

§ 4. Operation as a service in the Navy

Whenever the Coast Guard operates as a service in the Navy:

(a) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

(b) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

(c) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

(d) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

(e) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

(Aug. 4, 1949, ch. 393, 63 Stat. 497; May 5, 1950, ch. 169, §14(u), 64 Stat. 148; June 9, 1966, Pub. L. 89-444, §1(1), 80 Stat. 195.)

HISTORICAL AND REVISION NOTES

Subsections (a) and (b) are based on title 14, U.S.C., 1946 ed., §1 (Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 11, 1941, ch. 290, §§5, 6(a), 55 Stat. 585).

Said section has been divided. The provisions relating to appropriations are in this section. The provisions relating to establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to when the Coast Guard operates as a service in the Navy are placed in section 3 of this title.

The substantive changes relating to the availability of appropriations when the Coast Guard is transferred to the Navy were suggested by the Bureau of the Budget (July 11, 1941, ch. 290, §6 (a), 55 Stat. 585).

Subsection (c) is based on title 14, U.S.C., 1946 ed., §7 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Subsection (d) is derived from title 34, U.S.C., 1946 ed., §§355 to 356b (Feb. 4, 1919, ch. 14, §§2-5, 40 Stat. 1056; Aug. 7, 1942, ch. 551, §1, 56 Stat. 743).

Said sections authorized medals for presentation “. . . to any person who, while serving in any capacity with the Navy of the United States . . .”; inasmuch as this language includes the Coast Guard when it is operating under the Navy, this subsection entails no change in existing law.

Subsection (e) is based on title 34, U.S.C., 1946 ed., §228 (R.S. 1442; Feb. 28, 1942, ch. 11, 59 Stat. 9).

Inasmuch as R.S. 1442 cited above applies to the Navy and Marine Corps as well as the Coast Guard it is not scheduled for repeal but is being amended by section 6 of this act to eliminate reference to the Coast Guard.

Subsection (f) is based on title 14, U.S.C., 1946 ed., §3 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Said section has been divided. The provisions concerning applicability of Navy laws to Coast Guard personnel are placed in this section. The provisions of the provisos of title 14, U.S.C., 1946 ed., §3 are placed in section 571 of this title.

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

AMENDMENTS

1966—Pub. L. 89-444 made technical changes in subsections (d) and (e) by inserting “and” at end of subsec. (d) and substituting a period for “; and” at end of subsec. (e).

1950—Act May 5, 1950, repealed subsec. (f) which provided that personnel of the Coast Guard should be subject to the laws for the government of the Navy.

EFFECTIVE DATE OF 1950 AMENDMENT

Section 5 of act May 5, 1950, provided that the amendment made by that section is effective May 31, 1951.

CROSS REFERENCES

Armed Forces as including Coast Guard, see section 101 of Title 10, Armed Forces.

Cooperation with Navy Department, see section 145 of this title.

Interchange of supplies between Navy and Coast Guard, see section 2571 of Title 10, Armed Forces.

Secretary of the Navy, powers with respect to Coast Guard, see section 5013a of Title 10.

Service in Navy to be counted, see section 467 of this title.

Uniform Code of Military Justice, see section 801 et seq. of Title 10, Armed Forces.

§ 5. “Secretary” defined

As used in this title, the term “Secretary” means the Secretary of the respective department in which the Coast Guard is operating.

(Aug. 4, 1949, ch. 393, 63 Stat. 497.)

HISTORICAL AND REVISION NOTES

This section is definitive and is included to obviate the necessity of spelling out in detail in each section of the bill where the Secretary is referred to, “the Secretary of the Treasury when the Coast Guard is operating in the Treasury Department and the Secretary of the Navy when the Coast Guard is operating as a service in the Navy.” 81st Congress, House Report No. 557.

CROSS REFERENCES

General powers of Secretary, see section 92 of this title.

Secretary of Navy, powers with respect to Coast Guard, see section 5013a of Title 10, Armed Forces.

