evaluation Board to reevaluate any covered individual if the Secretary determines there is reason to believe that a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual renders the covered individual unsuitable for continued duty.

(2) RETIREMENTS AND SEPARATIONS.—A covered individual who is determined, based on a reevaluation under paragraph (1), to be unfit to perform the duties of the covered individual's office, grade, rank, or rating may be retired or separated for physical disability under chapter 61 of title 10.

(c) COVERED INDIVIDUAL DEFINED.—In this section, the term “covered individual” means any member of the Coast Guard who has been determined by a Physical Evaluation Board, pursuant to a physical evaluation by that board, to be fit for duty.

(Added Pub. L. 112-213, title II, §209(a), Dec. 20, 2012, 126 Stat. 1549, §427; amended Pub. L. 114-120, title II, §209(6), Feb. 8, 2016, 130 Stat. 41; renumbered §2509, Pub. L. 115-282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115–282 renumbered section 427 of this title as this section.

2016—Subsec. (b)(2). Pub. L. 114–120 substituted “chapter 61 of title 10” for “this chapter”.

§ 2510. Sea service letters

(a) **IN GENERAL.**—The Secretary shall provide a sea service letter to a member or former member of the Coast Guard who—

(1) accumulated sea service on a vessel of the Armed Forces (as such term is defined in section 527(e)); and

(2) requests such letter.

(b) **DEADLINE.**—Not later than 30 days after receiving a request for a sea service letter from a member or former member of the Coast Guard under subsection (a), the Secretary shall provide such letter to such member or former member if such member or former member satisfies the requirement under subsection (a)(1).

(Added Pub. L. 113–281, title III, §305(b)(1), Dec. 18, 2014, 128 Stat. 3044, §428; renumbered §2510 and amended Pub. L. 115–282, title I, §114(b), title III, §318(c), Dec. 4, 2018, 132 Stat. 4223, 4252.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115–282, §114(b), renumbered section 428 of this title as this section.

Subsec. (a)(1). Pub. L. 115–282, §318(c), substituted “Armed Forces” for “armed forces” and “section 527(e)” for “section 101(a) of title 10”.

§ 2511. Investigations of flag officers and Senior Executive Service employees

In conducting an investigation into an allegation of misconduct by a flag officer or member of the Senior Executive Service serving in the Coast Guard, the Inspector General of the Department of Homeland Security shall—

(1) conduct the investigation in a manner consistent with Department of Defense policies for such an investigation; and

(2) consult with the Inspector General of the Department of Defense.

(Added Pub. L. 114–120, title II, §220(a), Feb. 8, 2016, 130 Stat. 48, §430; renumbered §2511, Pub. L. 115–282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115–282 renumbered section 430 of this title as this section.

§ 2512. Leave policies for the Coast Guard

(a) **IN GENERAL.**—Except as provided in subsection (b), not later than 1 year after the date on which the Secretary of the Navy promulgates a new rule, policy, or memorandum pursuant to section 704 of title 10, United States Code, with respect to leave associated with the birth or adoption of a child, the Secretary of the department in which the Coast Guard is operating shall promulgate a similar rule, policy, or

memorandum that provides leave to officers and enlisted members of the Coast Guard that is equal in duration and compensation to that provided by the Secretary of the Navy.

(b) **LEAVE ASSOCIATED WITH BIRTH OR ADOPTION OF CHILD.**—Notwithstanding subsection (a), sections 701 and 704 of title 10, or any other provision of law, all officers and enlisted members of the Coast Guard shall be authorized leave associated with the birth or adoption of a child during the 1-year period immediately following such birth or adoption and, at the discretion of the Commanding Officer, such officer or enlisted member shall be permitted—

(1) to take such leave in increments; and

(2) to use flexible work schedules (pursuant to a program established by the Secretary in accordance with chapter 61 of title 5).

(Added Pub. L. 114–120, title II, §222(a), Feb. 8, 2016, 130 Stat. 49, §431; renumbered §2512 and amended Pub. L. 115–282, title I, §114(b), title III, §315(a), Dec. 4, 2018, 132 Stat. 4223, 4250.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115–282, §315(a), designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b), not later than 1 year” for “Not later than 1 year”, and added subsec. (b).

Pub. L. 115–282, §114(b), renumbered section 431 of this title as this section.

Statutory Notes and Related Subsidiaries**FLEXIBLE WORK SCHEDULES**

Pub. L. 115–282, title III, §315(b), Dec. 4, 2018, 132 Stat. 4250, provided that: “Not later than 180 days after the date of enactment of this Act [Dec. 4, 2018], the Secretary of the department in which the Coast Guard is operating shall ensure that a flexible work schedule program under chapter 61 of title 5, United States Code, is in place for officers and enlisted members of the Coast Guard.”

§ 2513. Computation of length of service

In computing length of service of officers and enlisted personnel for any purpose all creditable service in the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, Revenue Cutter Service, and Life Saving Service shall be included in addition to any other creditable service authorized by any other law.

(Aug. 4, 1949, ch. 393, 63 Stat. 531, §467; renumbered §2513, Pub. L. 115–282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223; Pub. L. 116–283, div. A, title IX, §927(b)(2), Jan. 1, 2021, 134 Stat. 3831.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §2 (Jan. 28, 1915, ch. 20, §3, 38 Stat. 801).

The Air Force is added in the enumeration of services.

That part referring to the operation of a station for part of a year is omitted.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2021—Pub. L. 116–283 inserted “Space Force,” after “Air Force,”.

2018—Pub. L. 115-282 renumbered section 467 of this title as this section.

§ 2514. Career flexibility to enhance retention of members

(a) PROGRAMS AUTHORIZED.—The Commandant may carry out a program under which members of the Coast Guard may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of a member participating in the program shall be such period as the Commandant shall specify in the agreement of the member under subsection (c), except that such period may not exceed 3 years.

(2) EXCLUSION FROM YEARS OF SERVICE.—Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of title 10.

(3) EXCLUSION FROM RETIREMENT.—Any period of participation of a member in a program under this section shall not count toward—

(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 841 or 1223 of title 10; or

(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10.

(c) AGREEMENT.—Each member of the Coast Guard who participates in a program under this section shall enter into a written agreement with the Commandant under which that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Coast Guard Ready Reserve during the period of the inactivation of the member from active duty under the program.

(2) To undergo during the period of the inactivation of the member from active duty under the program such inactive service training as the Commandant shall require in order to ensure that the member retains proficiency, at a level determined by the Commandant to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the program, to serve 2 months as a member of the Coast Guard on active duty for each month of the period of the inactivation of the member from active duty under the program.

(d) CONDITIONS OF RELEASE.—The Commandant shall prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Commandant shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member

under paragraph (2) of such subsection while the member is released from active duty.

(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Commandant, a member of the Coast Guard participating in a program under this section may, in the discretion of the Commandant, be required to terminate participation in the program and be ordered to active duty.

(f) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the program.

(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

(A) PROHIBITION.—A member who participates in such a program shall not, while participating in the program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37 that is in force when the member commences participation in the program.

(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of a member participating in a program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37 that is in force when the member commences participation in the program.

(3) RETURN TO ACTIVE DUTY.—

(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of a member to active duty after completion by the member of participation in a program—

(i) any agreement entered into by the member under chapter 5 of title 37 for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(B) LIMITATION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by such subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in

effect at the time of the return of the member to active duty.

(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by such subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474¹ of title 37 for—

(i) travel performed from the residence of the member, at the time of release from active duty to participate in the program, to the location in the United States designated by the member as the member's residence during the period of participation in the program; and

(ii) travel performed to the residence of the member upon return to active duty at the end of the participation of the member in the program.

(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(5) LEAVE BALANCE.—A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

(g) PROMOTION.—

(1) OFFICERS.—

(A) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under chapter 21 or 37 of this title.

(B) RETURN TO DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a program—

(i) the Commandant may adjust the date of rank of the officer in such manner as

the Commandant may prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same grade and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a program under this section shall not be eligible for consideration for advancement during the period that—

(A) begins on the date of the inactivation of the member from active duty under the program; and

(B) ends at such time after the return of the member to active duty under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Commandant shall prescribe in regulations for purposes of the program.

(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of—

(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of title 10; and

(2) retirement or separation for physical disability under the provisions of chapter 61 of title 10 and chapters 21 and 23 of this title.

(Added Pub. L. 116–283, div. G, title LVXXXII [LXXXII], § 8204(a), Jan. 1, 2021, 134 Stat. 4645.)

Editorial Notes

REFERENCES IN TEXT

Section 474 of title 37, referred to in subsec. (f)(4)(A), was repealed by Pub. L. 117–81, div. A, title VI, § 604(a), Dec. 27, 2021, 135 Stat. 1767.

§ 2515. Calculation of active service

Any service described, including service described prior to the date of enactment of the Don Young Coast Guard Authorization Act of 2022, in writing, including by electronic communication, by a representative of the Coast Guard Personnel Service Center as service that counts toward total active service for regular retirement under section 2152 or section 2306 shall be considered by the President as active service for purposes of applying section 2152 or section 2306 with respect to the determination of the retirement qualification for any officer or enlisted member to whom a description was provided.

(Added Pub. L. 117–263, div. K, title CXII, § 11242(a), Dec. 23, 2022, 136 Stat. 4040.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Don Young Coast Guard Authorization Act of 2022, referred to in text, is the date of enactment of div. K of Pub. L. 117–263, which was approved Dec. 23, 2022.

¹ See References in Text note below.

Statutory Notes and Related Subsidiaries**RULE OF CONSTRUCTION**

Pub. L. 117-263, div. K, title CXII, § 11242(c), Dec. 23, 2022, 136 Stat. 4040, provided that: “The amendment made by subsection (a) [enacting this section]—

“(1) shall only apply to officers of the Coast Guard that entered active service after January 1, 1997, temporarily separated for a period of time, and have retired from the Coast Guard before January 1, 2024; and

“(2) shall not apply to any member of any other uniformed service, or to any Coast Guard member regarding active service of the member in any other uniformed service.”

§ 2516. Members asserting post-traumatic stress disorder or traumatic brain injury

(a) **MEDICAL EXAMINATION REQUIRED.**—

(1) **IN GENERAL.**—The Secretary shall ensure that a member of the Coast Guard who has performed Coast Guard operations or has been sexually assaulted during the preceding 2-year period, and who is diagnosed by an appropriate licensed or certified healthcare professional as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise alleges, based on the service of the member or based on such sexual assault, the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

(2) **RESTRICTION ON ADMINISTRATIVE SEPARATION.**—A member described in paragraph (1) shall not be administratively separated under conditions other than honorable, including an administrative separation in lieu of a court-martial, until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary.

(3) **POST-TRAUMATIC STRESS DISORDER.**—In a case involving post-traumatic stress disorder under this subsection, a medical examination shall be—

(A) performed by—

- (i) a board-certified or board-eligible psychiatrist; or
- (ii) a licensed doctorate-level psychologist; or

(B) performed under the close supervision of—

- (i) a board-certified or board-eligible psychiatrist; or
- (ii) a licensed doctorate-level psychologist, a doctorate-level mental health provider, a psychiatry resident, or a clinical or counseling psychologist who has completed a 1-year internship or residency.

(4) **TRAUMATIC BRAIN INJURY.**—In a case involving traumatic brain injury under this subsection, a medical examination shall be performed by a psychiatrist, psychiatrist, neurosurgeon, or neurologist.

(b) **PURPOSE OF MEDICAL EXAMINATION.**—The medical examination required under subsection (a) shall assess whether the effects of mental or neurocognitive disorders, including post-traumatic stress disorder and traumatic brain injury, constitute matters in extenuation that re-

late to the basis for administrative separation under conditions other than honorable or the overall characterization of the service of the member as other than honorable.

(c) **INAPPLICABILITY TO PROCEEDINGS UNDER UNIFORM CODE OF MILITARY JUSTICE.**—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.

(d) **COAST GUARD OPERATIONS DEFINED.**—In this section, the term “Coast Guard operations” has the meaning given that term in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)).

(Added Pub. L. 117-263, div. K, title CXIV, § 11410(a), Dec. 23, 2022, 136 Stat. 4116.)

SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD**Editorial Notes****PRIOR PROVISIONS**

A prior subchapter II was redesignated subchapter III of this chapter.

§ 2521. Advisory Board on Women in the Coast Guard

(a) **IN GENERAL.**—The Commandant shall establish within the Coast Guard an Advisory Board on Women in the Coast Guard.

(b) **MEMBERSHIP.**—The Advisory Board established under subsection (a) shall be composed of such number of members as the Commandant considers appropriate, selected by the Commandant through a public selection process from among applicants for membership on the Board. The members of the Board shall, to the extent practicable, represent the diversity of the Coast Guard. The members of the Committee shall include an equal number of each of the following:

- (1) Active duty officers of the Coast Guard.
- (2) Active duty enlisted members of the Coast Guard.
- (3) Members of the Coast Guard Reserve.
- (4) Retired members of the Coast Guard.

(c) **DUTIES.**—The Advisory Board established under subsection (a)—

(1) shall advise the Commandant on improvements to the recruitment, retention, wellbeing, and success of women serving in the Coast Guard and attending the Coast Guard Academy, including recommendations for the report on gender diversity in the Coast Guard required by section 5109 of chapter 51 of title 14;

(2) may submit to the Commandant recommendations in connection with its duties under this subsection, including recommendations to implement the advice described in paragraph (1); and

(3) may brief Congress on its duties under this subsection, including the advice described in paragraph (1) and any recommendations described in paragraph (2).

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8215(c)(2), Jan. 1, 2021, 134 Stat. 4651.)

[SUBCHAPTER III—REPEALED]

[§§ 2531 to 2534. Repealed. Pub. L. 117–263, div. K, title CXVIII, § 11808(a)(18), Dec. 23, 2022, 136 Stat. 4166]

Section 2531, act Aug. 4, 1949, ch. 393, 63 Stat. 526, § 432; Aug. 9, 1955, ch. 650, §§ 1, 2, 69 Stat. 577; Pub. L. 86–309, Sept. 21, 1959, 73 Stat. 585; Pub. L. 91–278, § 1(10), June 12, 1970, 84 Stat. 305; Pub. L. 96–23, § 5(a), June 13, 1979, 93 Stat. 68; Pub. L. 97–295, § 2(11), (13), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98–557, § 15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99–640, § 10(a)(7), Nov. 10, 1986, 100 Stat. 3549; renumbered § 2531, Pub. L. 115–282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8505(a)(21), Jan. 1, 2021, 134 Stat. 4748, related to personnel of former Lighthouse Service.

Section 2532, added Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8510(b), Jan. 1, 2021, 134 Stat. 4757, related to retirement of certain employees of former Lighthouse Service.

Section 2533, added Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8511(a), Jan. 1, 2021, 134 Stat. 4758, related to surviving spouses of current or former employees of Lighthouse Service.

Section 2534, added and amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8511(b), Jan. 1, 2021, 134 Stat. 4758, related to application for section 2533 benefits.

CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS**SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS**

Sec.	
2701.	Procurement of personnel.
2702.	Training.
2703.	Contingent expenses.
2704.	Equipment to prevent accidents.
[2705.]	Repealed.]
2706.	Right to wear uniform.
2707.	Protection of uniform.
2708.	Clothing for officers and enlisted personnel.
2709.	Procurement and sale of stores to members and civilian employees.
2710.	Disposition of effects of decedents.
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SUBCHAPTER II—AWARDS

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2748.	Presentation of United States flag upon retirement.

SUBCHAPTER III—PAYMENTS

2761.	Individuals discharged as result of court-martial; allowances to.
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Sec.	
2762.	Shore patrol duty; payment of expenses.
2763.	Compensatory absence from duty for military personnel at isolated duty stations.
2764.	Monetary allowance for transportation of household effects.
2765.	Retroactive payment of pay and allowances delayed by administrative error or oversight.
2766.	Travel card management.
2767.	Reimbursement for medical-related travel expenses for certain individuals residing on islands in the continental United States.
2768.	Annual audit of pay and allowances of members undergoing permanent change of station.
2769.	Remission of indebtedness.
2770.	Special instruction at universities.
2771.	Attendance at professional meetings.
2772.	Education loan repayment program for members on active duty in specified military specialties.
2773.	Rations or commutation therefor in money.
2774.	Sales of ration supplies to messes.
2775.	Flight rations.
2776.	Payments at time of discharge for good of service.
2777.	Clothing for destitute shipwrecked individuals.
2778.	Advancement of public funds to personnel.
2779.	Transportation to and from certain places of employment.

Editorial Notes**PRIOR PROVISIONS**

A prior analysis for part III of this title “COAST GUARD AUTHORIZATIONS AND REPORTS TO CONGRESS” preceded prior section 2701 and consisted of items for chapter 27 “Authorizations” beginning with section 2701 and chapter 29 “Reports” beginning with section 2901, prior to repeal by Pub. L. 115–282, title I, § 115, Dec. 4, 2018, 132 Stat. 4225.

A prior analysis for chapter 27 “AUTHORIZATIONS” consisted of items 2701 “Requirement for prior authorization of appropriations”, 2702 “Authorization of appropriations”, 2703 “Authorization of personnel end strengths”, and 2704 “Authorized levels of military strength and training”, prior to repeal by Pub. L. 115–282, title I, § 116(a), Dec. 4, 2018, 132 Stat. 4225.

AMENDMENTS

2022—Pub. L. 117–263, div. K, title CXII, § 11239(b), Dec. 23, 2022, 136 Stat. 4039, added item 2772 and struck out former item 2772 “Education loan repayment program”.

2021—Pub. L. 116–283, div. G, title LVXXXII [LXXXII], § 8206(b), title LVXXXV [LXXXV], § 8505(a)(38)(B), (39)(B), (45)(B), Jan. 1, 2021, 134 Stat. 4649, 4750, added items 2713, 2761, 2767, and 2777, and struck out former items 2761 “Persons discharged as result of court-martial; allowances to”, 2767 “Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States”, and 2777 “Clothing for destitute shipwrecked persons”. Item 2713 was added to the analysis for this chapter to reflect the probable intent of Congress, notwithstanding directory language adding that item “at the end” of the analysis for subchapter I of this chapter.

