

(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

(c) LIMITATIONS.—The Commandant may award up to 2 fellowships annually. The Commandant may not award any fellowship under this section that exceeds \$25,000 in any year.

(d) REGULATIONS.—The regulations prescribed under this section shall include—

(1) the criteria for award of fellowships;

(2) the procedures for selecting recipients of fellowships;

(3) the basis for determining the amount of a fellowship; and

(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.

(Added Pub. L. 109-241, title II, §209(a), July 11, 2006, 120 Stat. 522.)

§ 199. Marine safety curriculum

The Commandant of the Coast Guard 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.)

AMENDMENTS

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.

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 11—PERSONNEL

OFFICERS

A. APPOINTMENTS

- Sec. 211. Original appointment of permanent commissioned officers.
- [212, 213. Repealed.]
- 214. Appointment of temporary officers.
- 215. Rank of warrant officers.
- [216 to 248. Repealed.]

B. SELECTION FOR PROMOTION

- 251. Selection boards; convening of boards.
- 252. Selection boards; composition of boards.
- 253. Selection boards; notice of convening; communication with board.
- 254. Selection boards; oath of members.
- 255. Number of officers to be selected for promotion.
- 256. Promotion zones.
- 256a. Promotion year; defined.
- 257. Eligibility of officers for consideration for promotion.
- 258. Selection boards; information to be furnished boards.

- Sec. 259. Officers to be recommended for promotion.
- 260. Selection boards; reports.
- 261. Selection boards; submission of reports.
- 262. Failure of selection for promotion.

C. PROMOTIONS

- 271. Promotions; appointments.
- 272. Removal of officer from list of selectees for promotion.
- 273. Promotions; acceptance; oath of office.
- 274. Promotions; pay and allowances.
- 275. Wartime temporary service promotions.
- 276. Promotion of officers not included on active duty promotion list.
- [277. Repealed.]

D. DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS

- 281. Revocation of commissions during first five years of commissioned service.
- 282. Regular lieutenants (junior grade); separation for failure of selection for promotion.
- 283. Regular lieutenants; separation for failure of selection for promotion; continuation.
- 284. Regular Coast Guard; officers serving under temporary appointments.
- 285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.
- 286. Discharge in lieu of retirement; separation pay.
- 286a. Regular warrant officers; separation pay.
- 287. Separation for failure of selection for promotion or continuation; time of.
- 288. Regular captains; retirement.
- 289. Captains; continuation on active duty; involuntary retirement.
- 290. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement.
- 291. Voluntary retirement after twenty years' service.
- 292. Voluntary retirement after thirty years' service.
- 293. Compulsory retirement.
- 294. Retirement for physical disability after selection for promotion; grade in which retired.
- 295. Deferment of retirement or separation for medical reasons.
- [301 to 315. Repealed.]

E. SEPARATION FOR CAUSE

- 321. Review of records of officers.
- 322. Boards of inquiry.
- 323. Boards of review.
- 324. Composition of boards.
- 325. Rights and procedures.
- 326. Removal of officer from active duty; action by Secretary.
- 327. Officers considered for removal; retirement or discharge; separation benefits.

F. MISCELLANEOUS PROVISIONS

- 331. Recall to active duty during war or national emergency.
- 332. Recall to active duty with consent of officer.
- 333. Relief of retired officer promoted while on active duty.
- 334. Grade on retirement.
- 335. Physical fitness of officers.
- 336. United States Coast Guard Band; composition; director.

ENLISTED MEMBERS

- 350. Recruiting campaigns.
- 351. Enlistments; term, grade.
- 352. Promotion.
- 353. Compulsory retirement at age of sixty-two.

- Sec.
354. Voluntary retirement after thirty years' service.
355. Voluntary retirement after twenty years' service.
[356. Repealed.]
357. Involuntary retirement of enlisted members.
[358. Repealed.]
359. Recall to active duty during war or national emergency.
360. Recall to active duty with consent of member.
361. Relief of retired enlisted member promoted while on active duty.
362. Retirement in cases where higher grade or rating has been held.
[363, 364. Repealed.]
365. Extension of enlistments.
366. Retention beyond term of enlistment in case of disability.
367. Detention beyond term of enlistment.
[368. Repealed.]
369. Inclusion of certain conditions in enlistment contract.
370. Discharge within three months before expiration of enlistment.
371. Aviation cadets; procurement; transfer.
372. Aviation cadets; benefits.
373. Aviation cadets; appointment as Reserve officers.
374. Critical skill training bonus.