CHAPTER 3—COMPOSITION AND ORGANIZATION

Sec.	
41.	Grades and ratings.
41a.	Active duty promotion list.
42.	Number and distribution of commissioned officers.
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44.	Commandant; appointment.
[45.	Repealed.]
46.	Retirement of Commandant.
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[48, 49.	Repealed.]
50.	Area commanders.
50a.	Chief of Staff.
51.	Retirement.
52.	Vice admirals, continuity of grade.

AMENDMENTS

1993—Pub. L. 103-206, title II, §§204(b)(2), 205(b)(2), Dec. 20, 1993, 107 Stat. 2421, 2422, struck out “; retirement” after “assignment” in item 47 and added item 50a.

1982—Pub. L. 97-322, title I, §115(a)(2), Oct. 15, 1982, 96 Stat. 1585, added item 52.

1972—Pub. L. 92-451, §1(8), Oct. 2, 1972, 86 Stat. 756, substituted “Vice Commandant” for “Assistant Commandant” in item 47 and added items 50 and 51.

1963—Pub. L. 88-130, §1(7), Sept. 24, 1963, 77 Stat. 175, added item 41a and struck out item 43.

1960—Pub. L. 86-474, §1(8), May 14, 1960, 74 Stat. 145, substituted “Assistant Commandant; assignment; retirement” for “Assistant Commandant and Engineer in

Chief; appointment” in item 47 and struck out items 45, 48, and 49.

§ 41. Grades and ratings

In the Coast Guard there shall be an admiral, vice admirals; rear admirals; rear admirals (lower half); captains; commanders; lieutenant commanders; lieutenants; lieutenants (junior grade); ensigns; chief warrant officers; cadets; warrant officers; and enlisted members. Enlisted members shall be distributed in ratings established by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 497; Aug. 10, 1956, ch. 1041, §§6, 53, 70A Stat. 620, 679; May 14, 1960, Pub. L. 86-474, §1(1), 74 Stat. 144; Oct. 2, 1972, Pub. L. 92-451, §1(1), 86 Stat. 755; Jan. 4, 1983, Pub. L. 97-417, §2(1), 96 Stat. 2085; Oct. 30, 1984, Pub. L. 98-557, §15(a)(3)(B), (C), 98 Stat. 2865; Nov. 8, 1985, Pub. L. 99-145, title V, §514(a)(2), 99 Stat. 628; Oct. 5, 1994, Pub. L. 103-337, div. A, title V, §541(f)(4), 108 Stat. 2766.)

HISTORICAL AND REVISION NOTES

1949 ACT

Based on title 14, U.S.C., 1946 ed., §§5, 9, 21 (Apr. 12, 1902, ch. 501, §1, 32 Stat. 100; Jan. 28, 1915, ch. 20, §2, 38 Stat. 801; May 18, 1920, ch. 190, §8, 41 Stat. 603; June 5, 1920, ch. 235, §1, 41 Stat. 879; Jan. 12, 1923, ch. 25, §§1, 2, 42 Stat. 1130; July 3, 1926, ch. 742, §§3, 9, 10, 44 Stat. 815, 817).

The grades of vice admiral and rear admiral are added to make provision for the commissioned officer personnel structure of the service as provided for in this revision. The entire rating structure for enlisted men is left to the administrative discretion of the Secretary, as in the past, for reasons of flexibility.

The last two paragraphs of said section 5 are obsolete and have been omitted.

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

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
41	14:41. 34:135a(a) (less last sentence, as applicable to temporary appointments).	Aug. 4, 1949, ch. 393, §1(41), 63 Stat. 497. May 29, 1954, ch. 249, §3(a) (less 3d and last sentences, as applicable to temporary appointments), 68 Stat. 157.

AMENDMENTS

1994—Pub. L. 103-337 substituted “chief warrant officers; cadets; warrant officers;” for “chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; cadets; warrant officers, W-1;”.

1985—Pub. L. 99-145 substituted “rear admirals (lower half)” for “commodores”.

1984—Pub. L. 98-557 substituted “members” for “men” in two places.

1983—Pub. L. 97-417 inserted “commodores;” after “rear admirals;”.

1972—Pub. L. 92-451 substituted “vice admirals” for “a vice admiral”.

1960—Pub. L. 86-474 inserted the grade of admiral.