2018—Pub. L. 115–282, title I, § 116(a), title III, § 316, Dec. 4, 2018, 132 Stat. 4225, 4250, inserted chapter 27 designation and heading, added items 2701 to 2779, and struck out item 2705 “Clothing at time of discharge for good of service”.

SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, § 116(c)(1), Dec. 4, 2018, 132 Stat. 4229, inserted subchapter I designation and heading.

§ 2701. Procurement of personnel

The Coast Guard may expend operations and support funds for recruiting activities, including advertising and entertainment, to—

- (1) obtain recruits for the Service and cadet applicants; and
- (2) gain support of recruiting objectives from those who may assist in the recruiting effort.

(Aug. 4, 1949, ch. 393, 63 Stat. 531, § 468; Pub. L. 104-324, title II, § 206(b), Oct. 19, 1996, 110 Stat. 3908; renumbered § 2701, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8513(a)(4), Jan. 1, 2021, 134 Stat. 4760.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, “Pay and Allowances” and preceding years: “expenses of recruiting for the Coast Guard; advertising for and obtaining enlisted personnel and applicants for appointment as cadets;” (June 19, 1948, ch. 558, 62 Stat. 562).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 2701 was renumbered section 4901 of this title.

AMENDMENTS

2021—Pub. L. 116-283, in introductory provisions, substituted “operations and support” for “operating expense” and struck out “but not limited to” after “including” and “in order” after “entertainment.”

2018—Pub. L. 115-282 renumbered section 468 of this title as this section.

1996—Pub. L. 104-324 amended text generally. Prior to amendment, text read as follows: “The Coast Guard may make expenditures as necessary in order to obtain recruits for the service and cadet applicants, including advertising.”

§ 2702. Training

The Coast Guard may make expenditures for the training of personnel, including books, school supplies, correspondence courses, motion picture equipment, and other equipment for instructional purposes.

(Aug. 4, 1949, ch. 393, 63 Stat. 531, § 469; renumbered § 2702, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, “Pay and Allowances” and preceding years: “motion picture and other equipment for instructional purposes; . . . training of enlisted personnel, including textbooks, school supplies, and correspondence courses;” (June 19, 1948, 62 Stat. 562).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 2702 was renumbered section 4902 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 469 of this title as this section.

§ 2703. Contingent expenses

The Commandant may expend for contingencies of the Coast Guard a sum not to exceed \$50,000 in any one fiscal year.

(Aug. 4, 1949, ch. 393, 63 Stat. 532, § 476; Pub. L. 108-293, title II, § 219, Aug. 9, 2004, 118 Stat. 1039; renumbered § 2703, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 15k (Apr. 20, 1939, ch. 75, 53 Stat. 582).

The limitation on the amount for such contingencies is increased, and the amount is made available to the Commandant rather than solely to the Superintendent of the Academy as now prescribed by law. The authorization is to cover expenditures incident to the offices of the Commandant and the Superintendent of the Academy. The intent is that the amount authorized will be administered in a manner similar to that now employed by the Superintendent of the Academy under the authority of 14 U.S.C., § 15k. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 2703 was renumbered section 4903 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 476 of this title as this section.

2004—Pub. L. 108-293 substituted “\$50,000” for “\$7,500” and struck out at end “The Commandant may authorize the Superintendent of the Academy to expend not to exceed \$2,500 of this amount for contingencies of the Academy.”

§ 2704. Equipment to prevent accidents

The Coast Guard may make such expenditures as are deemed appropriate for promotion and maintenance of the safety and occupational health of, and the prevention of accidents affecting, personnel of the Coast Guard, including the purchase of clothing, equipment, and other materials necessary thereto.

(Aug. 4, 1949, ch. 393, 63 Stat. 532, § 477; renumbered § 2704, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Derived from title 5, U.S.C., 1946, ed., § 118g (Aug. 2, 1946, ch. 744, § 13, 60 Stat. 809).

Because of the wide variety of tasks assigned to Coast Guard personnel it is deemed advisable to broaden this authority to the more general language as rewritten, insofar as Coast Guard personnel are concerned, thus giving complete authority to protect their health.

Said section would in no way be affected.

Inasmuch as the act cited above applies to executive departments generally, it is not scheduled for repeal by this act. 81st Congress, House Report No. 557.

Editorial Notes**PRIOR PROVISIONS**

A prior section 2704 was renumbered section 4904 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 477 of this title as this section.

Statutory Notes and Related Subsidiaries**TRANSFER OF FUNCTIONS**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

HYPOTHERMIA PROTECTIVE CLOTHING REQUIREMENT

Pub. L. 107-295, title IV, §410, Nov. 25, 2002, 116 Stat. 2118, provided that: “The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including hypothermia protective clothing where appropriate, while performing search and rescue missions.”

[§ 2705. Repealed. Pub. L. 115-282, title III, § 316, Dec. 4, 2018, 132 Stat. 4250]

Section, Aug. 4, 1949, ch. 393, 63 Stat. 533, §482; Pub. L. 98-557, §15(a)(3)(C), Oct. 30, 1984, 98 Stat. 2865; renumbered §2705, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226, related to clothing at time of discharge for good of service.

§ 2706. Right to wear uniform

When authorized by and in accordance with applicable regulations:

(a) any member who has served honorably in the Coast Guard during war shall when not in active service, whether or not on the retired list, be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest rank or rating held by him during his war service, and

(b) any member on the retired list shall be entitled to wear the uniform of his rank or rating.

(Aug. 4, 1949, ch. 393, 63 Stat. 533, §483; Pub. L. 98-557, §15(a)(3)(H), Oct. 30, 1984, 98 Stat. 2865; renumbered §2706, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., §167b-2 (June 21, 1930, ch. 563, §2, 46 Stat. 793).

Inasmuch as the act cited above applies equally to the Navy and Marine Corps as well as the Coast Guard, it is not scheduled for repeal but is being amended by section 12 of this act to eliminate reference to the Coast Guard.

Subsection (b) is new to the Coast Guard, although it has been the practice for retired officers to wear the uniform when they so desire. Such authority is granted to retired officers of the Navy (see title 34, U.S.C., 1946 ed., §389).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 483 of this title as this section.

1984—Subsecs. (a), (b). Pub. L. 98-557 substituted reference to member for reference to commissioned officer, warrant officer, and enlisted man.

§ 2707. Protection of uniform

The provisions of law relating to the protection of the uniform of the United States Army, Navy, or Marine Corps shall apply to the protection of the uniform of the Coast Guard, in the same manner, to the same extent, and under the same conditions.

(Aug. 4, 1949, ch. 393, 63 Stat. 533, §484; renumbered §2707, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §39 (Aug. 29, 1916, ch. 418, §1, 39 Stat. 649).

The assimilation is made in general terms, rather than by reference to the applicable section in title 10, U.S.C., 1946 ed. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 484 of this title as this section.

§ 2708. Clothing for officers and enlisted personnel

(a) The Coast Guard may purchase uniforms, accouterments, and related equipment for sale to officer personnel and cadets of the Coast Guard.

(b) The Coast Guard may purchase uniform clothing for sale to enlisted personnel of the Coast Guard. The actual cost of the clothing thus sold to enlisted personnel may be withheld from their pay.

(Aug. 4, 1949, ch. 393, 63 Stat. 534, §485; Aug. 3, 1950, ch. 536, §33, 64 Stat. 408; Pub. L. 87-649, §14d(4), Sept. 7, 1962, 76 Stat. 502; renumbered §2708, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., §30 (Jan. 12, 1919, ch. 8, 40 Stat. 1054). Said section was changed to have application to the Coast Guard at all times, rather than when the Coast Guard is operating with the Navy.

Inasmuch as the act cited above applies equally to the Navy and Marine Corps as well as the Coast Guard, it is not scheduled for repeal but is being amended by section 9 of this act to eliminate reference to the Coast Guard.

Subsection (b) is based on title 14, U.S.C., 1946 ed., §13, and on title 33, U.S.C., 1946 ed., §754 (July 1, 1898, ch. 346, §1, 30 Stat. 604; July 27, 1912, ch. 255, §2, 37 Stat. 239). Said section 13 was changed to have application to all enlisted personnel rather than to “crews of vessels in service” only. The provision of said section 754 which provided for the sale of clothing to civilian employees is eliminated as becoming obsolete.

Subsection (c) is new. Title 37, U.S.C., 1946 ed., §110 authorizes the payment of a cash allowance in case clothing is not furnished to enlisted persons of the Coast Guard. Clearly this presumes the authority to

issue clothing to enlisted persons; this section makes the authority statutory. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 485 of this title as this section.

1962—Subsec. (c). Pub. L. 87-649 repealed subsec. (c) which permitted the Coast Guard to purchase uniform clothing for distribution to enlisted personnel or to pay such enlisted personnel a cash clothing allowance.

1950—Subsec. (c). Act Aug. 3, 1950, struck out “to” after “or”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

§ 2709. Procurement and sale of stores to members and civilian employees

Such stores as the Secretary may designate may be procured and sold to members of the Coast Guard, and to the surviving spouses of such members. Such designated stores may also be procured and sold to civilian officers and employees of the United States, and to such other individuals as may be specifically authorized by the Secretary, at Coast Guard stations and other units beyond the continental limits of the United States or in Alaska.

(Aug. 4, 1949, ch. 393, 63 Stat. 534, § 487; Pub. L. 98-557, § 15(a)(2), (3)(D), (4)(D)(i), Oct. 30, 1984, 98 Stat. 2865, 2866; renumbered § 2709, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(22), Jan. 1, 2021, 134 Stat. 4749.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., § 533 (Mar. 3, 1909, ch. 255, 35 Stat. 768; Apr. 14, 1937, ch. 78, 50 Stat. 63; June 10, 1939, ch. 196, 53 Stat. 814; Jan. 23, 1942, ch. 15, 56 Stat. 13; Apr. 9, 1943, ch. 39, 57 Stat. 60).

Said section granted authority for the Secretary of the Navy to sell designated stores to officers and enlisted men. It is deemed desirable to grant similar authority to the Secretary having control of the Coast Guard.

Said section would in no way be affected. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individuals” for “persons”.

2018—Pub. L. 115-282 renumbered section 487 of this title as this section.

1984—Pub. L. 98-557 in section catchline substituted “members” for “officers, enlisted men,” and in text substituted “surviving spouses” for “widows” and “members” for “officers and enlisted men” in two places.

§ 2710. Disposition of effects of decedents

All moneys, articles of value, papers, keepsakes, and other similar effects belonging to the deceased individuals in the Coast Guard, not claimed by their legal heirs or next of kin, shall

be deposited in safe custody, and if any such moneys, articles of value, papers, keepsakes, or other similar effects so deposited have been, or shall hereafter be, unclaimed for a period of two years from the date of the death of such individual, such articles and effects shall be sold and the proceeds thereof, together with the moneys above mentioned, shall be deposited in the Treasury as miscellaneous receipts. The Secretary shall make diligent inquiry in every instance after the death of such individual to ascertain the whereabouts of his heirs or next of kin, and prescribe necessary regulations to carry out the foregoing provisions. Claims may be presented hereunder at any time within five years after such moneys or proceeds have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration.

(Aug. 4, 1949, ch. 393, 63 Stat. 538, § 507; renumbered § 2710, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(23), Jan. 1, 2021, 134 Stat. 4749.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., § 942 (Mar. 29, 1918, ch. 31, 40 Stat. 499).

Said section provided for the disposition of effects of deceased naval personnel. It is believed similar provisions should be made for Coast Guard personnel.

Said section would in no way be affected. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individuals” for “persons” and substituted “individual” for “person” in two places.

2018—Pub. L. 115-282 renumbered section 507 of this title as this section.

§ 2711. Deserters; payment of expenses incident to apprehension and delivery; penalties

(a) The Coast Guard may, pursuant to regulations prescribed by the Secretary, make such expenditures as are deemed necessary for the apprehension and delivery of deserters, stragglers, and prisoners.

(b) No individual who is convicted by court martial for desertion from the Coast Guard in time of war, and as the result of such conviction is dismissed or dishonorably discharged from the Coast Guard shall afterwards be enlisted, appointed, or commissioned in any military or naval service under the United States, unless the disability resulting from desertion, as established by this section is removed by a board of commissioned officers of the Coast Guard convened for consideration of the case, and the action of the Board is approved by the Secretary; or unless he is restored to duty in time of war.

(Added May 5, 1950, ch. 169, § 16(a), 64 Stat. 148, § 508; amended July 10, 1952, ch. 631, § 2, 66 Stat. 540; renumbered § 2711, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(24), Jan. 1, 2021, 134 Stat. 4749.)

Editorial Notes**AMENDMENTS**

2021—Subsec. (b). Pub. L. 116-283 substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 508 of this title as this section.

1952—Subsec. (a). Act July 10, 1952, authorized reimbursement of necessary expenses to persons other than civil officers, and added stragglers and prisoners to class of offenders.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective May 31, 1951, see act May 5, 1950, ch. 169, § 5, 64 Stat. 145.

§ 2712. Payment for the apprehension of stragglers

The Coast Guard may offer and pay rewards for the apprehension and delivery of deserters, stragglers, and prisoners.

(Aug. 4, 1949, ch. 393, 63 Stat. 547, § 644; renumbered § 2712, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 147 (May 26, 1906, ch. 2556, § 5, 34 Stat. 200).

Said section has been divided. That part relating to rewards for the apprehension of deserters is placed in this section. That part relating to the acceptance of convicted deserters in the armed forces is placed in section 575 of this title. The first sentence of said section is eliminated inasmuch as it is believed that commanding officers in the Coast Guard are charged with the duty of apprehending deserters without special statutory authority therefor.

The limitation as to amount that could be offered is removed.

The provision concerning money due the deserter is eliminated. 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 644 of this title as this section.

§ 2713. Employment assistance

(a) IN GENERAL.—In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by section 1143(a)(1) of title 10, the Secretary shall—

(1) establish a database to record all training performed by members of the Coast Guard that may have application to employment in the civilian sector; and

(2) make unclassified information regarding such information available to States and other potential employers referred to in section 1143(c) of title 10 so that States and other potential employers may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.

(b) FORM OF CERTIFICATION OR VERIFICATION.—The Secretary shall ensure that a certification or verification of job skills and experience required by section 1143(a)(1) of title 10 is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.

(c) REQUESTS BY STATES.—A State may request that the Secretary confirm the accuracy and authenticity of a certification or verification of job skills and experience provided under section 1143(c) of title 10.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8206(a), Jan. 1, 2021, 134 Stat. 4649.)

SUBCHAPTER II—AWARDS**Editorial Notes****AMENDMENTS**

2018—Pub. L. 115-282, title I, § 116(c)(2), Dec. 4, 2018, 132 Stat. 4229, inserted subchapter II designation and heading.

§ 2731. Delegation of powers to make awards; rules and regulations

The President may delegate to the Secretary, under such conditions, regulations, and limitations as he prescribes, the powers conferred upon him to make the awards designated in this chapter, and the President may make any and all rules, regulations, and orders which he deems necessary in the conferring of such awards.

(Aug. 4, 1949, ch. 393, 63 Stat. 536, § 499; renumbered § 2731, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

This section provides for the delegation of powers to make awards to the Secretary. The Navy statute provides for such delegation to force commanders (see title 34, U.S.C., 1946 ed., § 364). 81st Congress, House Report No. 557.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-282 renumbered section 499 of this title as this section.

§ 2732. Medal of honor

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to an individual who, while a member of the Coast Guard, displays conspicuous gallantry and intrepidity at the risk of such individual's life above and beyond the call of duty—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force;

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 4, 1949, ch. 393, 63 Stat. 535, § 491; Pub. L. 88-77, § 4, July 25, 1963, 77 Stat. 95; renumbered § 2732, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §§ 8505(a)(25), 8506(c), Jan. 1, 2021, 134 Stat. 4749, 4752.)

HISTORICAL AND REVISION NOTES

This section is new insofar as application to Coast Guard personnel in time of peace is concerned. Such awards can be made to members of the Coast Guard when the Coast Guard is operating with the Navy.

The language is parallel to that found in title 34, U.S.C., 1946 ed., §354, providing for awards to personnel of the Navy. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §8506(c), substituted “displays conspicuous” for “distinguishes himself conspicuously by” and “such individual’s” for “his” in introductory provisions.

Pub. L. 116-283, §8505(a)(25), substituted “an individual” for “a person” in introductory provisions.

2018—Pub. L. 115-282 renumbered section 491 of this title as this section.

1963—Pub. L. 88-77 enlarged the authority to award the medal of honor, which was limited to those cases in which persons, while in the service of the Coast Guard, distinguished themselves in action involving actual conflict with an enemy, or in the line of his profession, and without detriment to the mission of his command or to the command to which attached, to permit its award for distinguished service by members of the Coast Guard while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party, and substituted the requirement that it be of appropriate design, with ribbons and appurtenances, for the requirement that the design be the same as that of the Navy medal of honor.

§ 2733. Medal of honor: duplicate medal

An individual awarded a medal of honor shall, upon written application of that individual, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary may determine, as a duplicate or for display purposes only.

(Added Pub. L. 107-107, div. A, title V, §553(d)(1)(A), Dec. 28, 2001, 115 Stat. 1116, §504; renumbered §2733, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(26), Jan. 1, 2021, 134 Stat. 4749.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “An individual” for “A person” and “that individual” for “that person”.

2018—Pub. L. 115-282 renumbered section 504 of this title as this section.

§ 2734. Medal of honor: presentation of Medal of Honor Flag

The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each individual to whom a medal of honor is awarded under section 2732 of this title. Presentation of the flag shall be made at the same time as the presentation of the medal under section 2732 or 2743 of this title. In the case of a posthumous presentation of the medal, the flag shall be presented to the individual to whom the medal is presented.