GENERAL PROVISIONS

421. Retirement.
422. Status of recalled personnel.
423. Computation of retired pay.
424. Limitations on retirement and retired pay.
424a. Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution.
425. Board for Correction of Military Records deadline.
426. Emergency leave retention authority.

SPECIAL PROVISIONS

- [431. Repealed.]
432. Personnel of former Lighthouse Service.
[433 to 440. Repealed.]

HISTORICAL AND REVISION NOTES

This chapter, dealing with the appointment, enlistment, promotion, retirement and recall of all military personnel, covers subject matter which has been greatly affected by war-time legislation and, therefore, has required rather extensive rewriting of existing law in order to correlate all of the various provisions. An attempt has been made to provide for enlisted men and warrant officers in a manner similar to the way that commissioned officers are provided for; for example, the act of February 21, 1946, ch. 34, 60 Stat. 29 (title 14, U.S.C., 1946 ed., §162a), made provision for the retirement of commissioned officers on half pay after twenty years naval service, and a prewar statute provided for twenty year retirement of enlisted men on half pay. This leaves warrant officers the only military group not eligible for retirement in twenty years, and a provision such as found in section 305 of this title, granting such retirement, seems clearly indicated in order to avoid unjust discrimination.

The subject matter seemed to break down into the sub-heads of "Commissioned Officers", "Warrant Officers", "Enlisted Men", and "General Provisions". Each of the first three sub-heads parallels the other two, insofar as the applicability of statutes of the three groups permits. The last sub-head includes the broad provisions which, in the same terms, can be made applicable to all military personnel. In accord with existing Navy and Coast Guard law, the term "commissioned officer" includes commissioned warrant officers unless specifically excepted, or manifestly inapplicable. Here-

before Coast Guard statutes have designated commissioned warrant officers as chief warrant officers; in line with Navy designation it is changed to commissioned warrant officers throughout this title. Terms such as "Coast Guard personnel" or "personnel of the Coast Guard", as used throughout this title, are intended to include all employees of the Service, civilian and military. 81st Congress, House Report No. 557.

AMENDMENTS

2010—Pub. L. 111-281, title II, §§207(b), 209, 215(b), Oct. 15, 2010, 124 Stat. 2912, 2917, struck out item 216 "Director of Boating Safety Office", substituted "Compulsory retirement" for "Compulsory retirement at age of sixty-two" in item 293, and added item 426.

2006—Pub. L. 109-241, title II, §215(b), July 11, 2006, 120 Stat. 525, added item 216.

2004—Pub. L. 108-293, title II, §204(b), Aug. 9, 2004, 118 Stat. 1032, added item 374.

2002—Pub. L. 107-295, title IV, §§416(b), 444(b), Nov. 25, 2002, 116 Stat. 2122, 2133, substituted "five" for "three" in item 281 and "separation" for "severance" in items 286, 286a, and 327 and added item 424a.

1996—Pub. L. 104-324, title II, §§209(b), 210(b), 211(b), Oct. 19, 1996, 110 Stat. 3914, 3915, substituted "Appointment" for "Original appointment" in item 214, struck out item 277 "Temporary promotions of warrant officers", and added item 425.

1994—Pub. L. 103-337, div. A, title V, §541(e)(2), (f)(5)(B), Oct. 5, 1994, 108 Stat. 2766, 2767, struck out items 212 "Original appointment of permanent commissioned warrant officers" and 213 "Original appointment of permanent warrant officers (W-1)" and added item 215.

1991—Pub. L. 102-241, §6(b), Dec. 19, 1991, 105 Stat. 2212, substituted "Involuntary retirement of enlisted members" for "Enlisted Personnel Board" in item 357.
1986—Pub. L. 99-640, §10(a)(6)(B), Nov. 10, 1986, 100 Stat. 3549, struck out items 431, 433, 434, and 438.