1956—Act Aug. 10, 1956, repealed and reenacted section by general amendment thereby substituting “chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2” for “commissioned warrant officers”, and “warrant officers, W-1” for “warrant officers”.

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 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 290 of this title.

CROSS REFERENCES

Enlisted men, see section 350 et seq. of this title.

Officers, see section 211 et seq. of this title.

Pay and allowances of officers, see section 461 of this title.

§ 41a. 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) A person 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; 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.)

AMENDMENTS

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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 770 of this title; title 10 section 583.

§ 42. Number and distribution of commissioned officers

(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,200.

(b) The commissioned officers on the active duty promotion list shall be distributed in grade in the following percentages, respectively: rear admiral 0.375; rear admiral (lower half) 0.375; captain 6.0; commander 12.0; lieutenant commander 18.0. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce the percentage applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentage applicable to any lower grade.

(c) The Secretary shall, at least once each year, make a computation to determine the number of officers on the active duty promotion list authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made. In making computations under this section the nearest whole number shall be regarded as the authorized number in any case where there is a fraction in the final result.

(d) The numbers resulting from such computations 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 who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433¹ of

this title, and officers serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 324(d) of title 49, shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. 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 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; July 20, 1956, ch. 647, §2, 70 Stat. 588; May 14, 1960, Pub. L. 86-474, §1(2), 74 Stat. 144; Sept. 24, 1963, Pub. L. 88-130, §1(2), 77 Stat. 174; June 9, 1966, Pub. L. 89-444, §1(2), 80 Stat. 195; July 5, 1968, Pub. L. 90-385, 82 Stat. 293; Oct. 2, 1972, Pub. L. 92-451, §1(2), 86 Stat. 755; Dec. 5, 1973, Pub. L. 93-174, §1(2), 87 Stat. 692; June 13, 1979, Pub. L. 96-23, §4, 93 Stat. 68; Jan. 4, 1983, Pub. L. 97-417, §2(2), 96 Stat. 2085; Jan. 12, 1983, Pub. L. 97-449, §5(b), 96 Stat. 2442; Oct. 30, 1984, Pub. L. 98-557, §25(a)(1), 98 Stat. 2872; Nov. 8, 1985, Pub. L. 99-145, title V, §514(c)(1), 99 Stat. 629; Dec. 20, 1993, Pub. L. 103-206, title II, §201, 107 Stat. 2420.)

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.

REFERENCES IN TEXT

Section 433 of this title, referred to in subsec. (e), was repealed by Pub. L. 99-640, §10(a)(6)(A), Nov. 10, 1986, 100 Stat. 3549.

AMENDMENTS

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 “0.375” for “.375” in two places.

1983—Subsec. (b). Pub. L. 97-417 substituted “.375; commodore .375;” for “.075;” 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

¹ See References in Text note below.

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".

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 290 of this title.

CROSS REFERENCES

Navy, distribution of commissioned officers, see section 521 et seq. of Title 10, Armed Forces.

Professors of Coast Guard Academy, number and appointment, see sections 187, 188 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 271 of this title.

[§ 43. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 498, provided for relative rank of commissioned officers with respect to Army and Navy officers. See section 741 of Title 10, Armed Forces.

§ 44. Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Commandant for a period of four years, who may be reappointed for further periods of four years, who shall act as Chief of the Coast Guard. The Commandant shall be appointed from the officers on the active duty promotion list serving above the grade of captain who have completed at least ten years of active service as a commissioned officer in the Coast Guard. The Commandant while so serving shall have the grade of admiral.

(Aug. 4, 1949, ch. 393, 63 Stat. 498; May 14, 1960, Pub. L. 86-474, § 1(3), 74 Stat. 144; Sept. 24, 1963,

Pub. L. 88-130, § 1(3), 77 Stat. 175; June 9, 1966, Pub. L. 89-444, § 1(3), 80 Stat. 195; Oct. 2, 1972, Pub. L. 92-451, § 1(3), 86 Stat. 755.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 11 (Apr. 16, 1908, ch. 145, §§ 1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Jan. 12, 1923, ch. 25, § 2, 42 Stat. 1130; Apr. 23, 1930, ch. 211, 46 Stat. 253; June 9, 1937, ch. 309, § 1, 50 Stat. 252; June 6, 1940, ch. 257, § 1(a), 54 Stat. 246).