(Added Pub. L. 107-248, title VIII, §8143(c)(4)(A), Oct. 23, 2002, 116 Stat. 1571, §505; amended Pub. L. 107-314, div. A, title X, §1062(b)(1), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 109-364, div. A, title V,

§555(a), Oct. 17, 2006, 120 Stat. 2217; renumbered §2734 and amended Pub. L. 115-282, title I, §§116(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4226, 4240; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(27), Jan. 1, 2021, 134 Stat. 4749.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individual” for “person” in two places.

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2732” for “section 491” and “section 2732 or 2743” for “section 491 or 498”.

Pub. L. 115-282, §116(b), renumbered section 505 of this title as this section.

2006—Pub. L. 109-364 struck out “after October 23, 2002” after “section 491 of this title” and inserted at end “In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.”

2002—Pub. L. 107-314 substituted “October 23, 2002” for “the date of the enactment of this section”.

Statutory Notes and Related Subsidiaries

PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF MEDAL OF HONOR

President to provide for the presentation of the Medal of Honor Flag to living recipients of the Medal of Honor as expeditiously as possible after Oct. 17, 2006, and for posthumous presentation to survivors of deceased recipients of the Medal of Honor upon written application therefor, see section 555(b) of Pub. L. 109-364, set out as a note under section 3755 of Title 10, Armed Forces.

§ 2735. Coast Guard cross

The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to an individual who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Added Pub. L. 111-281, title II, §224(a), Oct. 15, 2010, 124 Stat. 2921, §491a; renumbered §2735, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(28), Jan. 1, 2021, 134 Stat. 4749.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “an individual” for “a person” in introductory provisions.

2018—Pub. L. 115-282 renumbered section 491a of this title as this section.

§ 2736. Distinguished service medal

The President may present, but not in the name of Congress, a distinguished service medal

of appropriate design, with accompanying ribbon, together with a rosette or other device, to be worn in lieu thereof, to any individual who, while serving in any capacity with the Coast Guard, performs exceptionally meritorious service to the Government in a duty of great responsibility.

(Aug. 4, 1949, ch. 393, 63 Stat. 535, § 492; renumbered § 2736, Pub. L. 115–282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §§ 8505(a)(29), 8506(d), Jan. 1, 2021, 134 Stat. 4749, 4752.)

HISTORICAL AND REVISION NOTES

This section is new insofar as application to Coast Guard personnel in time of peace is concerned. Such awards can be made to members of the Coast Guard when the Coast Guard is operating with the Navy.

The language is parallel to that found in title 34, U.S.C., 1946 ed., § 355, providing for awards to personnel of the Navy. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “individual” for “person” and “performs” for “distinguishes himself by”.

2018—Pub. L. 115–282 renumbered section 492 of this title as this section.

Executive Documents

EX. ORD. NO. 12824. ESTABLISHING THE HOMELAND SECURITY DISTINGUISHED SERVICE MEDAL

Ex. Ord. No. 12824, Dec. 7, 1992, 57 F.R. 58121, as amended by Ex. Ord. No. 13286, § 29, Feb. 28, 2003, 68 F.R. 10625; Ex. Ord. No. 13569, § 1, Apr. 5, 2011, 76 F.R. 19891, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is hereby established a Homeland Security Distinguished Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of Homeland Security to any member of the Armed Forces of the United States who has provided exceptionally meritorious service in a duty of great responsibility while assigned in the Department of Homeland Security, or in other activities under the responsibility of the Secretary of Homeland Security, either national or international, as may be assigned by the Secretary.

SEC. 2. The Homeland Security Distinguished Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Homeland Security and shall be awarded under such regulations as the Secretary shall prescribe. These regulations shall place the Homeland Security Distinguished Service Medal in an order of precedence immediately before the Coast Guard Distinguished Service Medal.

SEC. 3. No more than one Homeland Security Distinguished Service Medal shall be awarded to any one person, but for each succeeding exceptionally meritorious period of service justifying such an award, a suitable device may be awarded to be worn with that Medal as prescribed by appropriate regulations of the Department of Homeland Security.

SEC. 4. The Homeland Security Distinguished Service Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Homeland Security.

§ 2737. Silver star medal

The President may award a silver star medal of appropriate design, with ribbons and appur-

tenances, to an individual who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Added Pub. L. 111–281, title II, § 224(b)(2), Oct. 15, 2010, 124 Stat. 2922, § 492a; renumbered § 2737, Pub. L. 115–282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8505(a)(30), Jan. 1, 2021, 134 Stat. 4749.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “an individual” for “a person” in introductory provisions.

2018—Pub. L. 115–282 renumbered section 492a of this title as this section.

§ 2738. Distinguished flying cross

The President may present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any individual who, while serving in any capacity with the Coast Guard, displays heroism or extraordinary achievement while participating in an aerial flight.

(Added Aug. 10, 1956, ch. 1041, § 12(a), 70A Stat. 624, § 492a; renumbered § 492b, Pub. L. 111–281, title II, § 224(b)(1), Oct. 15, 2010, 124 Stat. 2922; renumbered § 2738, Pub. L. 115–282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §§ 8505(a)(31), 8506(e), Jan. 1, 2021, 134 Stat. 4749, 4752.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “individual” for “person” and “displays” for “distinguishes himself by”.

2018—Pub. L. 115–282 renumbered section 492b of this title as this section.

2010—Pub. L. 111–281 renumbered section 492a of this title as this section.

§ 2739. Coast Guard medal

The President may present, but not in the name of Congress, a medal to be known as the Coast Guard medal, of appropriate design, with accompanying ribbon, together with a rosette or other device to be worn in lieu thereof, to any individual who, while serving in any capacity with the Coast Guard, displays heroism not involving actual conflict with an enemy.

(Aug. 4, 1949, ch. 393, 63 Stat. 535, § 493; renumbered § 2739, Pub. L. 115–282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116–283, div. G, title

LVXXXV [LXXXV], §§ 8505(a)(32), 8506(f), Jan. 1, 2021, 134 Stat. 4749, 4752.)

HISTORICAL AND REVISION NOTES

This section establishes a new medal to be known as the Coast Guard Medal, which is intended to be a parallel award to the Navy and Marine Corps Medal of the Navy, to be awarded under the same circumstances as that medal is awarded to personnel of the Navy (see title 34, U.S.C., 1946 ed., § 356b). 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individual” for “person” and “displays” for “distinguishes himself by”.

2018—Pub. L. 115-282 renumbered section 493 of this title as this section.

§ 2740. Insignia for additional awards

No more than one Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or Coast Guard medal shall be issued to any one individual; but for each succeeding deed or service sufficient to justify the awarding of a Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or Coast Guard medal, the President may award a suitable emblem or insignia to be worn with the decoration and a corresponding rosette or other device.

(Aug. 4, 1949, ch. 393, 63 Stat. 535, § 494; Aug. 10, 1956, ch. 1041, § 13, 70A Stat. 624; Pub. L. 111-281, title II, § 224(c)(1), Oct. 15, 2010, 124 Stat. 2922; Pub. L. 113-281, title II, § 213, Dec. 18, 2014, 128 Stat. 3029; renumbered § 2740, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(33), Jan. 1, 2021, 134 Stat. 4749.)

HISTORICAL AND REVISION NOTES

This section is supplemental to the preceding sections dealing with the award of medals and regulates the award of additional medals of the same kind. It follows the established practice in all the armed forces (see title 34, U.S.C., 1946 ed., § 358). 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 struck out “one” before “Coast Guard medal shall” and substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 494 of this title as this section.

2014—Pub. L. 113-281 struck out “medal of honor,” before “Coast Guard cross,” in two places.

2010—Pub. L. 111-281 substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,” in two places.

1956—Act Aug. 10, 1956, included the distinguished flying cross.

§ 2741. Time limit on award; report concerning deed

(a) No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof may be awarded to an individual unless—

(1) the award is made within five years after the date of the deed or service justifying the award;

(2) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by his superior through official channels within three years from the date of that deed or termination of the service.

(b) If the Secretary determines that—

(1) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by the individual's superior through official channels within three years from the date of that deed or termination of the service and was supported by sufficient evidence within that time; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted upon; a medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof, as the case may be, may be awarded to the individual within two years after the date of that determination.

(Aug. 4, 1949, ch. 393, 63 Stat. 536, § 496; Pub. L. 87-526, § 1(5), July 10, 1962, 76 Stat. 141; Pub. L. 111-281, title II, § 224(c)(2), Oct. 15, 2010, 124 Stat. 2922; renumbered § 2741, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(34), Jan. 1, 2021, 134 Stat. 4749.)

HISTORICAL AND REVISION NOTES

This section establishes a time limit on the making of awards. It follows the established practice in all the armed forces (see title 10, U.S.C., 1946 ed., § 1409 and title 34, U.S.C., 1946 ed., § 360). 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 8505(a)(34)(A), substituted “an individual” for “a person” in introductory provisions.

Subsec. (b)(1). Pub. L. 116-283, § 8505(a)(34)(B), substituted “individual’s” for “person’s”.

Subsec. (b)(2). Pub. L. 116-283, § 8505(a)(34)(C), substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 496 of this title as this section.

2010—Subsec. (a). Pub. L. 111-281, § 224(c)(2)(A), substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,” in introductory provisions.

Subsec. (b)(2). Pub. L. 111-281, § 224(c)(2)(B), substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,”.

1962—Pub. L. 87-526 incorporated existing provisions in subsec. (a), included the distinguished flying cross and bar in lieu of any award in the enumeration of medals, and extended the time limit for recommending award of a medal after performance of the deed justifying the award from one to three years and added subsec. (b).

§ 2742. Honorable subsequent service as condition to award

No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or emblem, or insignia in lieu thereof shall be awarded or presented to any individual, or to the representative of any individual, whose entire service subsequent to the time of the acts resulting in the consideration of such award shall not in the opinion of the Commandant have been honorable.

(Aug. 4, 1949, ch. 393, 63 Stat. 536, § 497; Aug. 10, 1956, ch. 1041, § 13, 70A Stat. 624; Pub. L. 111-281, title II, § 224(c)(3), Oct. 15, 2010, 124 Stat. 2922; renumbered § 2742, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8506(g), Jan. 1, 2021, 134 Stat. 4752.)

HISTORICAL AND REVISION NOTES

This section makes honorable service subsequent to the act for which award is made, a condition precedent to granting the award. The Navy has the same statutory condition (see title 34, U.S.C., 1946 ed., § 362). 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “of the acts resulting in the consideration of such award” for “he distinguished himself”.

2018—Pub. L. 115-282 renumbered section 497 of this title as this section.

2010—Pub. L. 111-281 substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross.”

1956—Act Aug. 10, 1956, included the distinguished flying cross.

§ 2743. Posthumous awards

In case an individual who dies before the making of any award to which such individual may be entitled, as authorized in this chapter, the award may be made and presented within five years from the date of the act or service justifying the award to such next of kin as may have been designated by the individual, or in the absence of such designation, or if the designated individual is not alive at the time of the award, or the relationship between such individual and the serviceman shall have been terminated before his death, then to such representative as the President designates. In the event of a posthumous award when the award will be made to the parents of the deceased and the parents have been divorced or separated, a duplicate award may be made to each parent.

(Aug. 4, 1949, ch. 393, 63 Stat. 536, § 498; renumbered § 2743, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §§ 8505(a)(35), 8506(h), Jan. 1, 2021, 134 Stat. 4749, 4752.)

HISTORICAL AND REVISION NOTES

This section sets forth the conditions under which posthumous awards can be made. It is substantially the same as conditions for the Navy, but has the added provision for duplicate awards in case the parents are di-

vorced or separated (see title 34, U.S.C., 1946 ed., § 363). 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 8506(h), struck out “distinguishes himself” before “dies” and substituted “such individual” for “he”.

Pub. L. 116-283, § 8505(a)(35), substituted “designated individual” for “designated person” and “individual and” for “person and”.

2018—Pub. L. 115-282 renumbered section 498 of this title as this section.

§ 2744. Life-saving medals

(a) The Secretary may, under regulations prescribed by him, award a Life-saving medal of gold or silver to any individual, including personnel of the Coast Guard, who rescues or endeavors to rescue any other individual from drowning, shipwreck, or other peril of the water in accordance with the following provisions:

(1) if such rescue or attempted rescue is made at the risk of one's own life and evidences extreme and heroic daring, the medal shall be of gold;

(2) if such rescue or attempted rescue is not sufficiently distinguished to deserve the medal of gold, but evidences the exercise of such signal exertion as to merit recognition, the medal shall be of silver.

(b) In order for an individual to be eligible for the Life-saving Medals the rescue or attempted rescue must take place in waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue takes place outside such waters, one or the other of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by citizens of the United States.

(c) No individual shall receive more than one gold medal and one silver medal; but any individual who has received or may hereafter receive a gold or silver medal and who again performs an act which would entitle him to receive another medal of the same class may be awarded, in lieu of a second medal of the same class, a gold or silver bar, as the case may be, to be worn with the medal already bestowed, and for every such additional act, an additional bar may be awarded. Medals and bars in lieu thereof, authorized by this subsection, may be awarded posthumously.

(Aug. 4, 1949, ch. 393, 63 Stat. 536, § 500; Pub. L. 94-546, § 1(31), Oct. 18, 1976, 90 Stat. 2521; renumbered § 2744, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(36), Jan. 1, 2021, 134 Stat. 4749.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 193, 194, 195, 196 (June 20, 1874, ch. 344, § 7, 18 Stat. 127; June 18, 1878, ch. 265, § 12, 20 Stat. 165; May 4, 1882, ch. 117, § 9, 22 Stat. 57; Jan. 21, 1897, ch. 83, 29 Stat. 494).

Said sections have been rewritten so as to make the awarding of Life-saving medals turn on whether or not the United States has an interest in the heroic act, rather than on technical jurisdictional grounds. Under existing law the award of a medal could be made in any case in which the rescuer or the rescued was a citizen

of the United States, or was from a vessel owned or operated by the United States regardless of where the rescue took place; and if the rescue took place within waters of the United States the award could be made to an alien.

The existing law relating to the Treasury Department Life-Saving Medal contained in title 14, U.S.C., 1946, ed., §§192–196, has long needed revision. The existing law is composed of a series of statutes enacted separately between 1874 and 1897, and the result has not been entirely unsatisfactory. The original statute, enacted in 1874 (title 14, U.S.C., 1946 ed., §193), provided for Life-saving medals of the first and second class to be bestowed “upon any persons who shall hereafter endanger their own lives in saving, or endeavoring to save lives from the perils of the sea, within the United States, or upon any American vessel”. The medal of the first class was confined to cases of “extreme and heroic daring” and the medal of the second class was to be awarded “in cases not sufficiently distinguished to deserve the medal of the first class”. Then in 1878 another act was passed (title 14, U.S.C., 1946 ed., §194) authorizing the bestowal of the medal of the second class “upon persons making such signal exertions in rescuing and succoring the shipwrecked, and saving persons from drowning” as, in the opinion of the Secretary of the Treasury, merited recognition. These two sections were construed by the Attorney General to be limited to the rescue of persons who were subjected to the perils of the sea in any waters of the United States in the vicinity of any lifeboat station, life-saving station, or house of refuge. And the person upon whom the medal could be bestowed was limited to members of life-saving crews. (1895) Op. Att. Gen. 124. Thereupon, in 1897, an act was passed which provided that the two earlier acts should “be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of the Life-Saving Service or whether or not such exertions were made in the vicinity of a life-saving station”. (Title 14, U.S.C., 1946 ed., §196.) This act was designed to give a more liberal application to the two earlier acts, and all three were to be read as one. (1900) 23 Op. Att. Gen. 78. However, difficult questions of interpretation have arisen because of the different jurisdictional language in the three acts. For example, title 14, U.S.C., 1946 ed., §193, refers to rescues “within the United States”, while title 14, U.S.C., 1946 ed., §196, refers to rescues “in the waters over which the United States has jurisdiction”. The need for clarification is obvious. Subsection (a) authorizes the awarding of the medal to any person, including Coast Guard personnel, who rescues or endeavors to rescue any person from drowning, shipwreck, or peril of the water. If the rescue or attempted rescue is at the risk of one’s own life and evidences extreme and heroic daring, the medal shall be of gold, and if the rescue or attempted rescue is not sufficiently distinguished to deserve the gold medal, but evidences the exertion of such signal exertion as to merit recognition, the medal shall be of silver. Thus, the acts for which the medals are to be awarded are defined simply and without any geographical or jurisdictional limitations. The difficulty with the existing law is the attempt to define the required deed together with those limitations. Subsection (a) does not change existing law insofar as the type of act necessary for the medals is concerned; it merely simplifies and clarifies existing law.

Subsection (b) contains the jurisdictional limitations on the awarding of the medal and broadens, to a considerable extent, the provisions of existing law. It is the intent of this subsection to authorize the awarding of a medal in all cases where the United States has a legitimate interest in recognizing meritorious acts, such as where a United States citizen performs the act, or where a United States citizen is rescued, or where United States waters or United States vessels or air-

craft are involved. Accordingly, rescues by United States citizens anywhere in the world will be recognized. Any person, including persons not citizens of the United States, may receive medals if the rescue or attempted rescue takes place in waters within the United States or subject to its jurisdiction or, in cases of rescues outside such waters, if either the rescuer or the person rescued is from a United States vessel or aircraft, or the person rescued is a United States citizen. Thus, every case in which the United States government has an interest is provided for. A United States citizen who performs a heroic act sufficient to justify a medal in state waters, or in foreign waters, could not receive one under existing law, but could receive such award under this proposed revision. The awarding of medals should not turn on technical jurisdictional grounds; it should turn rather on the interest of the United States to recognize noble and heroic acts.

Subsection (c) dealing with the awarding of bars for additional acts, clarifies, but does not change title 14, U.S.C., 1946 ed., §195, except that authority is granted to award medals posthumously. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, §8505(a)(36)(B) substituted “individual” for “person” in two places in introductory provisions.

