F. MISCELLANEOUS PROVISIONS

§ 331. Recall to active duty during war or national emergency

In time of war or national emergency, the Secretary may order any regular officer on the retired list to active duty.

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

DELEGATION OF AUTHORITY

For delegation of authority under this section, as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, to Secretary of Homeland Security when Coast Guard is not serving as part of Navy, see section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

§ 332. Recall to active duty with consent of officer

(a) Any regular officer on the retired list may, with that officer's consent, be assigned to such duties as that officer may be able to perform.

(b) The number of retired officers on active duty in the grade of lieutenant commander, commander, or captain shall not exceed 2 percent of the authorized number of officers on active duty in each such grade. However, this limitation does not apply to retired officers of these grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

(Added Pub. L. 88–130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 189; amended Pub. L. 89–444, § 1(18), June 9, 1966, 80 Stat. 196; Pub. L. 91–278, § 1(9), June 12, 1970, 84 Stat. 305; Pub. L. 102–241, § 14, Dec. 19, 1991, 105 Stat. 2213.)

AMENDMENTS

1991—Subsec. (a). Pub. L. 102–241, § 14(b), substituted ''that officer's'' for ''his'' and ''that officer'' for ''he''.

Subsec. (b). Pub. L. 102–241, § 14(a), substituted ''2'' for ''1''.

1970—Subsec. (a). Pub. L. 91–278 struck out prohibition against recall to duty in time of peace of any officer on retired list who reached age of sixty-two years.

1966—Subsec. (b). Pub. L. 89–444 provided that the percentage limitation on the number of retired officers on active duty in the grade of lieutenant commander, commander, or captain should not apply to retired officers of those grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

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

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

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

§ 334. Grade on retirement

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

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

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

AMENDMENTS

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

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

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

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

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of Title 10, Armed Forces.

§ 335. Physical fitness of officers

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

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

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

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

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

to possess the necessary qualifications. Upon the recommendation of the Secretary, an individual so designated may be appointed by the President, by and with the advice and consent of the Senate, to a commissioned grade in the Regular Coast Guard.

(c) The initial appointment to a commissioned grade of an individual designated as director of the Coast Guard Band shall be in the grade determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.

(d) An individual who is designated and commissioned under this section shall not be included on the active duty promotion list. He shall be promoted under section 276 of this title. However, the grade of the director may not be higher than captain.

(e) The Secretary may revoke any designation as director of the Coast Guard Band. When an individual's designation is revoked, his appointment to commissioned grade under this section terminates and he is entitled, at his option—

(1) to be discharged from the Coast Guard; or

(2) to revert to the grade and status he held at the time of his designation as director.

(Added Pub. L. 89–189, §1(1), Sept. 17, 1965, 79 Stat. 820; amended Pub. L. 102–587, title V, §5201, Nov. 4, 1992, 106 Stat. 5071; Pub. L. 107–295, title III, §311, Nov. 25, 2002, 116 Stat. 2102; Pub. L. 109–241, title II, §204(a), July 11, 2006, 120 Stat. 520.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–241, §204(a)(1), in first sentence, substituted ''The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.'' for ''The Secretary shall designate the director from among qualified members of the Coast Guard.'', and, in second sentence, substituted ''an individual so designated'' for ''a member so designated''.

Subsec. (c). Pub. L. 109–241, §204(a)(2), substituted ''of an individual'' for ''of a member'' and ''determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual'' for ''of lieutenant (junior grade) or lieutenant''.

Subsec. (d). Pub. L. 109–241, §204(a)(3), substituted ''An individual'' for ''A member''.

Subsec. (e). Pub. L. 109–241, §204(a)(4), substituted ''When an individual's designation is revoked,'' for ''When a member's designation is revoked,'' and ''option—'' for ''option:''.

2002—Subsec. (d). Pub. L. 107–295 substituted ''captain'' for ''commander''.

1992—Subsec. (d). Pub. L. 102–587 substituted ''commander'' for ''lieutenant commander''.

CURRENT DIRECTOR

Pub. L. 109–241, title II, §204(b), July 11, 2006, 120 Stat. 520, provided that: ''The individual serving as Coast Guard band director on the date of enactment of this Act [July 11, 2006] may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.''

ENLISTED MEMBERS

AMENDMENTS

1984—Pub. L. 98–557, §15(a)(4)(E)(i), Oct. 30, 1984, 98 Stat. 2866, substituted ''MEMBERS'' for ''MEN'' in heading.

§ 350. 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.)

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.

§ 351. Enlistments; term, grade

(a) Under regulations prescribed by the Secretary, the Commandant may enlist persons for 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; 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.)

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.