Said section has been divided. The provisions of the first proviso are placed in section 45 of this title, and the remainder is placed in this section.

The grade of the Commandant is fixed as vice admiral rather than that prescribed for Bureau Chiefs of the Navy. The additional qualifications that an officer appointed Commandant must have at least 10 years commissioned service in the Coast Guard has been inserted. 81st Congress, House Report No. 557.

AMENDMENTS

1972—Pub. L. 92-451 substituted "above the grade of captain" for "in the grade of captain or above" in second sentence.

1966—Pub. L. 89-444 struck out provision that the position of an officer appointed Commandant be filled by promotion according to law.

1963—Pub. L. 88-130 substituted "officers on the active duty promotion list serving in the grade of" for "active list of officers who hold a permanent commission as", required qualifying period of 10 years commissioned service to be "active" service, and struck out "pay, and allowances" before "of admiral".

1960—Pub. L. 86-474 substituted "active list of officers" for "active list of line officers", "captain or above" for "commander or above", and "allowances of admiral" for "allowances of vice admiral".

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 290 of this title.

EFFECTIVE DATE OF HIGHER GRADE AND INCREASED PAY AND ALLOWANCES

Section 2 of Pub. L. 86-474 provided that: "The increased grade of admiral for the Commandant and vice admiral for the Assistant Commandant [now Vice Commandant], including the pay and allowances applicable to such grades, shall be effective on the first day of the month following enactment of this Act [May 14, 1960]."

SAVINGS PROVISION

Section 3 of Pub. L. 86-474 provided that: "Except as provided by section 2 [set out as a note under this section], the amendments by section 1 [amending sections 41, 42, 44, 46, 47, 186 to 191, 222, 247(c), 365, and 462 of this title, and repealing sections 45, 48, and 49 of this title] shall not operate to change or deprive the present incumbents serving as Commandant, Assistant Commandant [now Vice Commandant], and Engineer in Chief of any rights, benefits and privileges appertaining to such offices on the day preceding the date of enactment of this Act [May 14, 1960], nor to divest them of their offices for the terms appointed."

CROSS REFERENCES

General powers of Commandant, see section 93 of this title.

[§ 45. Repealed. Pub. L. 86-474, § 1(4), May 14, 1960, 74 Stat. 144]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 498, related to permanent grade of Commandant on expiration of term.

§ 46. Retirement of Commandant

(a) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in subsection¹ 51(d) of this title.

(b) A Commandant who is retired for physical disability shall be placed on the retired list with the grade of admiral.

(c) An officer who is retired prior to the expiration of his term, while serving as Commandant, may, in the discretion of the President, be retired with the grade of admiral.

(Aug. 4, 1949, ch. 393, 63 Stat. 499; May 14, 1960, Pub. L. 86-474, §1(5), 74 Stat. 144; Sept. 24, 1963, Pub. L. 88-130, §1(4), 77 Stat. 175; June 9, 1966, Pub. L. 89-444, §1(4), (5), 80 Stat. 195; Oct. 12, 1982, Pub. L. 97-295, §2(1), 96 Stat. 1301; July 1, 1986, Pub. L. 99-348, title II, §205(b)(1), 100 Stat. 699; Dec. 20, 1993, Pub. L. 103-206, title II, §204(a), 107 Stat. 2421.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §161 (Jan. 12, 1923, ch. 25, §2, 42 Stat. 1130; June 25, 1936, ch. 808, 49 Stat. 1924; June 9, 1937, ch. 309, §1, 50 Stat. 252; June 6, 1940, ch. 257, §1(a), 54 Stat. 246).

Provision is added for retirement of the Commandant with the grade and pay of vice admiral after 3 years service, in the discretion of the President, regardless of total length of service. Provision is also added for retirement with the grade and pay of vice admiral in case of physical disability. 81st Congress, House Report No. 557.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Any Commandant who is not reappointed shall, at the expiration of his term, be retired with the grade of admiral."