Subsec. (b). Pub. L. 116–283, §8505(a)(36)(A), substituted “an individual” for “a person”.

Subsec. (c). Pub. L. 116–283, §8505(a)(36)(B), substituted “individual” for “person” in two places.

2018—Pub. L. 115–282 renumbered section 500 of this title as this section.

1976—Subsec. (a). Pub. L. 94–546 substituted “Secretary” for “Secretary of the Treasury”.

§ 2745. Replacement of medals

In those cases where a medal, or a bar, emblem, or insignia in lieu thereof, awarded pursuant to this chapter has been stolen, lost, destroyed, or rendered unfit for use without fault or neglect on the part of the individual to whom it was awarded, such medal, or bar, emblem, or insignia in lieu thereof, shall be replaced without charge, or, in the discretion of the Secretary, upon condition that the Government is reimbursed for the cost thereof.

(Aug. 4, 1949, ch. 393, 63 Stat. 537, §501; Pub. L. 107–107, div. A, title V, §553(d)(2), Dec. 28, 2001, 115 Stat. 1117; renumbered §2745, Pub. L. 115–282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(37), Jan. 1, 2021, 134 Stat. 4749.)

HISTORICAL AND REVISION NOTES

This section provides for the replacement of medals. It follows the established practice of the other armed forces, but makes an additional provision that the Secretary in his discretion may charge for the replacement medals in some circumstances. (See title 10, U.S.C., 1946 ed., §1416 and title 34, U.S.C., 1946 ed., §359.) 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “individual” for “person”.

2018—Pub. L. 115–282 renumbered section 501 of this title as this section.

2001—Pub. L. 107–107 inserted “stolen,” before “lost,”.

§ 2746. Award of other medals

Coast Guard personnel, notwithstanding the provisions of this chapter, may be awarded med-

als, bars, emblems, or insignia to which such personnel may be entitled under other provisions of law.

(Aug. 4, 1949, ch. 393, 63 Stat. 537, § 502; renumbered § 2746, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

This section insures that the preceding sections are not intended to prevent Coast Guard military personnel from receiving other medals, the legion of merit, for example. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 502 of this title as this section.

Executive Documents

MERITORIOUS SERVICE MEDAL

Medal established as an award for outstanding meritorious achievement or service to the United States, see Ex. Ord. No. 11448, Jan. 16, 1969, 34 F.R. 915, as amended, set out as a note preceding section 1121 of Title 10, Armed Forces.

§ 2747. Awards and insignia for excellence in service or conduct

The Coast Guard may award trophies, badges, and cash prizes to Coast Guard personnel or groups thereof, including personnel of the reserve components thereof whether or not on active duty, for excellence in accomplishments related to Coast Guard service, to incur such expenses as may be necessary to enter such personnel in competitions, and to provide badges or buttons in recognition of special service, good conduct, and discharge under conditions other than dishonorable.

(Aug. 4, 1949, ch. 393, 63 Stat. 537, § 503; renumbered § 2747, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, “Pay and Allowances” and preceding years: “not exceeding \$10,000 for cash prizes for men for excellence in boatmanship, gunnery, target practice, and engineering competitions” (June 19, 1948, ch. 558, 62 Stat. 561).

This section expands the language contained in the appropriation act to include the awarding of trophies and badges, and to include in the accomplishments for which such awards may be made, excellence in any field related to Coast Guard duty. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 503 of this title as this section.

§ 2748. Presentation of United States flag upon retirement

(a) PRESENTATION OF FLAG.—Upon the release of a member of the Coast Guard from active duty for retirement, the Secretary shall present a United States flag to the member.

(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presen-

tation of a flag under subsection (a) if the member has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.

(Added Pub. L. 105-261, div. A, title VI, § 644(d)(1), Oct. 17, 1998, 112 Stat. 2049, § 516; amended Pub. L. 106-65, div. A, title VI, § 652(e), Oct. 5, 1999, 113 Stat. 666; Pub. L. 107-296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title X, § 1062(b)(2), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 112-213, title II, § 217(6), Dec. 20, 2012, 126 Stat. 1557; renumbered § 2748, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 516 of this title as this section.

2012—Subsec. (a). Pub. L. 112-213 struck out “of Homeland Security” after “Secretary”.

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (c). Pub. L. 107-314 substituted “this section” for “his section”.

1999—Subsec. (b). Pub. L. 106-65 substituted “under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.” for “under this section or section 3681, 6141, and 8681 of title 10.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Section applicable with respect to releases from active duty described in this section and sections 7251, 8261, and 9251 of Title 10, Armed Forces, on or after Oct. 1, 1998, see section 644(e) of Pub. L. 105-261, set out as a note under section 7251 of Title 10, Armed Forces.

SUBCHAPTER III—PAYMENTS

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, § 116(c)(3), Dec. 4, 2018, 132 Stat. 4229, inserted subchapter III designation and heading.

§ 2761. Individuals discharged as result of court-martial; allowances to

The Secretary may furnish individuals discharged pursuant to the sentence of a Coast Guard court-martial suitable civilian clothing and a monetary allowance not to exceed \$25 if the individual discharged would not otherwise have suitable clothing or funds to meet immediate needs.

(Added May 5, 1950, ch. 169, § 16(a), 64 Stat. 148, § 509; amended Pub. L. 90-377, § 8, July 5, 1968, 82 Stat. 288; renumbered § 2761, Pub. L. 115-282, title

I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(38)(A), Jan. 1, 2021, 134 Stat. 4749.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “Individuals” for “Persons” in section catchline and substituted “individuals” for “persons” and “individual” for “person” in text.

2018—Pub. L. 115-282 renumbered section 509 of this title as this section.

1968—Pub. L. 90-377 substituted “Persons discharged as result of court-martial; allowances to” for “Prisoners; allowances to; transportation” in section catchline, and struck out provision that persons confined in prisons in pursuance of the sentence of a Coast Guard court shall during such confinement, be allowed a reasonable sum, not to exceed \$3 per month, for necessary prison expenses and the provision that the Commandant of the Coast Guard may transport to their homes or places of enlistment, as he may designate, all discharged prisoners, the expense of such transportation to be paid out of any money to the credit of prisoners when discharged.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective May 31, 1951, see act May 5, 1950, ch. 169, § 5, 64 Stat. 145.

§ 2762. Shore patrol duty; payment of expenses

An officer or cadet of the Coast Guard who is assigned shore patrol duty away from his vessel or other duty station may be paid his actual expenses.

(Added Aug. 10, 1956, ch. 1041, § 14(a), 70A Stat. 624, § 510; renumbered § 2762, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 510 of this title as this section.

§ 2763. Compensatory absence from duty for military personnel at isolated duty stations

The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.

(Added Aug. 9, 1955, ch. 650, § 4, 69 Stat. 577, § 511; amended Pub. L. 94-546, § 1(32), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 107-295, title III, § 312(a), Nov. 25, 2002, 116 Stat. 2102; renumbered § 2763, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 511 of this title as this section.

2002—Pub. L. 107-295 substituted “Compensatory absence from duty for military personnel at isolated duty stations” for “Compensatory absence of military personnel at isolated aids to navigation” in section catchline and amended text generally. Prior to amendment,

text read as follows: “The Secretary, under regulations prescribed by him, may grant compensatory absence from duty to military personnel of the Coast Guard serving in lightships and at lighthouses and other isolated aids to navigation of the Coast Guard when conditions of duty result in confinement because of isolations or in long periods of continuous duty.”

1976—Pub. L. 94-546 substituted “Secretary” for “head of the department in which the Coast Guard is operating”.

§ 2764. Monetary allowance for transportation of household effects

The transportation and reimbursement authorized by section 453(c) of title 37 shall be available hereafter to pay a monetary allowance in place of such transportation to a member who, under regulations prescribed by the Secretary, participates in a program designated by the Secretary in which his baggage and household effects are moved by a privately owned or rental vehicle. This allowance shall not be limited to reimbursement for actual expenses and may be paid in advance of the transportation of the baggage and household effects. The allowance shall, however, be in an amount that will result in savings to the Government when the total cost of the movement of baggage and household effects is compared with the cost that otherwise would have been incurred under section 453(c) of title 37.

(Added Pub. L. 96-376, § 7(a), Oct. 3, 1980, 94 Stat. 1510, § 512; amended Pub. L. 97-295, § 2(16), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948; renumbered § 2764, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 117-263, div. A, title VI, § 626(d), Dec. 23, 2022, 136 Stat. 2629.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 substituted “section 453(c)” for “subsection (b) of section 476” in two places.

2018—Pub. L. 115-282 renumbered section 512 of this title as this section.

2013—Pub. L. 112-239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, § 631(f)(4)(B). See 2011 Amendment note below.

2011—Pub. L. 112-81, § 631(f)(4)(B), as amended by Pub. L. 112-239, § 1076(a)(9), substituted “476” for “406” in two places.

1982—Pub. L. 97-295 struck out “, United States Code,” after “title 37” first time appearing, and “, United States Code” after “title 37” second time appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

§ 2765. Retroactive payment of pay and allowances delayed by administrative error or oversight

Under regulations prescribed by the Secretary, the Coast Guard may authorize retroactive payment of pay and allowances, including selective

reenlistment bonuses, to enlisted members if entitlement to the pay and allowances was delayed in vesting solely because of an administrative error or oversight.

(Added Pub. L. 100-448, §13(a), Sept. 28, 1988, 102 Stat. 1844, §513; renumbered §2765, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 513 of this title as this section.

§ 2766. Travel card management

(a) IN GENERAL.—The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

(b) WITHHOLDING OF NONDISPUTED OBLIGATIONS.—The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.

(Added Pub. L. 108-293, title II, §210(a), Aug. 9, 2004, 118 Stat. 1036, §517; renumbered §2766, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 517 of this title as this section.

§ 2767. Reimbursement for medical-related travel expenses for certain individuals residing on islands in the continental United States

In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age, if—

(1) the covered beneficiary is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides; or

(2) the Coast Guard medical regional manager for the area in which such island is located determines that the covered beneficiary requires services of a primary care, specialty

care, or dental provider and such a provider who is part of the network of providers of a TRICARE program (as that term is defined in section 1072(7) of title 10) does not practice on such island.

(Added Pub. L. 111-281, title II, §203(a), Oct. 15, 2010, 124 Stat. 2909, §518; amended Pub. L. 115-232, div. C, title XXXV, §3524, Aug. 13, 2018, 132 Stat. 2316; renumbered §2767, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(39)(A), Jan. 1, 2021, 134 Stat. 4750.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individuals” for “persons” in section catchline.

2018—Pub. L. 115-282 renumbered section 518 of this title as this section.

Pub. L. 115-232 amended text of section generally. Prior to amendment, text read as follows: “In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.”

§ 2768. Annual audit of pay and allowances of members undergoing permanent change of station

The Commandant shall conduct each calendar year an audit of member pay and allowances for the members who transferred to new units during such calendar year. The audit for a calendar year shall be completed by the end of the calendar year.

(Added Pub. L. 114-120, title II, §216(a)(1), Feb. 8, 2016, 130 Stat. 46, §519; renumbered §2768, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 519 of this title as this section.

§ 2769. Remission of indebtedness

The Secretary may have remitted or cancelled any part of an individual's indebtedness to the United States or any instrumentality of the United States if—

(1) the indebtedness was incurred while the individual served as a member of the Coast Guard, whether as a regular or a reserve in active status; and

(2) the Secretary determines that remitting or cancelling the indebtedness is in the best interest of the United States.

(Aug. 4, 1949, ch. 393, 63 Stat. 530, §461; Sept. 3, 1954, ch. 1263, §33(b), 68 Stat. 1238; Pub. L. 87-526,

§1(1), July 10, 1962, 76 Stat. 141; Pub. L. 87-649, §14d(7), Sept. 7, 1962, as added Pub. L. 89-718, §73(a)(3), Nov. 2, 1966, 80 Stat. 1124; Pub. L. 89-718, §73(c)(1), Nov. 2, 1966, 80 Stat. 1124; Pub. L. 90-83, §2, Sept. 11, 1967, 81 Stat. 220; Pub. L. 94-546, §1(29), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 114-120, title II, §203(a), Feb. 8, 2016, 130 Stat. 34; Pub. L. 114-328, div. A, title VI, §671(b)(4), Dec. 23, 2016, 130 Stat. 2173; renumbered §2769, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(40), Jan. 1, 2021, 134 Stat. 4750.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§20a, 121 (May 18, 1920, ch. 190, §8, 41 Stat. 603; June 10, 1922, ch. 212, 42 Stat. 625; July 3, 1926, ch. 742, §10, 44 Stat. 817).

Said section 121 was omitted from the 1940 and 1946 editions of the U.S. Code, but it has been held that the assimilation provision thereof is inoperative only insofar as Congress has made specific legislative provision for the Coast Guard, and that benefits derived from legislation pertaining to the Navy previously conferred upon the Coast Guard, and not provided for in subsequent legislation, survive to the Coast Guard under the assimilation statute. (See 27 Comp. Dec. 234; 22 Comp. Gen. 723; decision of June 9, 1947, B-63472; decision of April 2, 1948, B-70438; and decision of September 2, 1948, B-77295.)

It seems desirable to retain this assimilation provision as to pay in order to cover any failure to provide specifically for the Coast Guard in military pay legislation.

This section assimilates the pay of military personnel of the Coast Guard to the pay of military personnel of the Navy. It seems that this is the most feasible method of insuring that the pay of military personnel of the Coast Guard will not vary from the pay of military personnel of the other armed forces. The assimilation is intended to include authorization for extra pay and allowances as provided for personnel of the Navy, for all types of special duty: for example, qualified divers on diving duty, military personnel assigned to submarine duty, military personnel assigned to aviation duty, officers assigned as aides to flag officers, and enlisted persons assigned to duty in the mess detail. Military pay acts are intended to include Coast Guard personnel specifically; this section would cover any failure to so provide for Coast Guard personnel in a pay act.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §8505(a)(40)(A), substituted “an individual’s” for “a person’s” in introductory provisions.

Par. (1). Pub. L. 116-283, §8505(a)(40)(B), substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 461 of this title as this section.

2016—Pub. L. 114-120 amended section generally. Prior to amendment, text read as follows: “If he considers it in the best interest of the United States, the Secretary may have remitted or canceled any part of an enlisted member’s indebtedness to the United States or any of its instrumentalities remaining unpaid before or at the time of, that member’s honorable discharge.”

Par. (1). Pub. L. 114-328 substituted “as a member of the Coast Guard, whether as a regular or a reserve in active status” for “on active duty as a member of the Coast Guard”.

1976—Pub. L. 94-546 substituted “Secretary” for “Secretary of the Treasury”.

1967—Pub. L. 90-83 corrected section 73(a)(3) of Pub. L. 89-718 to change the designation of sections repealed

under Pub. L. 87-649 from sections 471(a) and (b) of Title 14 to sections 461(a) and (b) of Title 14. See 1966 Amendment note below.

1966—Pub. L. 89-718, §73(a)(3), amended section 14d of Pub. L. 87-649, which contained in cls. (1) to (6) list of sections of Title 14 repealed by Pub. L. 87-649, by inserting “(7) Section 471(a) and (b).” However, for purposes of codification, the repeal has been executed to former subsecs. (a) and (b) of this section, which provided respectively for the awarding of the same pay and allowances as prescribed for corresponding ranks, grades, or ratings for personnel of the Navy and for the withholding of pay of officers on account of indebtedness to the United States, since this appears to have been the intent of Congress.

Pub. L. 89-718, §73(c)(1), struck out references to pay and allowances and pay of officers indebted to the United States from section catchline and struck out letter designation “(c)” from beginning of former subsec. (c), leaving text of former subsec. (c) as constituting entire text of section.

1962—Pub. L. 87-526, §1(1)(A), amended section catchline to provide for remission of indebtedness of enlisted members.

Subsec. (c). Pub. L. 87-526, §1(1)(B), added subsec. (c). 1954—Act Sept. 3, 1954 inserted “; pay of officers indebted to United States” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective Dec. 23, 2016, and applicable with respect to debt incurred on or after Oct. 7, 2001, see section 671(b)(5) of Pub. L. 114-328, set out as a note under section 7837 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1967 AMENDMENT

Pub. L. 90-83, §9(i), Sept. 11, 1967, 81 Stat. 222, provided that: “Section 2 of this Act [correcting section 73(a)(3) of Pub. L. 89-718] is effective as of November 2, 1966, for all purposes.”

§ 2770. Special instruction at universities

Coast Guard personnel may be assigned for special instruction at private or state colleges or universities, and their expenses, including tuition, books, laboratory equipment and fees, and school supplies, may be defrayed by the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 531, §470; renumbered §2770, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, “Pay and Allowances” and preceding years: “Not to exceed \$32,200 for cost of instruction of officers at non-Federal institutions, including books, laboratory equipment and fees, school supplies, and maintenance of students;” (June 19, 1948, ch. 558, 62 Stat. 562).

The monetary limitation is removed.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 470 of this title as this section.

Statutory Notes and Related Subsidiaries

EXPANSION OF POSTGRADUATE OPPORTUNITIES FOR MEMBERS OF COAST GUARD IN MEDICAL AND RELATED FIELDS

Pub. L. 117-263, div. K, title CXIV, §11413(a), (b), Dec. 23, 2022, 136 Stat. 4120, provided that:

“(a) IN GENERAL.—The Commandant [of the Coast Guard] shall expand opportunities for members of the Coast Guard to secure postgraduate degrees in medical and related professional disciplines for the purpose of supporting Coast Guard clinics and operations.

“(b) APPLICATION OF LAW.—Individuals who receive assistance pursuant to subsection (a) shall be subject to the service obligations required under section 2114 of title 10, United States Code.”