1985—Pub. L. 99-145, title V, §514(c)(2)(B), Nov. 8, 1985, 99 Stat. 629, substituted "rear admirals (lower half)" for "commodores" in item 290.

1984—Pub. L. 98-557, §§15(a)(4)(B)(ii), (C)(ii), (E)(ii), 17(b)(2)(B), Oct. 30, 1984, 98 Stat. 2865, 2866, 2867, added item 295, in heading preceding item 350 substituted "MEMBERS" for "MEN", in item 360 substituted "member" for "man", and in item 361 substituted "enlisted member" for "man".

1983—Pub. L. 97-417, §2(9)(B), Jan. 4, 1983, 96 Stat. 2086, inserted "and commodores" after "Rear admirals" in item 290.

1982—Pub. L. 97-322, title I, §115(b)(2), Oct. 15, 1982, 96 Stat. 1585, struck out item 368.

1980—Pub. L. 96-513, title V, §505(a)(2), Dec. 12, 1980, 94 Stat. 2918, added item 286a.

1976—Pub. L. 94-546, §1(18), Oct. 18, 1976, 90 Stat. 2520, added item 256a.

1972—Pub. L. 92-451, §1(9), Oct. 2, 1972, 86 Stat. 757, substituted "continuation on active duty" for "retention on the active list" in item 290.

1966—Pub. L. 89-444, §1(25), June 9, 1966, 80 Stat. 197, substituted "Grade on retirement" for "Retirement in cases where higher grade has been held" in item 334, and added items 371, 372, and 373.

1965—Pub. L. 89-189, §1(2), Sept. 17, 1965, 79 Stat. 820, added item 336.

1963—Pub. L. 88-130, §§1(9), (10)(B), 4(c), Sept. 24, 1963, 77 Stat. 175, 177, 193, added items 211 to 214, 251 to 262, 271 to 277, 281 to 294, 321 to 327, 331 to 335, struck out items 221 to 248, 301 to 313a, 435 to 437, 439, and 440, and struck out headings "COMMISSIONED OFFICERS" and "WARRANT OFFICERS" which preceded sections 221 and 301, respectively, of this title.

Pub. L. 88-114, §1(3), Sept. 6, 1963, 77 Stat. 144, struck out item 358.

1959—Pub. L. 86-155, §10(a)(2), Aug. 11, 1959, 73 Stat. 338, struck out items 239 and 309.

1958—Pub. L. 85-861, §33(b)(2), Sept. 2, 1958, 72 Stat. 1567, added item 440.

1957—Pub. L. 85-144, §§2(b), 3, Aug. 14, 1957, 71 Stat. 367, added item 313a and struck out items 303, 304, 305, 307, 308, and 313.

1956—Act Aug. 10, 1956, ch. 1041, §§7(b), 8(b), 9(b), 70A Stat. 620, 623, added items 350 and 435 to 438, and substituted “Enlistments; term, grade” for “Enlistments” in item 351.

Act July 20, 1956, ch. 647, §3(b), 70 Stat. 588, added item 439.

1955—Act Aug. 9, 1955, ch. 684, §1(1), 69 Stat. 620, added items 245 to 248.

Act June 8, 1955, ch. 136, §1, 69 Stat. 88, added item 370.

1950—Act Aug. 3, 1950, ch. 536, §4, 64 Stat. 406, struck out items 233, 245, 246, 306, 314, 315, 356, 363, 364, and 425.

YEAR-END STRENGTH FOR ACTIVE DUTY PERSONNEL AND AVERAGE MILITARY TRAINING STUDENT LOADS FOR EACH FISCAL YEAR AFTER FISCAL YEAR 1977; AUTHORIZATION AND APPROPRIATIONS

Pub. L. 94-406, §6, Sept. 10, 1976, 90 Stat. 1236, which had required that Congress set the active duty end strength and average training student loads for each fiscal year for the Coast Guard, appropriations for those years not to be spent relating to those areas until Congress made such determination, was repealed and reenacted as section 661 of this title by Pub. L. 97-295, §§2(20)(A), 6(b), Oct. 12, 1982, 96 Stat. 1302, 1314.

OFFICERS

A. APPOINTMENTS

§ 211. 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 person 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.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 177; 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.)

AMENDMENTS

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”.

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 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 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 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 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 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,