1986—Pub. L. 99-348 struck out "and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant" after "admiral" in subssecs. (a) to (c).

1982—Subsec. (a). Pub. L. 97-295 substituted "Commandant" for "commandant".

1966—Subsec. (c). Pub. L. 89-444, §1(4), removed requirement that the Commandant serve 2½ years as Commandant before being eligible for retirement with the grade of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant.

Subsec. (d). Pub. L. 89-444, §1(5), repealed subsec. (d) which provided that a Commandant who retired within 2½ years of the date of his original appointment as Commandant would retire in his permanent grade and with the retired pay of that grade.

1963—Subsecs. (a) to (c). Pub. L. 88-130 substituted "of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant" for "and retired pay of admiral".

1960—Pub. L. 86-474 authorized any Commandant who is not reappointed at the expiration of his term to be retired with the grade and retired pay of admiral, directed placement on the retired list with the grade and retired pay of admiral for a Commandant who is retired for physical disability, reduced from three to two and one-half years the period that the Commandant must serve before he may voluntarily apply retirement without regard to total length of service, and provided that any Commandant who retires within two and one-half years of the date of his original appointment as Commandant shall retire in his permanent grade and with the retired pay of that grade.

¹ So in original. Probably should be "section".

§ 47. Vice Commandant; assignment

The President may appoint, by and with the advice and consent of the Senate, one Vice Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Vice Commandant shall be selected from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendation for such appointment. The Vice Commandant shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection¹ 51(d) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 499; May 14, 1960, Pub. L. 86-474, §1(6), 74 Stat. 144; Sept. 24, 1963, Pub. L. 88-130, §1(5), (6), 77 Stat. 175; June 9, 1966, Pub. L. 89-444, §1(6), (7), 80 Stat. 195; Oct. 2, 1972, Pub. L. 92-451, §1(4), 86 Stat. 755; Oct. 12, 1982, Pub. L. 97-295, §2(2), 96 Stat. 1301; July 1, 1986, Pub. L. 99-348, title II, §205(b)(2), 100 Stat. 700; Dec. 20, 1993, Pub. L. 103-206, title II, §204(b)(1), 107 Stat. 2421.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§11a, 12 (Apr. 16, 1908, ch. 145, §§1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; Jan. 12, 1923, ch. 25, §2, 42 Stat. 1130; May 24, 1939, ch. 148, §§2, 3, 53 Stat. 757; June 6, 1940, ch. 257, §§1(b), 3, 54 Stat. 246; July 23, 1947, ch. 301, §2, 61 Stat. 410; May 19, 1948, ch. 305, 62 Stat. 239).

Said sections have been divided. The provisions of the proviso of title 14, U.S.C., 1946 ed., §11a, and the first proviso of title 14, U.S.C., 1946 ed., §12, are placed in section 48 of this title and the remainder is placed in this section.

The provisions regarding appointment of the Assistant Commandant and Engineer in Chief are coordinated, inasmuch as these positions are about equal in the Coast Guard organization. The qualification that the Engineer in Chief be appointed from the active list of engineering officers is changed to the active list of officers who have qualified for engineering duty, because there is no longer any provision for a corps of engineering officers. 81st Congress, House Report No. 557.

AMENDMENTS

1993—Pub. L. 103-206 struck out ";; retirement" after "assignment" in section catchline, struck out "(a)" before "The President may appoint", substituted "The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title." for "The appointment of a Vice Commandant shall be effective on the date the officer assumes such duty, and shall terminate on the date he is detached from such duty.", and struck out subssecs. (b) to (d) which read as follows:

"(b) A Vice Commandant, while so serving, who is retired for physical disability shall be placed on the retired list with the grade of vice admiral.

"(c) An officer who is retired while serving as Vice Commandant, or who, after serving at least two and one-half years as Vice Commandant, is retired after

¹ So in original. Probably should be "section".

completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade of vice admiral.

“(d) An officer who, after serving less than two and one-half years as Vice Commandant, is retired after completion of that service while serving in a lower rank or grade, shall be retired in his permanent grade.”