COAST GUARD GRADUATE MARITIME OPERATIONS EDUCATION

Pub. L. 114-120, title II, §213, Feb. 8, 2016, 130 Stat. 42, provided that: “Not later than 1 year after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall establish an education program, for members and employees of the Coast Guard, that—

“(1) offers a master’s degree in maritime operations;

“(2) is relevant to the professional development of such members and employees;

“(3) provides resident and distant education options, including the ability to utilize both options; and

“(4) to the greatest extent practicable, is conducted using existing academic programs at an accredited public academic institution that—

“(A) is located near a significant number of Coast Guard, maritime, and other Department of Homeland Security law enforcement personnel; and

“(B) has an ability to simulate operations normally conducted at a command center.”

§ 2771. Attendance at professional meetings

Coast Guard personnel may be directed to attend meetings of technical, professional, scientific, and other similar organizations and may be reimbursed for expenses thereby incurred at the rates authorized by law.

(Aug. 4, 1949, ch. 393, 63 Stat. 532, §471; renumbered §2771, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

It is believed that the authority contained in this section will greatly benefit the Government in providing better trained personnel. A similar provision was enacted for personnel of the Navy in 1946 (see title 5, U.S.C., 1946 ed., §421c). 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 471 of this title as this section.

§ 2772. Education loan repayment program for members on active duty in specified military specialties

(a) IN GENERAL.—

(1) REPAYMENT.—Subject to the provisions of this section, the Secretary may repay—

(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.);

(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.); or

(D) any loan incurred for educational purposes made by a lender that is—

(i) an agency or instrumentality of a State;

(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

(iii) a pension fund approved by the Secretary for purposes of this section; or

(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.

(2) REQUIREMENT.—Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

(3) ELIGIBILITY.—The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as a member in an officer program or military specialty specified by the Secretary.

(b) AMOUNT.—The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or \$1,500, whichever is greater, for each year of service.

(c) INTEREST ACCRUAL.—If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize refunding any repayment of a loan.

(e) FRACTIONAL CREDIT FOR TRANSFER.—An individual who transfers from service making the individual eligible for repayment of loans under this section (as described in subsection (a)(3)) to service making the individual eligible for repayment of loans under section 16301 of title 10 (as described in subsection (a)(2) or (g) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

(f) SCHEDULE FOR ALLOCATION.—The Secretary shall prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 16301 of title 10 during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 16301(a) of title 10.

(g) FAILURE TO COMPLETE PERIOD OF SERVICE.—Except an individual described in subsection (e) who transfers to service making the individual eligible for repayment of loans under section 16301 of title 10, a member of the Coast Guard who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) or 373 of title 37.

(h) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may prescribe procedures for implementing this section, including standards for qualified loans and authorized payees and other

terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.

(Added Pub. L. 108–293, title II, §218(a), Aug. 9, 2004, 118 Stat. 1038, §472; renumbered §2772, Pub. L. 115–282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(41), Jan. 1, 2021, 134 Stat. 4750; Pub. L. 117–263, div. K, title CXII, §11239(a), Dec. 23, 2022, 136 Stat. 4037.)

Editorial Notes

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(1)(A) to (C), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Parts B, D, and E of title IV of the Act are classified generally to parts B (§1071 et seq.), D (§1087a et seq.), and E (§1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2022—Pub. L. 117–263 amended section generally. Prior to amendment, section related to education loan repayment program.

2021—Subsec. (a)(2). Pub. L. 116–283 substituted “individual” for “person”.

2018—Pub. L. 115–282 renumbered section 472 of this title as this section.

§ 2773. Rations or commutation therefor in money

(a) Enlisted members of the Coast Guard, civilian officers and civilian crews of vessels, and working parties in the field shall be allowed a ration or commutation thereof in money, in such amount and under limitations and regulations prescribed by the Secretary.

(b) Money for commuted rations shall be paid, under such regulations as the Secretary shall prescribe, on proper vouchers, or pay rolls, to individuals entitled to receive it, or to the officers designated by the Commandant to administer the financial affairs of the messes in which such individuals may be subsisted.

(c) Money paid for commuted rations to the designated officer may be deposited in general or limited depositories of public money or in any bank in which deposits are insured. Such funds shall be expended and accounted for under such regulations as the Secretary shall prescribe.

(d) Nothing contained in this section shall be construed as modifying or changing in any manner the provisions of law pertaining to subsistence allowances for enlisted members, but no ration or commutation thereof shall be allowed an individual receiving a subsistence allowance.

(Aug. 4, 1949, ch. 393, 63 Stat. 532, §478; Pub. L. 98–557, §15(a)(3)(B), (C), Oct. 30, 1984, 98 Stat. 2865; renumbered §2773, Pub. L. 115–282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(42), Jan. 1, 2021, 134 Stat. 4750.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§134, 135 (Mar. 25, 1940, ch. 71, title I, 54 Stat. 64; June 6, 1940, ch. 257, §10,

54 Stat. 248; May 31, 1941, ch. 156, title I, §1, 55 Stat. 221; Feb. 7, 1942, ch. 46, title I, 56 Stat. 71; June 26, 1943, ch. 147, §1, 57 Stat. 211; June 22, 1944, ch. 269, §1, 58 Stat. 316; May 29, 1945, ch. 130, §1, 59 Stat. 216; July 12, 1946, ch. 569, §1, 60 Stat. 531; Aug. 2, 1946, ch. 756, §31, 60 Stat. 857; July 1, 1947, ch. 186, title I, §101, 61 Stat. 226).

The provisions of said section 134 are extended to include all persons who might be entitled to receive money for commuted rations, rather than only the officer in charge of the mess.

The last proviso of said section 135 is eliminated, because experience during the past 2 years shows that it may react detrimentally on enlisted men in time of rising food costs.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116–283, §8505(a)(42)(A), substituted “individuals” for “persons” in two places.

Subsec. (d). Pub. L. 116–283, §8505(a)(42)(B), substituted “an individual” for “a person”.

2018—Pub. L. 115–282 renumbered section 478 of this title as this section.

1984—Subsecs. (a), (d). Pub. L. 98–557 substituted reference to enlisted members for reference to enlisted men.

§ 2774. Sales of ration supplies to messes

Ration supplies may be purchased by the cabin, wardroom, warrant officers', and other authorized messes and payment therefor made in cash to the commissary officer. The prices to be charged for such supplies shall not be less than the invoice prices, and the cash received from such sales shall be accounted for on the ration return and may be expended for the general mess.

(Aug. 4, 1949, ch. 393, 63 Stat. 533, §479; renumbered §2774, Pub. L. 115–282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §132 (Aug. 1, 1914, ch. 223, §1, 38 Stat. 620). 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 479 of this title as this section.

§ 2775. Flight rations

There may be furnished to officers, enlisted members, and civilian employees, while actually engaged in flight operations, an aircraft flight ration in kind, chargeable to the proper Coast Guard appropriation, which flight ration shall be supplementary to any ration or subsistence allowance now granted to such personnel. No part of an aircraft flight ration shall be furnished without cost to any individual in a travel status or to any individual to whom a per diem allowance is granted in lieu of actual subsistence.

(Aug. 4, 1949, ch. 393, 63 Stat. 533, §480; Pub. L. 98–557, §15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865; renumbered §2775, Pub. L. 115–282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(43), Jan. 1, 2021, 134 Stat. 4750.)

HISTORICAL AND REVISION NOTES

Derived from the title 34, U.S.C., 1946 ed., § 909 (June 5, 1942, ch. 327, 56 Stat. 308).

Said section is applicable to Navy personnel only. Experience has shown that similar authority should be granted to the Coast Guard; it will operate to the benefit of Navy personnel stopping over at Coast Guard air stations as well as to the benefit of Coast Guard personnel stopping over at Naval air stations.

The language of said section is closely paralleled.

Said section would in no way be affected. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individual” for “person” in two places.

2018—Pub. L. 115-282 renumbered section 480 of this title as this section.

1984—Pub. L. 98-557 substituted reference to enlisted members for reference to enlisted men.

§ 2776. Payments at time of discharge for good of service

Enlisted members discharged by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed \$25. The sum paid shall be fixed by and in the discretion of the Commandant, and shall be paid only in cases where the individual so discharged would otherwise be without funds to meet his immediate needs.

(Aug. 4, 1949, ch. 393, 63 Stat. 533, § 481; Pub. L. 98-557, § 15(a)(3)(C), Oct. 30, 1984, 98 Stat. 2865; renumbered § 2776, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(44), Jan. 1, 2021, 134 Stat. 4750.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., § 197, and title 14, U.S.C., 1946 ed., § 3a (Mar. 4, 1925, ch. 536, § 10, 43 Stat. 1274; Oct. 26, 1942, ch. 623, 56 Stat. 987).

Said section 197 was made applicable to the Coast Guard by title 14, U.S.C., 1946 ed., § 3a whenever the Coast Guard is operating with the Navy. Experience has shown the advantage of having such a provision applicable to the Coast Guard at all times.

Said section would in no way be affected. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 481 of this title as this section.

1984—Pub. L. 98-557 substituted “Enlisted members” for “Enlisted men”.

§ 2777. Clothing for destitute shipwrecked individuals

The Coast Guard may furnish clothing and subsistence to destitute shipwrecked individuals, and the Coast Guard may reimburse, in cash or in kind, Coast Guard personnel who furnish clothing and subsistence to destitute shipwrecked individuals.

(Aug. 4, 1949, ch. 393, 63 Stat. 534, § 486; renumbered § 2777, Pub. L. 115-282, title I, § 116(b), Dec.

4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(45)(A), Jan. 1, 2021, 134 Stat. 4750.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., § 749 (July 27, 1912, ch. 255, § 2, 37 Stat. 239; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736).

This section was enlarged to provide that the Coast Guard, as well as personnel thereof, may furnish clothing and subsistence to destitute shipwrecked persons.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “individuals” for “persons” in section catchline and in two places in text.

2018—Pub. L. 115-282 renumbered section 486 of this title as this section.

§ 2778. Advancement of public funds to personnel

The Commandant, under regulations prescribed by the Secretary, may advance public funds to personnel when required to meet expenses of members detailed on emergency shore duty. Funds so advanced shall not exceed a reasonable estimate of the actual expenditures to be made and for which reimbursement is authorized by law.

(Aug. 4, 1949, ch. 393, 63 Stat. 534, § 488; Pub. L. 98-557, § 15(a)(3)(I), Oct. 30, 1984, 98 Stat. 2865; renumbered § 2778, Pub. L. 115-282, title I, § 116(b), Dec. 4, 2018, 132 Stat. 4226.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., § 885, and title 14, U.S.C., 1946 ed., § 3a (May 22, 1928, ch. 688, 45 Stat. 712; Oct. 26, 1942, ch. 623, 56 Stat. 987).

Said section 885 was made applicable to the Coast Guard by title 14, U.S.C., 1946 ed., § 3a whenever the Coast Guard is operating with the Navy. Experience has shown the advantage of having such a provision applicable to the Coast Guard at all times.

Said section would in no way be affected. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 488 of this title as this section.

1984—Pub. L. 98-557 substituted reference to members for reference to officers and men.

§ 2779. Transportation to and from certain places of employment

(a) Whenever the Secretary determines that it is necessary for the effective conduct of the affairs of the Coast Guard, he may, at reasonable rates of fare fixed under regulations to be prescribed by him, provide assured and adequate transportation by motor vehicle or water carrier to and from their places of employment for individuals attached to, or employed by, the Coast Guard; and during a war or during a national emergency declared by Congress or the President, for individuals attached to, or employed in, a private plant that is manufacturing material for the Coast Guard.

(b) Transportation may not be provided under subsection (a) unless the Secretary or an officer designated by the Secretary, determines that—

(1) other transportation facilities are inadequate and cannot be made adequate;

(2) a reasonable effort has been made to induce operators of private facilities to provide the necessary transportation; and

(3) the service to be furnished will make proper use of transportation facilities and will supply the most efficient transportation to the individuals concerned.

(c) To provide transportation under subsection (a), the Secretary may—

(1) buy, lease, or charter motor vehicles or water carriers having a seating capacity of 12 or more passengers;

(2) maintain and operate that equipment by enlisted members or employees of the Coast Guard, or by private individuals under contract; and

(3) lease or charter the equipment to private or public carriers for operation under terms that are considered necessary by the Secretary or by an officer designated by the Secretary, and that may provide for the pooling of government-owned and privately owned equipment and facilities and for the reciprocal use of that equipment.

(d) Fares received under subsection (a), and proceeds of the leasing or chartering of equipment under subsection (c)(3), shall be covered into the Treasury as miscellaneous receipts.

(Added Pub. L. 96-376, §10(a), Oct. 3, 1980, 94 Stat. 1510, §660; amended Pub. L. 99-145, title XVI, §1623, Nov. 8, 1985, 99 Stat. 778; Pub. L. 99-550, §2(e), Oct. 27, 1986, 100 Stat. 3070; renumbered §2779, Pub. L. 115-282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(46), Jan. 1, 2021, 134 Stat. 4750.)

Editorial Notes

AMENDMENTS

2021—Subsecs. (a), (b)(3), (c)(2). Pub. L. 116-283 substituted “individuals” for “persons” wherever appearing.

2018—Pub. L. 115-282 renumbered section 660 of this title as this section.

1986—Subsec. (e). Pub. L. 99-550 struck out subsec. (e) which provided that passenger motor vehicles of the United States could be used to provide transportation between the residence and place of work of the Commandant. See section 1344 of Title 31, Money and Finance.

1985—Subsec. (e). Pub. L. 99-145 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title XVI, §1623, Nov. 8, 1985, 99 Stat. 778, provided that the amendment made by that section is effective Oct. 1, 1985.

CHAPTER 29—COAST GUARD FAMILY SUPPORT, CHILD CARE, AND HOUSING

SUBCHAPTER I—COAST GUARD FAMILIES

Sec.	
2901.	Work-life policies and programs.
2902.	Surveys of Coast Guard families.
2903.	Reimbursement for adoption expenses.
2904.	Education and training opportunities for Coast Guard spouses.

Sec.	
2905.	Youth sponsorship initiatives.
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SUBCHAPTER II—COAST GUARD CHILD CARE

2921.	Definitions.
2922.	Child development services.
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SUBCHAPTER III—HOUSING

2941.	Definitions.
2942.	General authority.
2943.	Leasing and hiring of quarters; rental of inadequate housing.
2944.	Retired service members and dependents serving on advisory committees.
2945.	Conveyance of real property.
2946.	Coast Guard Housing Fund.
2947.	Reports.

Editorial Notes

PRIOR PROVISIONS

A prior analysis for chapter 29 “REPORTS” consisted of items 2901 “Transmission of annual Coast Guard authorization request”, 2902 “Capital investment plan”, 2903 “Major acquisitions”, 2904 “Manpower requirements plan”, 2905 “Annual performance report”, and 2906 “Major acquisition program risk assessment”, prior to repeal by Pub. L. 115-282, title I, §117(a), Dec. 4, 2018, 132 Stat. 4229.

AMENDMENTS

2022—Pub. L. 117-263, div. K, title CXIV, §11401(c)(1)(B), Dec. 23, 2022, 136 Stat. 4108, added item 2927.

2021—Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8237(b)(2), Jan. 1, 2021, 134 Stat. 4665, which directed amendment of the analysis for this chapter by adding item 2926 “at the end”, was executed by adding the item after item 2925, which item was at the end of the items for subchapter II of this chapter, to reflect the probable intent of Congress.

2018—Pub. L. 115-282, title I, §117(a), Dec. 4, 2018, 132 Stat. 4230, inserted chapter 29 designation and heading and added items 2901 to 2947.

SUBCHAPTER I—COAST GUARD FAMILIES

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §117(c)(1), Dec. 4, 2018, 132 Stat. 4231, inserted subchapter I designation and heading.

§ 2901. Work-life policies and programs

The Commandant is authorized—

(1) to establish an office for the purpose of developing, promulgating, and coordinating policies, programs, and activities related to the families of Coast Guard members;

(2) to implement and oversee policies, programs, and activities described in paragraph (1) as the Commandant considers necessary; and

(3) to perform such other duties as the Commandant considers necessary.

(Added Pub. L. 113-281, title II, §214(a), Dec. 18, 2014, 128 Stat. 3029, §531; renumbered §2901, Pub.

L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2901 was renumbered section 5101 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 531 of this title as this section.

§ 2902. Surveys of Coast Guard families

(a) **AUTHORITY.**—The Commandant, in order to determine the effectiveness of Federal policies, programs, and activities related to the families of Coast Guard members, may survey—

- (1) any Coast Guard member;
- (2) any retired Coast Guard member;
- (3) the immediate family of any Coast Guard member or retired Coast Guard member; and
- (4) any survivor of a deceased Coast Guard member.

(b) **VOLUNTARY PARTICIPATION.**—Participation in any survey conducted under subsection (a) shall be voluntary.

(c) **FEDERAL RECORDKEEPING.**—Each individual surveyed under subsection (a) shall be considered an employee of the United States for purposes of section 3502(3)(A)(i) of title 44.

(Added Pub. L. 113-281, title II, §214(a), Dec. 18, 2014, 128 Stat. 3029, §532; renumbered §2902, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(47), Jan. 1, 2021, 134 Stat. 4750.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2902 was renumbered section 5102 of this title.

AMENDMENTS

2021—Subsec. (c). Pub. L. 116-283 substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 532 of this title as this section.

§ 2903. Reimbursement for adoption expenses

(a) **AUTHORIZATION TO REIMBURSE.**—The Secretary shall carry out a program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

(b) **ADOPTIONS COVERED.**—An adoption for which expenses may be reimbursed under this section includes an adoption by a single individual, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c))).

(c) **BENEFITS PAID AFTER ADOPTION IS FINAL.**—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

(d) **TREATMENT OF OTHER BENEFITS.**—A benefit may not be paid under this section for any expense paid to or for a member of the Coast

Guard under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

(e) **LIMITATIONS.**—(1) Not more than \$2,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

(2) Not more than \$5,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.

(g) **DEFINITIONS.**—In this section:

(1) The term “qualifying adoption expenses” means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a qualified adoption agency. Such term does not include any expense incurred—

(A) by an adopting parent for travel; or

(B) in connection with an adoption arranged in violation of Federal, State, or local law.

