

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.

## 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.

## AMENDMENTS

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.

**§ 352. 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; Pub. L. 98-557, § 15(a)(3)(C), Oct. 30, 1984, 98 Stat. 2865.)

## 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.

## AMENDMENTS

1984—Pub. L. 98-557 substituted "Enlisted members" for "Enlisted men".

**§ 353. 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; 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.)

## 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.

## AMENDMENTS

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.

**§ 354. 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; 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.)

## 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.

## AMENDMENTS

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.

**§ 355. 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; 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.)

## 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.

## AMENDMENTS

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.

**[§ 356. Repealed. Aug. 3, 1950, ch. 536, § 36, 64 Stat. 408]**

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 521, related to retirement for disabilities incident to service. See sections 1204 and 1376 of Title 10, Armed Forces.

**§ 357. Involuntary retirement of enlisted members**

(a) Enlisted Personnel Boards shall be convened as the Commandant may prescribe to re-