1986—Subsecs. (b), (c). Pub. L. 99-348, §205(b)(2)(A), struck out “and retired pay” after “with the grade”.

Subsec. (d). Pub. L. 99-348, §205(b)(2)(B), struck out “and with the retired pay of that grade” after “permanent grade”.

1982—Subsec. (a). Pub. L. 97-295 substituted “a” for “an” before “Vice Commandant”.

1972—Subsec. (a). Pub. L. 92-451 substituted “Vice Commandant” for “Assistant Commandant” in four places, and “above the grade of captain” for “in the grade of captain or above” in second sentence.

Subsec. (b). Pub. L. 92-451 substituted “A Vice Commandant” for “An Assistant Commandant”.

Subsecs. (c), (d). Pub. L. 92-451 substituted “Vice Commandant” for “Assistant Commandant” wherever appearing.

1966—Subsec. (c). Pub. L. 89-444, §1(6), struck out requirement that Assistant Commandant serve 2½ years as Assistant Commandant before becoming eligible for retirement with the grade and pay of vice admiral.

Subsec. (d). Pub. L. 89-444, §1(7), struck out provision that section 334 of this title, which covers cases of retirement when a higher grade has been held, shall not apply to an officer retiring within 2½ years of the date of his original assignment as Assistant Commandant.

1963—Subsec. (a). Pub. L. 88-130, §1(5), substituted “officers on the active duty promotion list serving in the grade of captain or above” for “active list of officers who hold a permanent commission as captain or above”.

Subsec. (d). Pub. L. 88-130, §1(6), substituted “section 334” for “section 243”.

1960—Pub. L. 86-474 amended section generally, and, among other changes, required Assistant Commandant to be appointed from the active list of officers who hold a permanent commission as captain or above, raised grade of Assistant Commandant from rear admiral to vice admiral, increased his pay and allowances from that of a rear admiral (upper half) to that of a vice admiral, struck out provisions which related to an Engineer in Chief, and added subsecs. (b) to (d).

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 290 of this title.

EFFECTIVE DATE OF HIGHER GRADE AND INCREASED PAY AND ALLOWANCES

The increased grade of vice admiral for the Vice Commandant, including the pay and allowances applicable to such grade, effective on the first day of the month following May 14, 1960, see section 2 of Pub. L. 86-474, set out as a note under section 44 of this title.

[§§ 48, 49. Repealed. Pub. L. 86-474, §1(7), May 14, 1960, 74 Stat. 145]

Section 48, act Aug. 4, 1949, ch. 393, 63 Stat. 499, related to permanent grade of that Assistant Commandant and Engineer in Chief on expiration of term.

Section 49, act Aug. 4, 1949, ch. 393, 63 Stat. 499, related to grade and retired pay upon retirement of Assistant Commandant or Engineer in Chief.

§ 50. Area commanders

(a) The President may appoint, by and with the advice and consent of the Senate, a Commander, Atlantic Area, and a Commander, Pacific Area, each of whom shall be an intermedi-

ate commander between the Commandant and the district commanders in his respective area and shall perform such duties as the Commandant may prescribe. The area commanders shall be appointed from officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for such appointments.

(b) An area commander shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection¹ 51(d) of this title.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755; amended Pub. L. 103-206, title II, §204(c), Dec. 20, 1993, 107 Stat. 2421.)

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-206 substituted “The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.” for “The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.”

EFFECTIVE DATE

Section 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 an Effective Date of 1972 Amendment note under section 290 of this title.

§ 50a. Chief of Staff

(a) The President may appoint, by and with the advice and consent of the Senate, a Chief of Staff of the Coast Guard who shall rank next after the area commanders and who shall perform duties as prescribed by the Commandant. The Chief of Staff shall be appointed from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for the appointment.

(b) The Chief of Staff shall have the grade of vice admiral with the pay and allowances of that grade. The appointment and grade of the Chief of Staff shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 51(d) of this title.

(Added Pub. L. 103-206, title II, §205(b)(1), Dec. 20, 1993, 107 Stat. 2422.)

§ 51. Retirement

(a) An officer who, while serving in the grade of vice admiral, is retired for physical disability shall be placed on the retired list with the grade of vice admiral.