(2) The term “reasonable and necessary expenses” includes—

(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

(B) placement fees, including fees charged adoptive parents for counseling;

(C) legal fees (including court costs) in connection with services that are unavailable to a member of the Coast Guard under section 1044 or 1044a of title 10; and

(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.

(3) The term “qualified adoption agency” means any of the following:

(A) A State or local government agency which has responsibility under State or local law for child placement through adoption.

(B) A nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption.

(C) Any other source authorized by a State to provide adoption placement if the adoption is supervised by a court under State or local law.

(Added Pub. L. 102-190, div. A, title VI, §651(b)(1), Dec. 5, 1991, 105 Stat. 1386, §514; amended Pub. L. 102-484, div. A, title X, §1054(g), Oct. 23, 1992, 106 Stat. 2503; Pub. L. 104-201, div. A, title VI, §652(b), Sept. 23, 1996, 110 Stat. 2582; renumbered §541, Pub. L. 113-281, title II, §214(b)(1)(A), Dec. 18, 2014, 128 Stat. 3033; renumbered §2903, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(48), Jan. 1, 2021, 134 Stat. 4750.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2903 was renumbered section 5103 of this title.

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 541 of this title as this section.

2014—Pub. L. 113-281 renumbered section 514 of this title as this section.

1996—Subsec. (g)(1). Pub. L. 104-201, § 652(b)(1), substituted “qualified adoption agency.” for “State or local government agency which has responsibility under State or local law for child placement through adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption.”

Subsec. (g)(3). Pub. L. 104-201, § 652(b)(2), added par. (3).

1992—Subsec. (b). Pub. L. 102-484 inserted a close parenthesis before period at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 5, 1991, and applicable to adoptions completed on or after that date, see section 651(c) of Pub. L. 102-190, set out as a note under section 1052 of Title 10, Armed Forces.

REIMBURSEMENT FOR ADOPTIONS COMPLETED DURING INTERIM BETWEEN TEST AND PERMANENT PROGRAM

For provisions relating to reimbursement for adoption expenses and time period for application, see section 652 of Pub. L. 102-484, set out as a note under section 1052 of Title 10, Armed Forces.

§ 2904. Education and training opportunities for Coast Guard spouses

(a) TUITION ASSISTANCE.—The Commandant may provide, subject to the availability of appropriations, tuition assistance to an eligible spouse to facilitate the acquisition of—

(1) education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and portable career opportunities for the spouse; or

(2) education prerequisites and a professional license or credential required, by a government or government-sanctioned licensing body, for an occupation that expands employment and portable career opportunities for the spouse.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE SPOUSE.—

(A) IN GENERAL.—The term “eligible spouse” means the spouse of a member of the Coast Guard who is serving on active duty and includes a spouse who receives transitional compensation under section 1059 of title 10.

(B) EXCLUSION.—The term “eligible spouse” does not include an individual who—

(i) is married to, but legally separated from, a member of the Coast Guard under a court order or statute of any State or territorial possession of the United States; or

(ii) is eligible for tuition assistance as a member of the Armed Forces.

(2) PORTABLE CAREER.—The term “portable career” includes an occupation that requires education, training, or both that results in a

credential that is recognized by an industry, profession, or specific type of business.

(Added Pub. L. 113-281, title II, § 214(a), Dec. 18, 2014, 128 Stat. 3030, § 542; renumbered § 2904, Pub. L. 115-282, title I, § 117(b), Dec. 4, 2018, 132 Stat. 4230; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(49), Jan. 1, 2021, 134 Stat. 4750.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2904 was renumbered section 5104 of this title.

AMENDMENTS

2021—Subsec. (b)(1)(B). Pub. L. 116-283 substituted “an individual” for “a person” in introductory provisions.

2018—Pub. L. 115-282 renumbered section 542 of this title as this section.

Statutory Notes and Related Subsidiaries

SECOND EXPANSION OF THE MY CAREER ADVANCEMENT ACCOUNT PROGRAM FOR MILITARY SPOUSES

Pub. L. 116-92, div. A, title V, § 580G, Dec. 20, 2019, 133 Stat. 1410, provided that: “The spouse of a member of the Coast Guard may participate in the My Career Advancement Account program of the Department of Defense if the Coast Guard reimburses the Department of Defense.”

§ 2905. Youth sponsorship initiatives

(a) IN GENERAL.—The Commandant is authorized to establish, within any Coast Guard unit, an initiative to help integrate into new surroundings the dependent children of members of the Coast Guard who received permanent change of station orders.

(b) DESCRIPTION OF INITIATIVE.—An initiative established under subsection (a) shall—

(1) provide for the involvement of a dependent child of a member of the Coast Guard in the dependent child’s new Coast Guard community; and

(2) primarily focus on preteen and teenaged children.

(c) AUTHORITY.—In carrying out an initiative under subsection (a), the Commandant may—

(1) provide to a dependent child of a member of the Coast Guard information on youth programs and activities available in the dependent child’s new Coast Guard community; and

(2) enter into agreements with nonprofit entities to provide youth programs and activities to such child.

(Added Pub. L. 113-281, title II, § 214(a), Dec. 18, 2014, 128 Stat. 3030, § 543; renumbered § 2905, Pub. L. 115-282, title I, § 117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2905 was renumbered section 5106 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 543 of this title as this section.

§ 2906. Dependent school children

(a) The Secretary may provide, out of funds appropriated to or for the use of the Coast

Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.

(b) Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

(Added Pub. L. 91-278, §1(14), June 12, 1970, 84 Stat. 306, §657; amended Pub. L. 93-430, §5, Oct. 1, 1974, 88 Stat. 1182; renumbered §544 and amended Pub. L. 113-281, title II, §214(b)(1)(C), Dec. 18, 2014, 128 Stat. 3033; renumbered §2906, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2906 was renumbered section 5107 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 544 of this title as this section.

2014—Pub. L. 113-281 renumbered section 657 of this title as this section and, in subsec. (a), substituted “The Secretary may” for “Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may”.

1974—Pub. L. 93-430 struck out “; transportation of” after “children” in section catchline, designated existing provisions as subsec. (b), and added subsec. (a).

SUBCHAPTER II—COAST GUARD CHILD CARE

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §117(c)(2), Dec. 4, 2018, 132 Stat. 4231, inserted subchapter II designation and heading.

§ 2921. Definitions

In this subchapter, the following definitions apply:

(1) **CHILD ABUSE AND NEGLECT.**—The term “child abuse and neglect” has the meaning given that term in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note).

(2) **CHILD DEVELOPMENT CENTER EMPLOYEE.**—The term “child development center employee” means a civilian employee of the Coast Guard who is employed to work in a Coast Guard child development center without regard to whether the employee is paid from appropriated or nonappropriated funds.

(3) **COAST GUARD CHILD DEVELOPMENT CENTER.**—The term “Coast Guard child develop-

ment center” means a facility on Coast Guard property or on property under the jurisdiction of the commander of a Coast Guard unit at which child care services are provided for members of the Coast Guard.

(4) **COMPETITIVE SERVICE POSITION.**—The term “competitive service position” means a position in the competitive service (as defined in section 2102 of title 5).

(5) **FAMILY HOME DAYCARE.**—The term “family home daycare” means home-based child care services provided for a member of the Coast Guard by an individual who—

(A) is certified by the Commandant as qualified to provide home-based child care services; and

(B) provides home-based child care services on a regular basis in exchange for monetary compensation.

(Added Pub. L. 113-281, title II, §214(a), Dec. 18, 2014, 128 Stat. 3031, §551; renumbered §2921, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

REFERENCES IN TEXT

Section 3 of the Child Abuse Prevention and Treatment Act, referred to in par. (1), is section 3 of Pub. L. 93-247, which is set out as a note under section 5101 of Title 42, The Public Health and Welfare.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 551 of this title as this section.

§ 2922. Child development services

(a)(1) The Commandant may make child development services available, in such priority as the Commandant considers to be appropriate and consistent with readiness and resources and in the best interests of dependents of members and civilian employees of the Coast Guard, for—

(A) members and civilian employees of the Coast Guard;

(B) surviving dependents of service members who have died on active duty, if such dependents were beneficiaries of a Coast Guard child development service at the time of the death of such members;

(C) members of the armed forces (as defined in section 101(a) of title 10); and

(D) Federal civilian employees.

(2) Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

(b)(1) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

(2)(A) The Commandant is authorized to establish, by regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

(B) Fees to be charged, pursuant to subparagraph (A), shall be based on family income and whether a family is participating in an initiative established under section 2925(b), except that the Commandant may, on a case-by-base basis, establish fees at lower rates if such rates

would not be competitive with rates at local child development centers.

(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

(D) In the case of an active duty member with two or more children attending a Coast Guard child development center, the Commandant may modify the fees to be charged for attendance for the second and any subsequent child of such member by an amount that is 15 percent less than the amount of the fee otherwise chargeable for the attendance of the first such child enrolled at the center, or another fee as the Commandant determines appropriate, consistent with multiple children.

(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

(4) To the maximum extent practicable, the Commandant shall ensure that, in a location in which Coast Guard family child care centers (as such term is defined in section 8239 of the Elijah E. Cummings Coast Guard Authorization Act of 2020) are necessary to meet the demand for child care for qualified families (as such term is defined in such section), not fewer than two housing units are maintained in accordance with safety inspection standards so as to accommodate family child care providers.

(c) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

(Added Pub. L. 104-324, title II, §201(a), Oct. 19, 1996, 110 Stat. 3906, §515; amended Pub. L. 111-281, title II, §222, Oct. 15, 2010, 124 Stat. 2920; renumbered §552 and amended Pub. L. 113-281, title II, §214(b)(1)(B), Dec. 18, 2014, 128 Stat. 3033; renumbered §2922 and amended Pub. L. 115-282, title I, §§117(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4230, 4240; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8235, Jan. 1, 2021, 134 Stat. 4664; Pub. L. 117-263, div. K, title CXIV, §§11401(a), 11402, Dec. 23, 2022, 136 Stat. 4106, 4109.)

Editorial Notes

REFERENCES IN TEXT

Section 8239 of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (b)(4), is section 8239 of title LVXXXII [LXXXII] of div. G of Pub. L. 116-283, Jan. 1, 2021, 134 Stat. 4665, which is set out as a note below.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, §11402, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Commandant may make child de-

velopment services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.”

Subsec. (b)(2)(D). Pub. L. 117-263, §11401(a), added subpar. (D).

2021—Subsec. (b)(4). Pub. L. 116-283 added par. (4).

2018—Pub. L. 115-282, §117(b), renumbered section 552 of this title as this section.

Subsec. (b)(2)(B). Pub. L. 115-282, §123(b)(2), substituted “section 2925(b)” for “section 555(b)”.

2014—Pub. L. 113-281, §214(b)(1)(B)(i), renumbered section 515 of this title as this section.

Subsec. (b)(2)(B). Pub. L. 113-281, §214(b)(1)(B)(ii)(I), inserted “and whether a family is participating in an initiative established under section 555(b)” after “family income”.

Subsecs. (c), (d). Pub. L. 113-281, §214(b)(1)(B)(ii)(II), (III), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection, and appropriate emergency medical procedures.”

Subsec. (e). Pub. L. 113-281, §214(b)(1)(B)(ii)(II), struck out subsec. (e) which read as follows: “For purposes of this section, the term ‘child development center’ does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).”

2010—Subsec. (b). Pub. L. 111-281, §222(1), added subsec. (b) and struck out former subsec. (b) which related to use of fees paid for services at Coast Guard child development centers.

Subsecs. (d) to (g). Pub. L. 111-281, §222(2), (3), redesignated subsecs. (f) and (g) as (d) and (e), respectively, and struck out former subsecs. (d) and (e) which read as follows:

“(d) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary may use for child development services under this section an amount not to exceed the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

“(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.”

Statutory Notes and Related Subsidiaries

REVIEW OF FAMILY SUPPORT SERVICES WEBSITE AND ONLINE TRACKING SYSTEM

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8232, Jan. 1, 2021, 134 Stat. 4661, provided that:

“(a) MEMORANDUM OF UNDERSTANDING.—

“(1) IN GENERAL.—The Commandant [of the Coast Guard] shall enter into a memorandum of understanding with the Secretary of Defense to enable qualified families to access the website at <https://militarychildcare.com> (or a successor website) for purposes of Coast Guard family access to information with respect to State-accredited child development centers and other child care support services as such services become available from the Department of Defense through such website. The memorandum

shall provide for the expansion of the geographical areas covered by such website, including regions in which qualified families live that are not yet covered by the program.

“(2) INCLUSION OF CHILD DEVELOPMENT CENTERS ACCESSIBLE UNDER PILOT PROGRAM.—The information accessible pursuant to the memorandum of understanding required by paragraph (1) shall include information with respect to any child development center accessible pursuant to the pilot program under section 8234 [of Pub. L. 116-283, set out as a note below].

“(3) ELECTRONIC REGISTRATION, PAYMENT, AND TRACKING SYSTEM.—Not later than 1 year after the date of the enactment of this Act [Jan. 1, 2021], the Commandant shall develop and maintain an internet website of the Coast Guard accessible to qualified families to carry out the following activities:

“(A) Register children for a Coast Guard child development center.

“(B) Make online child care payments to a Coast Guard child development center.

“(C) Track the status of a child on the wait list of a Coast Guard child development center, including the placement and position of the child on the wait list.

“(b) WAIT LIST.—

“(1) IN GENERAL.—The Commandant shall maintain a record of the wait list for each Coast Guard child development center.

“(2) MATTERS TO BE INCLUDED.—Each record under paragraph (1) shall include the following:

“(A) The total number of children of qualified families on the wait list.

“(B) With respect to each child on the wait list—

“(i) the age of the child;

“(ii) the number of days the child has been on the wait list;

“(iii) the position of the child on the wait list;

“(iv) any special needs consideration; and

“(v) information on whether a sibling of the child is on the wait list of, or currently enrolled in, the Coast Guard child development center concerned.

“(3) REQUIREMENT TO ARCHIVE.—Information placed in the record of a Coast Guard child development center under paragraph (1) shall be archived for a period of not less than 10 years after the date of its placement in the record.”

[For definitions of “Coast Guard child development center” and “qualified family” used in section 8232 of Pub. L. 116-283, set out above, see section 8239 of Pub. L. 116-283, set out as a note below.]

STUDY AND SURVEY ON COAST GUARD CHILD CARE NEEDS

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8233, Jan. 1, 2021, 134 Stat. 4662, provided that:

“(a) STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Jan. 1, 2021], and for each of the 2 fiscal years thereafter, the Commandant [of the Coast Guard] shall conduct a study on the child care needs of qualified families that incorporates—

“(A) the results of the survey under subsection (b); and

“(B) any other information the Commandant considers appropriate to ensure adequate tracking and future needs-based assessments with respect to adequate access to Coast Guard child development centers.

“(2) CONSULTATION.—In conducting a study under paragraph (1), the Commandant may consult a federally funded research and development center.

“(3) SCOPE OF DATA.—The data obtained through each study under paragraph (1) shall be obtained on a regional basis, including by Coast Guard unit, sector, and district.

“(b) SURVEY.—

“(1) IN GENERAL.—Together with each study under subsection (a), and annually as the Commandant considers appropriate, the Commandant shall carry out a survey of individuals described in paragraph (2) on access to Coast Guard child development centers.

“(2) PARTICIPANTS.—

“(A) IN GENERAL.—The Commandant shall seek the participation in the survey of the following Coast Guard individuals:

“(i) Commanding officers, regardless of whether the commanding officers have children.

“(ii) Regular and reserve personnel.

“(iii) Spouses of individuals described in clauses (i) and (ii).

“(B) SCOPE OF PARTICIPATION.—Individuals described in clauses (i) through (iii) of subparagraph (A) shall be surveyed regardless of whether such individuals use or have access to Coast Guard child development centers or other Federal child care facilities.

“(C) VOLUNTARY PARTICIPATION.—Participation of any individual described in subparagraph (A) in a survey shall be on a voluntary basis.

“(c) AVAILABILITY.—On request, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of any study or survey under this section.”

[For definitions of “Coast Guard child development center” and “qualified family” used in section 8233 of Pub. L. 116-283, set out above, see section 8239 of Pub. L. 116-283, set out as a note below.]

PILOT PROGRAM TO EXPAND ACCESS TO CHILD CARE

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8234, Jan. 1, 2021, 134 Stat. 4663, provided that:

“(a) IN GENERAL.—Commencing not later than 60 days after the date on which the report under section 8231 [of Pub. L. 116-283, 134 Stat. 4659] is submitted, the Commandant [of the Coast Guard] shall carry out a pilot program, based on the recommendations provided in such report, to expand access to public or private child development centers for qualified families.

“(b) DURATION.—The duration of the pilot program under subsection (a) shall be not more than 3 years beginning on the date on which the pilot program is established.

“(c) DISCHARGE ON DISTRICT BASIS.—The Commandant—

“(1) may carry out the pilot program on a district basis; and

“(2) shall include in the pilot program remote and urban locations.

“(d) RESERVATION OF CHILD CARE SLOTS.—As part of the pilot program, the Commandant shall seek to enter into one or more memoranda of understanding with one or more child development centers to reserve slots for qualified families in locations in which—

“(1) the Coast Guard lacks a Coast Guard child development center; or

“(2) the wait lists for the nearest Coast Guard child development center or Department of Defense child development center, where applicable, indicate that qualified families may not be accommodated.

“(e) ANNUAL ASSESSMENT OF RESULTS.—As part of any study conducted pursuant to section 8233(a) [of Pub. L. 116-283, set out as a note above] after the end of the 1-year period beginning with the commencement of the pilot program, the Commandant shall also undertake a current assessment of the impact of the pilot program on access to child development centers for qualified families. The Commandant shall include the results of any such assessment in the results of the most current study or survey submitted pursuant to section 8233(a).”

[For definitions of “Coast Guard child development center” and “qualified family” used in section 8234 of Pub. L. 116-283, set out above, see section 8239 of Pub. L. 116-283, set out as a note below.]

