

appoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

(3)(A) Except as provided in subparagraph (B), one of the vice admirals designated under paragraph (1) must have at least 10 years experience in vessel inspection, marine casualty investigations, mariner licensing, or an equivalent technical expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit carrying out marine safety functions and shall serve as the principal advisor to the Commandant on these issues.

(B) The requirements of subparagraph (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewardship possesses that experience.

(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.

(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; Pub. L. 111-281, title V, §511(a), Oct. 15, 2010, 124 Stat. 2951; Pub. L. 111-330, §1(5), Dec. 22, 2010, 124 Stat. 3569.)

#### AMENDMENTS

2010—Pub. L. 111-281, §511(a), as amended by Pub. L. 111-330, amended section generally. Prior to amend-

ment, section provided for the appointment of a Commander, Atlantic Area, and a Commander, Pacific Area, each having the grade of vice admiral with pay and allowances of that grade.

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 OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(5) is effective with the enactment of Pub. L. 111-281.

#### 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.

#### TREATMENT OF INCUMBENTS; TRANSITION

Pub. L. 111-281, title V, §511(h)(1), Oct. 15, 2010, 124 Stat. 2953, provided that:

"Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act [Oct. 15, 2010], is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

"(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; or

"(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer's former position and any other such duties that the Commandant prescribes."

#### **§ 50a. Repealed. Pub. L. 111-281, title V, § 511(b), Oct. 15, 2010, 124 Stat. 2952]**

Section, added Pub. L. 103-206, title II, §205(b)(1), Dec. 20, 1993, 107 Stat. 2422, related to appointment and grade of Chief of Staff of the Coast Guard.

#### **§ 51. Retirement**

(a) An officer, other than the Commandant, who, while serving in the grade of vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

(b) An officer, other than the Commandant, who is retired while serving in the grade of vice admiral, or who, after serving at least 2½ 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 highest grade in which that officer served.

(c) An officer, other than the Commandant, who, after serving less than 2½ 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