(b) An officer who is retired while serving in the grade of vice admiral, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade of vice admiral.

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

(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.

(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, Area Commander, or Chief of Staff and ending on the day before the officer's retirement, but not for more than 60 days.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755; amended Pub. L. 99-348, title II, §205(b)(3), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §§204(d), 205(c), Dec. 20, 1993, 107 Stat. 2421, 2422.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206, §205(c)(1), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (b). Pub. L. 103-206, §205(c)(2), substituted “in the grade of vice admiral” for “as Commander, Atlantic Area, or Commander, Pacific Area”.

Subsec. (d). Pub. L. 103-206, §204(d), added subsec. (d). 1986—Subsecs. (a), (b). Pub. L. 99-348, §205(b)(3)(A), struck out “and retired pay” after “with the grade”.

Subsec. (c). Pub. L. 99-348, §205(b)(3)(B), struck out “and with the retired pay of that grade” after “permanent grade”.

EFFECTIVE DATE

Section 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 an Effective Date of 1972 Amendment note under section 290 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46, 47, 50, 50a of this title.

§ 52. Vice admirals, continuity of grade

The continuity of an officer's precedence on the active duty promotion list, date of rank, grade, pay, and allowances as a vice admiral shall not be interrupted by the termination of an appointment for the purpose of reappointment to another position as a vice admiral or admiral.

(Added Pub. L. 97-322, title I, §115(a)(1), Oct. 15, 1982, 96 Stat. 1585; amended Pub. L. 101-225, title II, §203(1), Dec. 12, 1989, 103 Stat. 1911.)

AMENDMENTS

1989—Pub. L. 101-225 inserted “or admiral” after “position as a vice admiral”.

CHAPTER 5—FUNCTIONS AND POWERS

Sec.	
81.	Aids to navigation authorized.
82.	Cooperation with Administrator of the Federal Aviation Administration.
83.	Unauthorized aids to maritime navigation; penalty.
84.	Interference with aids to navigation; penalty.
85.	Aids to maritime navigation; penalty.
86.	Marking of obstructions.

Sec.	
[87.	Repealed.]
88.	Saving life and property.
89.	Law enforcement.
90.	Ocean stations.
91.	Safety of naval vessels.
92.	Secretary; general powers.
93.	Commandant; general powers.
94.	Oceanographic research.
95.	Civilian agents authorized to carry firearms.

AMENDMENTS

1988—Pub. L. 100-448, §10(b), Sept. 28, 1988, 102 Stat. 1842, added item 95.

1976—Pub. L. 94-546, §1(5), (7), Oct. 18, 1976, 90 Stat. 2519, substituted “Federal Aviation Administration” for “Federal Aviation Agency” in item 82, and struck out item 87.

1974—Pub. L. 93-283, §1(4), May 14, 1974, 88 Stat. 140, struck out “on fixed structures” after “maritime navigation” in item 85.

1961—Pub. L. 87-396, §2, Oct. 5, 1961, 75 Stat. 827, added item 94.

1958—Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808, substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics” in item 82.

1956—Act June 4, 1956, ch. 351, §3, 70 Stat. 227, substituted “Aids to maritime navigation on fixed structures” for “Failure to maintain lights” in item 85.

§ 81. Aids to navigation authorized

In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

(1) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

(2) aids to air navigation required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or the Secretary of any department within the Department of Defense and as required by any of those officials; and

(3) electronic aids to navigation systems (a) required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or any department within the Department of Defense; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as requested by the Administrator of the Federal Aviation Administration.

These aids to navigation other than electronic aids to navigation systems shall be established and operated only within the United States, the waters above the Continental Shelf, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located. The Coast Guard may establish, maintain, and operate aids to maritime navigation under paragraph (1) of this section by contract with any person, public body, or instrumentality.

(Aug. 4, 1949, ch. 393, 63 Stat. 500; June 22, 1951, ch. 150, 65 Stat. 89; Sept. 3, 1954, ch. 1263, §30, 68 Stat. 1237; Aug. 23, 1958, Pub. L. 85-726, title XIV,