EXPANDING OPPORTUNITIES FOR FAMILY CHILD CARE

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8238, Jan. 1, 2021, 134 Stat. 4665, provided that: “Not later than 1 year after the date of the enactment of this Act [Jan. 1, 2021], the Commandant [of the Coast Guard] shall—

“(1) establish a procedure to allow Coast Guard family child care centers to occur at off-base housing, including off-base housing owned or subsidized by the Coast Guard; and

“(2) establish a procedure to ensure that all requirements with respect to such family child care programs are met, including home inspections.”

[For definition of “Coast Guard family child care center” used in section 8238 of Pub. L. 116-283, set out above, see section 8239 of Pub. L. 116-283, set out as a note below.]

USE OF COAST GUARD AND MILITARY CHILD DEVELOPMENT CENTERS

Pub. L. 108-293, title II, § 225, Aug. 9, 2004, 118 Stat. 1040, provided that: “The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, when operating other than as a service in the Navy, may agree to provide child care services to members of the armed forces, with reimbursement, in Coast Guard and military child development centers supported in whole or in part with appropriated funds. For purposes of military child development centers operated under the authority of subchapter II of chapter 88 of title 10, United States Code, the child of a member of the Coast Guard shall be considered the same as the child of a member of any of the other armed forces.”

DEFINITIONS

Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8239, Jan. 1, 2021, 134 Stat. 4665, provided that: “In this subtitle [subtitle C (§§8231-8239) of title LVXXXII [LXXXII] of div. G of Pub. L. 116-283, enacting section 2926 of this title, amending this section and section 2923 of this title, and enacting provisions set out as notes above]:

“(1) COAST GUARD CHILD DEVELOPMENT CENTER.—The term ‘Coast Guard child development center’ has the meaning given that term in section 2921(3) of title 14, United States Code.

“(2) COAST GUARD FAMILY CHILD CARE CENTER.—The term ‘Coast Guard family child care center’ means a location at which family home daycare is provided.

“(3) FAMILY CHILD CARE PROVIDER.—The term ‘family child care provider’ means an individual who provides family home daycare.

“(4) FAMILY HOME DAYCARE.—The term ‘family home daycare’ has the meaning given that term in section 2921(5) of title 14, United States Code.

“(5) QUALIFIED FAMILY.—The term ‘qualified family’ means any regular, reserve, or retired member of the Coast Guard, and any civilian employee of the Coast Guard, with one or more dependents.”

§ 2923. Child development center standards and inspections

(a) STANDARDS.—The Commandant shall require each Coast Guard child development center to meet standards of operation—

(1) that the Commandant considers appropriate to ensure the health, safety, and welfare of the children and employees at the center; and

(2) necessary for accreditation by an appropriate national early childhood programs accrediting entity.

(b) INSPECTIONS.—

(1) IN GENERAL.—Not less than twice annually, the Commandant shall ensure that each Coast Guard child development center is subject to an unannounced inspection.

(2) RESPONSIBILITY FOR INSPECTIONS.—Of the biannual inspections under paragraph (1)—

(A) 1 shall be carried out by a representative of the Coast Guard installation served by the Coast Guard child development center concerned; and

(B) 1 shall be carried out by a representative of the Coast Guard child development services work-life programs.

(c) NATIONAL REPORTING.—

(1) IN GENERAL.—The Commandant shall maintain and publicize a means by which an individual can report, with respect to a Coast Guard child development center or a family home daycare—

(A) any suspected violation of—

(i) standards established under subsection (a); or

(ii) any other applicable law or standard;

(B) suspected child abuse or neglect; or

(C) any other deficiency.

(2) ANONYMOUS REPORTING.—The Commandant shall ensure that an individual making a report pursuant to paragraph (1) may do so anonymously if so desired by the individual.

(3) PROCEDURES.—The Commandant shall establish procedures for investigating reports made pursuant to paragraph (1).

(Added Pub. L. 113-281, title II, § 214(a), Dec. 18, 2014, 128 Stat. 3031, § 553; renumbered § 2923, Pub. L. 115-282, title I, § 117(b), Dec. 4, 2018, 132 Stat. 4230; amended Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8237(a), Jan. 1, 2021, 134 Stat. 4664; Pub. L. 117-263, div. K, title CXIV, § 11401(b), Dec. 23, 2022, 136 Stat. 4106.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263 amended subsec. (a) generally. Prior to amendment, text read as follows: “The Commandant shall require each Coast Guard child development center to meet standards that the Commandant considers appropriate to ensure the health, safety, and welfare of the children and employees at the center.”

2021—Subsec. (b). Pub. L. 116-283 added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Commandant shall provide for regular and unannounced inspections of each Coast Guard child development center to ensure compliance with this section.”

2018—Pub. L. 115-282 renumbered section 553 of this title as this section.

§ 2924. Child development center employees

(a) TRAINING.—

(1) IN GENERAL.—The Commandant shall establish a training program for Coast Guard child development center employees and satisfactory completion of the training program shall be a condition of employment for each employee of a Coast Guard child development center.

(2) TIMING FOR NEW HIRES.—The Commandant shall require each employee of a Coast Guard child development center to complete the training program established under paragraph (1) not later than 6 months after the date on which the employee is hired.

(3) **MINIMUM REQUIREMENTS.**—The training program established under paragraph (1) shall include, at a minimum, instruction with respect to—

- (A) early childhood development;
- (B) activities and disciplinary techniques appropriate to children of different ages;
- (C) child abuse and neglect prevention and detection; and
- (D) cardiopulmonary resuscitation and other emergency medical procedures.

(4) **USE OF DEPARTMENT OF DEFENSE PROGRAMS.**—The Commandant may use Department of Defense training programs, on a reimbursable or nonreimbursable basis, for purposes of this subsection.

(b) **TRAINING AND CURRICULUM SPECIALISTS.**—

(1) **SPECIALIST REQUIRED.**—The Commandant shall require that at least 1 employee at each Coast Guard child development center be a specialist in training and curriculum development with appropriate credentials and experience.

(2) **DUTIES.**—The duties of the specialist described in paragraph (1) shall include—

- (A) special teaching activities;
- (B) daily oversight and instruction of other child care employees;
- (C) daily assistance in the preparation of lesson plans;
- (D) assisting with child abuse and neglect prevention and detection; and
- (E) advising the director of the center on the performance of the other child care employees.

(3) **COMPETITIVE SERVICE.**—Each specialist described in paragraph (1) shall be an employee in a competitive service position.

(Added Pub. L. 113-281, title II, §214(a), Dec. 18, 2014, 128 Stat. 3032, §554; renumbered §2924, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 554 of this title as this section.

§ 2925. Parent partnerships with child development centers

(a) **PARENT BOARDS.**—

(1) **FORMATION.**—The Commandant shall require that there be formed at each Coast Guard child development center a board of parents, to be composed of parents of children attending the center.

(2) **FUNCTIONS.**—Each board of parents formed under paragraph (1) shall—

- (A) meet periodically with the staff of the center at which the board is formed and the commander of the unit served by the center, for the purpose of discussing problems and concerns; and
- (B) be responsible, together with the staff of the center, for coordinating any parent participation initiative established under subsection (b).

(3) **CHAPTER 10 OF TITLE 5.**—Chapter 10 of title 5 does not apply to a board of parents formed under paragraph (1).

(b) **PARENT PARTICIPATION INITIATIVE.**—The Commandant is authorized to establish a parent participation initiative at each Coast Guard child development center to encourage and facilitate parent participation in educational and related activities at the center.

(Added Pub. L. 113-281, title II, §214(a), Dec. 18, 2014, 128 Stat. 3032, §555; renumbered §2925, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230; amended Pub. L. 117-286, §4(a)(60), Dec. 27, 2022, 136 Stat. 4312.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(3). Pub. L. 117-286 substituted “Chapter 10 of title 5” for “FACA” in heading and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text.

2018—Pub. L. 115-282 renumbered section 555 of this title as this section.

§ 2926. Family child care providers

(a) **IN GENERAL.**—Not less frequently than quarterly, the Commandant shall ensure that each family child care provider is subject to inspection.

(b) **RESPONSIBILITY FOR INSPECTIONS.**—Of the quarterly inspections under subsection (a) each year—

(1) 3 inspections shall be carried out by a representative of the Coast Guard installation served by the family child care provider concerned; and

(2) 1 inspection shall be carried out by a representative of the Coast Guard child development services work-life programs.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8237(b)(1), Jan. 1, 2021, 134 Stat. 4665.)

§ 2927. Child care subsidy program

(a) **IN GENERAL.**—

(1) **AUTHORITY.**—The Commandant may operate a child care subsidy program to provide financial assistance to eligible providers that provide child care services or youth program services to members of the Coast Guard, members of the Coast Guard with dependents who are participating in the child care subsidy program, and any other individual the Commandant considers appropriate, if—

(A) providing such financial assistance—

- (i) is in the best interests of the Coast Guard; and
- (ii) enables supplementation or expansion of the provision of Coast Guard child care services, while not supplanting or replacing Coast Guard child care services; and

(B) the Commandant ensures, to the extent practicable, that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards applicable to Coast Guard child care services.

(2) **ELIGIBLE PROVIDERS.**—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

(A) is licensed to provide such services under applicable State and local law or

meets all applicable State and local health and safety requirements if licensure is not required;

(B) is either—

- (i) is¹ a family home daycare; or
- (ii) is¹ a provider of family child care services that—

(I) otherwise provides federally funded or federally sponsored child development services;

(II) provides such services in a child development center owned and operated by a private, not-for-profit organization;

(III) provides a before-school or after-school child care program in a public school facility;

(IV) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program; or

(V) conducts a school-age child care or youth services program operated by a not-for-profit organization; or

(C) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of members or civilian employees of the Coast Guard.

(3) FINANCIAL ASSISTANCE FOR IN-HOME CHILD CARE.—

(A) IN GENERAL.—The Commandant may provide financial assistance to members of the Coast Guard who pay for services provided by in-home child care providers.

(B) REQUIREMENTS.—In carrying out such program, the Commandant shall establish a policy and procedures to—

(i) support the needs of families who request services provided by in-home childcare providers;

(ii) provide the appropriate amount of financial assistance to provide to families described in paragraph, that is at minimum consistent with the program authorized in subsection (a)(1); and

(iii) ensure the appropriate qualifications for such in-home child care provider, which shall at minimum—

(I) take into consideration qualifications for available in-home child care providers in the private sector; and

(II) ensure that the qualifications the Commandant determines appropriate under this paragraph are comparable to the qualifications for a provider of child care services in a Coast Guard child development center or family home day care.

(b) DIRECT PAYMENT.—

(1) IN GENERAL.—In carrying out a child care subsidy program under subsection (a)(1), subject to paragraph (3), the Commandant shall provide financial assistance under the program to an eligible member or individual the Commandant considers appropriate by direct payment to such eligible member or individual through monthly pay, direct deposit, or other direct form of payment.

(2) POLICY.—Not later than 180 days after the date of the enactment of this section, the

Commandant shall establish a policy to provide direct payment as described in paragraph (1).

(3) ELIGIBLE PROVIDER FUNDING CONTINUATION.—With the approval of an eligible member or an individual the Commandant considers appropriate, which shall include the written consent of such member or individual, the Commandant may continue to provide financial assistance under the child care subsidy program directly to an eligible provider on behalf of such member or individual.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any pre-existing reimbursement arrangement between the Coast Guard and a qualified provider.

(Added Pub. L. 117-263, div. K, title CXIV, § 11401(c)(1)(A), Dec. 23, 2022, 136 Stat. 4106.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 117-263, which was approved Dec. 23, 2022.

Statutory Notes and Related Subsidiaries

EXPANSION OF CHILD CARE SUBSIDY PROGRAM

Pub. L. 117-263, div. K, title CXIV, § 11401(c)(2), Dec. 23, 2022, 136 Stat. 4108, provided that:

“(A) IN GENERAL.—The Commandant [of the Coast Guard] shall—

“(i) evaluate potential eligible uses for the child care subsidy program established under section 2927 of title 14, United States Code (referred to in this paragraph as the ‘program’);

“(ii) expand the eligible uses of funds for the program to accommodate the child care needs of members of the Coast Guard (including such members with nonstandard work hours and surge or other deployment cycles), including in-home care as described in section 2927(a)(3) of title 14, United States Code, and including by providing funds directly to such members instead of care providers; and

“(iii) streamline enrollment policies, practices, paperwork, and requirements for eligible child care providers to reduce barriers for members to enroll in such providers.

“(B) CONSIDERATIONS.—In evaluating potential eligible uses under subparagraph (A), the Commandant shall consider in-home child care services, care services such as supplemental care for children with disabilities, and any other child care delivery method the Commandant considers appropriate.

“(C) REQUIREMENTS.—In establishing expanded eligible uses of funds for the program, the Commandant shall ensure that such uses—

“(i) are in the best interests of the Coast Guard;

“(ii) provide flexibility for members of the Coast Guard, including such members and employees with nonstandard work hours; and

“(iii) ensure a safe environment for dependents of such members and employees.

“(D) PUBLICATION.—Not later than 18 months after the date of the enactment of this Act [Dec. 23, 2022], the Commandant shall publish an updated Commandant Instruction Manual (referred to in this paragraph as the ‘manual’) that describes the expanded eligible uses of the program.

“(E) REPORT.—

“(i) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure

¹ So in original. The word “is” probably should not appear.

of the House of Representatives a report outlining the expansion of the program.

“(ii) ELEMENTS.—The report required by clause (i) shall include the following:

“(I) An analysis of the considerations described in subparagraph (B).

“(II) A description of the analysis used to identify eligible uses that were evaluated and incorporated into the manual under subparagraph (D).

“(III) A full analysis and justification with respect to the forms of care that were ultimately not included in the manual.

“(IV) Any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to meet the current and anticipated future child care subsidy demands of the Coast Guard.

“(V) A description of the steps taken to streamline enrollment policies, practices, and requirements for eligible child care providers in accordance with paragraph (2)(A)(iii).”

SUBCHAPTER III—HOUSING

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, §117(c)(3), Dec. 4, 2018, 132 Stat. 4232, inserted subchapter III designation and heading.

§ 2941. Definitions

In this chapter:

(1) The term “construct” means to build, renovate, or improve military family housing and military unaccompanied housing.

(2) The term “construction” means building, renovating, or improving military family housing and military unaccompanied housing.

(3) The term “military unaccompanied housing” means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

(4) The term “United States” includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, and the District of Columbia.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3909, §680; amended Pub. L. 108-293, title II, §207(a), Aug. 9, 2004, 118 Stat. 1034; Pub. L. 111-281, title II, §221(a)(1), Oct. 15, 2010, 124 Stat. 2919; renumbered §2941, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 680 of this title as this section.

2010—Pub. L. 111-281 added pars. (1) and (2), redesignated former pars. (4) and (5) as (3) and (4), respectively, and struck out former pars. (1) to (3) which read as follows:

“(1) The term ‘construction’ means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

“(2) The term ‘contract’ includes any contract, lease, or other agreement entered into under the authority of this chapter.

“(3) The term ‘eligible entity’ means any private person, corporation, firm, partnership, or company and any State or local government or housing authority of a State or local government.”

2004—Pars. (3) to (5). Pub. L. 108-293 added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 111-281, title II, §221(b), Oct. 15, 2010, 124 Stat. 2920, provided that: “This section [amending this section and sections 681, 685, 687, and 688 of this title and repealing sections 682 to 684, 686, 687a, and 689 of this title] shall not affect any action commenced prior to the date of enactment of this Act [Oct. 15, 2010].”

§ 2942. General authority

(a) AUTHORITY.—In addition to any other authority providing for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary may acquire or construct the following:

(1) Military family housing on or near Coast Guard installations within the United States and its territories and possessions.

(2) Military unaccompanied housing on or near such Coast Guard installations.

(b) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to acquire or construct military family housing or military unaccompanied housing under this chapter if that acquisition or construction has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3909, §681; amended Pub. L. 107-295, title IV, §402(a), Nov. 25, 2002, 116 Stat. 2113; Pub. L. 111-281, title II, §221(a)(2), Oct. 15, 2010, 124 Stat. 2919; renumbered §2942, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 681 of this title as this section.

2010—Subsec. (a). Pub. L. 111-281, §221(a)(2)(A), in introductory provisions, substituted “acquire or construct the following:” for “exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), of the following:”.

Subsec. (a)(1). Pub. L. 111-281, §221(a)(2)(B), substituted “Military family housing” for “Family housing units”.

Subsec. (a)(2). Pub. L. 111-281, §221(a)(2)(C), substituted “Military unaccompanied housing” for “Unaccompanied housing units”.

2002—Subsec. (a). Pub. L. 107-295 inserted “, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)),” after “private persons” in introductory provisions.

§ 2943. Leasing and hiring of quarters; rental of inadequate housing

(a) The Secretary is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their de-

pendents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. The Secretary is also authorized to lease housing facilities for assignment as public quarters, without rental charge, to military personnel who are on sea duty or duty at remote offshore Coast Guard stations and who do not have dependents. Such authority shall be effective in any fiscal year only to such extent or in such amounts as are provided in appropriation Acts. When any such lease involves housing facilities in a foreign country, the lease may be made on a multiyear basis for a period not to exceed five years, and, in accordance with local custom and practice, advance payment may be made for the lease. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary finds that the average is so low as to prevent rental of necessary housing facilities in some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense.

(b) The Secretary is authorized, subject to regulations approved by the President—

(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and

(2) to lease inadequate housing to members of the Coast Guard for occupancy by them and their dependents.

(c) Where sufficient quarters are not possessed by the United States, the Commandant may hire quarters for personnel, including personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable. Such accommodations shall not be available for occupancy by the dependents of such personnel.

(Aug. 4, 1949, ch. 393, 63 Stat. 532, §475; Pub. L. 91-278, §1(11), June 12, 1970, 84 Stat. 305; Pub. L. 92-343, §4, July 10, 1972, 86 Stat. 450; Pub. L. 93-65, §5, July 9, 1973, 87 Stat. 151; Pub. L. 94-406, §4, Sept. 10, 1976, 90 Stat. 1236; Pub. L. 94-478, Oct. 11, 1976, 90 Stat. 2077; Pub. L. 94-546, §1(30), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 96-376, §4, Oct. 3, 1980, 94 Stat. 1509; Pub. L. 96-470, title I, §112(d), Oct. 19, 1980, 94 Stat. 2240; Pub. L. 97-136, §7, Dec. 29, 1981, 95 Stat. 1706; Pub. L. 97-295, §2(11), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 97-322, title I, §106, Oct. 15, 1982, 96 Stat. 1582; Pub. L. 100-180, div. A, title VI, §632(b)(2), Dec. 4, 1987, 101 Stat. 1105; renumbered §2943, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §133a (June 19, 1942, ch. 419, §2, 56 Stat. 372) and on the following language contained in the Coast Guard appropriation act for 1949, "Pay and Allowances" and preceding years: "hire of quarters for Coast Guard personnel comparable to quarters assignable on a capital ship of the Navy, as authorized by the Secretary to meet emergency conditions, including officers and men on sea duty at such

times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable: *Provided*, That under this authorization no funds may be expended for the hire of quarters for occupancy by the dependents of officers or enlisted personnel" (June 19, 1948, ch. 558, 62 Stat. 562).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 475 of this title as this section.

1987—Subsecs. (b) to (d). Pub. L. 100-180 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: "Notwithstanding the provisions of any other law, members of the Coast Guard, with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of the Coast Guard notwithstanding that such quarters may have been constructed or converted for assignment as public quarters. The net difference between the basic allowance for quarters and the fair rental value of such quarters shall be paid from otherwise available appropriations; however, no rental charge for such quarters shall be made against the basic allowance for quarters of a member of the Coast Guard in excess of 75 percent of such allowance except that in no event shall the net rental value charged to the member's basic allowance for quarters be less than the cost of maintaining and operating the housing."

1982—Subsec. (b). Pub. L. 97-295 substituted "percent" for "per centum".

Subsecs. (e), (f). Pub. L. 97-322 repealed subsec. (e) which required that the Secretary, annually and not later than April 1, file with the Speaker of the House and the President of the Senate a report of the utilization of subsecs. (a), (b), and (d) authority during the preceding calendar year, and subsec. (f) which prohibited utilization of subsecs. (a), (b), (c), or (d) authority after Apr. 1, 1973, unless all required subsec. (e) reports were filed with the Congress.

1981—Subsec. (a). Pub. L. 97-136 inserted provisions authorizing the Secretary to lease housing facilities for assignment as public quarters, without rental charge, to military personnel who are on sea duty or duty at remote offshore Coast Guard stations and who do not have dependents, and further provided that such authority shall be effective in any fiscal year only to such extent or in such amounts as are provided in appropriation acts.

1980—Subsec. (a). Pub. L. 96-376 substituted "multi-year basis" for "multi-year basis," and authorized advance payment for any housing facilities lease in accordance with local custom and practice.

Subsec. (e). Pub. L. 96-470 struck out reference to subsec. (c).

1976—Subsec. (a). Pub. L. 94-546, §1(30)(a), substituted "Secretary" for "Secretary of the Department in which the Coast Guard is operating" wherever appearing.

Pub. L. 94-478 inserted provision allowing leases for housing facilities in foreign countries to be made on a multi-year basis.

Subsec. (e). Pub. L. 94-546, §1(30)(b), which was executed to subsec. (e) as the probable intent of Congress, substituted "Secretary" for "Secretary of the Department in which the Coast Guard is operating" and struck out "commencing April 1, 1973," after "not later than April 1,".

Pub. L. 94-406, §4(1), redesignated subsec. (f) as (e). Former subsec. (e), which provided that the authority conferred by subsecs. (b) and (c) of this section expire on June 30, 1976, was struck out.

Subsecs. (f), (g). Pub. L. 94-406, §4(1), (2), redesignated subsec. (g) as (f) and substituted "(e)" for "(f)". Former subsec. (f) redesignated (e).

1973—Subsec. (e). Pub. L. 93-65 extended termination date of authority provided in subsecs. (b) and (c) from June 30, 1973, to June 30, 1976.

1972—Subsec. (a). Pub. L. 92-343, §4(1), substituted “The Secretary of the Department in which the Coast Guard is operating” for “The Secretary” in first sentence.

Subsec. (e). Pub. L. 92-343, §4(2), struck out reference to subsec. (a) and extended authority provided in subsecs. (b) and (c) to June 30, 1973.

Subsecs. (f), (g). Pub. L. 92-343, §4(3), added subsecs. (f) and (g).

1970—Pub. L. 91-278 substituted “Leasing and hiring of quarters; rental of inadequate housing” for “Hiring of quarters for personnel” in section catchline, designated existing provisions as subsec. (d), and added subsecs. (a) to (c) and (e).

Executive Documents

EX. ORD. NO. 11645. AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO PRESCRIBE CERTAIN REGULATIONS RELATING TO HOUSING

Ex. Ord. No. 11645, Feb. 8, 1972, 37 F.R. 2923, as amended by Ex. Ord. No. 13286, §59, Feb. 28, 2003, 68 F.R. 10629, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Homeland Security is designated and empowered to prescribe (or, under a delegation of the Secretary’s authority, the Commandant of the Coast Guard is authorized to prescribe) regulations pursuant to section 475(c) [now 2943(c)] of title 14 of the United States Code, relating to the designation and leasing of rental housing, without the approval, ratification, or other action by the President.

SEC. 2. Whenever the entire Coast Guard operates as a service in the Navy, the reference to the Secretary of Homeland Security in section 1 of this order shall be deemed to be a reference to the Secretary of the Navy.

§ 2944. Retired service members and dependents serving on advisory committees

A committee that—

(1) advises or assists the Coast Guard with respect to a function that affects a member of the Coast Guard or a dependent of such a member; and

(2) includes in its membership a retired Coast Guard member or a dependent of such a retired member;

shall not be considered an advisory committee under chapter 10 of title 5 solely because of such membership.

(Added Pub. L. 113-281, title II, §218(a), Dec. 18, 2014, 128 Stat. 3036, §680; renumbered §2944, Pub. L. 115-282, title I, §117(b), Dec. 4, 2018, 132 Stat. 4230; amended Pub. L. 117-286, §4(a)(61), Dec. 27, 2022, 136 Stat. 4312.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-286 substituted “chapter 10 of title 5” for “the Federal Advisory Committee Act (5 U.S.C. App.)” in concluding provisions.

2018—Pub. L. 115-282 renumbered section 680 of this title as this section.

§ 2945. Conveyance of real property

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary may convey, at fair market value, real

property, owned or under the administrative control of the Coast Guard, for the purpose of expending the proceeds from such conveyance to acquire and construct military family housing and military unaccompanied housing.

(b) TERMS AND CONDITIONS.—

(1) The conveyance of real property under this section shall be by sale, for cash. The Secretary shall deposit the proceeds from the sale in the Coast Guard Housing Fund established under section 2946 of this title, for the purpose of expending such proceeds to acquire and construct military family housing and military unaccompanied housing.

(2) The conveyance of real property under this section shall not diminish the mission capacity of the Coast Guard, but further the mission support capability of the Coast Guard with regard to military family housing or military unaccompanied housing.

(c) RELATIONSHIP TO ENVIRONMENTAL LAW.—This section does not affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3911, §685; amended Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 107-217, §3(c)(4), Aug. 21, 2002, 116 Stat. 1299; Pub. L. 111-281, title II, §221(a)(4), Oct. 15, 2010, 124 Stat. 2919; Pub. L. 111-350, §5(c)(4), Jan. 4, 2011, 124 Stat. 3847; renumbered §2945 and amended Pub. L. 115-282, title I, §§117(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4230, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §117(b), renumbered section 685 of this title as this section.

Subsec. (b)(1). Pub. L. 115-282, §123(b)(2), substituted “section 2946” for “section 687”.

2011—Subsec. (c)(1). Pub. L. 111-350, which directed substitution of “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in subsec. (c)(1), could not be executed because of the prior general amendment of this section by Pub. L. 111-281. See 2010 Amendment note below.

2010—Pub. L. 111-281 amended section generally. Prior to amendment, section authorized Secretary to convey or lease existing property and facilities under certain conditions.

2002—Subsec. (c)(1). Pub. L. 107-217, §3(c)(4)(A), substituted “Subtitle I of title 40 and title III of the” for “The” and “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

Subsec. (c)(2). Pub. L. 107-217, §3(c)(4)(B), substituted “Section 1302 of title 40” for “Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b)”.

2000—Subsec. (c)(3). Pub. L. 106-400 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

§ 2946. Coast Guard Housing Fund

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Fund (in this section referred to as the “Fund”).

(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

(1) Amounts authorized for and appropriated to that Fund.

(2) Subject to subsection (e), any amounts that the Secretary transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Homeland Security or Coast Guard for the acquisition or construction of military family housing or military unaccompanied housing.

(3) Proceeds from the conveyance of property under section 2945 of this title for the purpose of carrying out activities under this chapter with respect to military family housing and military unaccompanied housing.

(4) Monies received under section 504(a)(13).

(5) Amounts received under section 908(b).

(c) USE OF AMOUNTS IN FUND.—(1) In such amounts as provided in appropriations Acts, and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family housing and military unaccompanied housing, including—

(A) the planning, execution, and administration of the conveyance of real property;

(B) all necessary expenses, including expenses for environmental compliance and restoration, to prepare real property for conveyance; and

(C) the conveyance of real property.

(2) Amounts made available under this subsection shall remain available until expended.

(d) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreements entered into under this chapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

(e) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to the Fund under subsection (b)(2) of this section may be made only after the end of a 30-day period beginning on the date the Secretary submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3912, §687; amended Pub. L. 107-295, title IV, §402(b), (c), Nov. 25, 2002, 116 Stat. 2114; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-293, title II, §207(d), Aug. 9, 2004, 118 Stat. 1034; Pub. L. 111-281, title II, §221(a)(6), Oct. 15, 2010, 124 Stat. 2919; Pub. L. 111-330, §1(2), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 113-281, title II, §208(c), Dec. 18, 2014, 128 Stat. 3026; renumbered §2946 and amended Pub. L. 115-282, title I, §§117(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4230, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §117(b), renumbered section 687 of this title as this section.

Subsec. (b)(3). Pub. L. 115-282, §123(b)(2), substituted “section 2945” for “section 685”.

Subsec. (b)(4). Pub. L. 115-282, §123(b)(2), substituted “section 504(a)(13)” for “section 93(a)(13)”.

Subsec. (b)(5). Pub. L. 115-282, §123(b)(2), substituted “section 908(b)” for “section 672a(b)”.

2014—Subsec. (b)(4), (5). Pub. L. 113-281 added pars. (4) and (5).

2010—Subsec. (b)(2). Pub. L. 111-281, §221(a)(6)(A)(i), substituted “or military unaccompanied” for “or unaccompanied”.

Subsec. (b)(3). Pub. L. 111-281, §221(a)(6)(A)(ii), substituted “military family housing and” for “military family and” and struck out “or lease” after “conveyance” and “or facilities” after “property”.

Subsec. (b)(4). Pub. L. 111-281, §221(a)(6)(A)(iii), struck out par. (4) which read as follows: “Income from any activities under this chapter, including interest on loan guarantees made under section 682 of this title, income and gains realized from investments under section 684 of this title, and any return of capital invested as part of such investments.”

Subsec. (c)(1). Pub. L. 111-281, §221(a)(6)(B), as amended by Pub. L. 111-330, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “In such amounts as provided in appropriation Acts and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family and military unaccompanied housing units, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this chapter.”

Subsec. (e). Pub. L. 111-281, §221(a)(6)(C), struck out “or (b)(3)” after “subsection (b)(2)”.

Subsecs. (f), (g). Pub. L. 111-281, §221(a)(6)(D), struck out subsecs. (f) and (g) which related to limitation on amount of budget authority and demonstration projects authorized, respectively.

2004—Subsec. (g). Pub. L. 108-293, §207(d)(1), substituted “Projects” for “Project” in heading.

Subsec. (g)(1). Pub. L. 108-293, §207(2), (3), substituted “demonstration projects” for “a demonstration project” and “Kodiak, Alaska, or any other Coast Guard installation in Alaska;” for “Kodiak, Alaska;”.

Subsec. (g)(2). Pub. L. 108-293, §207(d)(4), substituted “such a demonstration project” for “the demonstration project”.

Subsec. (g)(4). Pub. L. 108-293, §207(d)(5), substituted “such demonstration projects” for “the demonstration project”.

2002—Subsec. (b)(2). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (f). Pub. L. 107-295, §402(b), substituted “\$40,000,000” for “\$20,000,000”.

Subsec. (g). Pub. L. 107-295, §402(c), added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(2) is effective with the enactment of Pub. L. 111-281.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

AMOUNTS CREDITED TO COAST GUARD HOUSING FUND

Pub. L. 116-93, div. D, title II, §232, Dec. 20, 2019, 133 Stat. 2517, provided that: “Beginning in fiscal year 2021 and for each fiscal year thereafter, amounts credited to the Coast Guard Housing Fund pursuant to paragraphs (3) through (5) of subsection (b) of section 2946 of title 14, United States Code, shall be classified as discretionary offsetting receipts.”

§ 2947. Reports

The Secretary shall prepare and submit to Congress, concurrent with the budget submitted

pursuant to section 1105 of title 31, a report identifying the contracts or agreements for the conveyance of properties pursuant to this chapter executed during the prior calendar year.

(Added Pub. L. 104-324, title II, § 208(a), Oct. 19, 1996, 110 Stat. 3913, § 688; amended Pub. L. 107-296, title XVII, § 1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 111-281, title II, § 221(a)(8), Oct. 15, 2010, 124 Stat. 2920; renumbered § 2947, Pub. L. 115-282, title I, § 117(b), Dec. 4, 2018, 132 Stat. 4230.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 688 of this title as this section.

2010—Pub. L. 111-281 amended section generally. Prior to amendment, section required Secretary to include with the annual budget various reports and other materials in support of the budget.

2002—Par. (4). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

FINAL REPORT

Pub. L. 104-324, title II, § 208(b), Oct. 19, 1996, 110 Stat. 3913, provided that by March 1, 2000, the Secretary of the department in which the Coast Guard was operating was to submit to Congress a report on the use by the Secretary of the authorities provided by former chapter 18 of this title.

SUBTITLE III—COAST GUARD RESERVE AND AUXILIARY

Chap.		Sec.
37.	Coast Guard Reserve	3701
39.	Coast Guard Auxiliary	3901
41.	General Provisions for Coast Guard Reserve and Auxiliary	4101

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, § 118(a), Dec. 4, 2018, 132 Stat. 4232, inserted subtitle III designation and heading and added items for chapters 37 to 41.

CHAPTER 37—COAST GUARD RESERVE

SUBCHAPTER I—ADMINISTRATION

Sec.	
3701.	Organization.
3702.	Authorized strength.
3703.	Coast Guard Reserve Boards.
3704.	Grades and ratings; military authority.
3705.	Benefits.
3706.	Temporary members of the Reserve; eligibility and compensation.
3707.	Temporary members of the Reserve; disability or death benefits.
3708.	Temporary members of the Reserve; certificate of honorable service.
3709.	Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade.

Sec.	
3710.	Reserve student pre-commissioning assistance program.
3711.	Appointment or wartime promotion; retention of grade upon release from active duty.
3712.	Exclusiveness of service.
3713.	Active duty for emergency augmentation of regular forces.
3714.	Enlistment of members engaged in schooling.

SUBCHAPTER II—PERSONNEL

3731.	Definitions.
3732.	Applicability of this subchapter.
3733.	Suspension of this subchapter in time of war or national emergency.
3734.	Effect of this subchapter on retirement and retired pay.
3735.	Authorized number of officers.
3736.	Precedence.
3737.	Running mates.
3738.	Constructive credit upon initial appointment.
3738a.	Direct commissioning authority for individuals with critical skills.
3739.	Promotion of Reserve officers on active duty.
3740.	Promotion; recommendations of selection boards.
3741.	Selection boards; appointment.
3742.	Establishment of promotion zones under running mate system.
3743.	Eligibility for promotion.
3744.	Recommendation for promotion of an officer previously removed from an active status.
3745.	Qualifications for promotion.
3746.	Promotion; acceptance; oath of office.
3747.	Date of rank upon promotion; entitlement to pay.
3748.	Type of promotion; temporary.
3749.	Effect of removal by the President or failure of consent of the Senate.
3750.	Failure of selection for promotion.
3751.	Failure of selection and removal from an active status.
3752.	Retention boards; removal from an active status to provide a flow of promotion.
3753.	Maximum ages for retention in an active status.
3754.	Rear admiral and rear admiral (lower half); maximum service in grade.
3755.	Appointment of a former Navy or Coast Guard officer.
3756.	Grade on entry upon active duty.
3757.	Recall of a retired officer; grade upon release.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8205(b), (c), Jan. 1, 2021, 134 Stat. 4648, substituted “CHAPTER 37” for “CHAPTER 1” in the chapter heading and added item 3738a. Item 3738a was added to the analysis for this chapter by section 8205(b) of Pub. L. 116-283 to reflect the probable intent of Congress, notwithstanding directory language adding that item to the analysis for “subchapter II of chapter 37”. The technical amendment by section 8205(c) of Pub. L. 116-283 corrected the chapter number from “CHAPTER 1” to “CHAPTER 37”.

2018—Pub. L. 115-282, title I, § 118(a), Dec. 4, 2018, 132 Stat. 4232, inserted chapter 1 designation and heading and added items 3701 to 3757.

SUBCHAPTER I—ADMINISTRATION

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title I, § 118(c)(1), Dec. 4, 2018, 132 Stat. 4236, inserted subchapter I designation and heading.