

§ 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.

CHAPTER 3—COMPOSITION AND ORGANIZATION

- Sec. 41. Grades and ratings.
- 41a. Active duty promotion list.
- 42. Number and distribution of commissioned officers on active duty promotion list.
- [43. Repealed.]
- 44. Commandant; appointment.
- [45. Repealed.]
- 46. Retirement of Commandant.
- 47. Vice Commandant; appointment.¹
- [48, 49. Repealed.]
- 50. Vice admirals.
- [50a. Repealed.]
- 51. Retirement.
- 52. Vice admirals and admiral, continuity of grade.
- 53. Office of the Coast Guard Reserve; Director.
- 54. Chief of Staff to President; appointment.
- 55. District Ombudsmen.
- 56. Chief Acquisition Officer.
- 57. Prevention and response workforces.
- 58. Centers of expertise for Coast Guard prevention and response.
- 59. Marine industry training programs.¹

AMENDMENTS

2010—Pub. L. 111–281, title II, §§204(b), 214(b), title IV, §401(b), title V, §§511(f)(3), 521(b), Oct. 15, 2010, 124 Stat. 2911, 2916, 2930, 2953, 2956, added items 55 to 59, substituted “Number and distribution of commissioned officers on active duty promotion list” for “Number and distribution of commissioned officers” in item 42, “Vice Commandant; appointment” for “Vice Commandant; assignment” in item 47, “Vice admirals” for “Area commanders” in item 50, and “Vice admirals and admiral, continuity of grade” for “Vice admirals, continuity of grade” in item 52, and struck out item 50a “Chief of Staff”.

2006—Pub. L. 109–163, div. A, title V, §597(b), Jan. 6, 2006, 119 Stat. 3283, added item 54.

1999—Pub. L. 106–65, div. A, title V, §557(b), Oct. 5, 1999, 113 Stat. 620, added item 53.

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.

¹ So in original. Does not conform to section catchline.

§ 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; Pub. L. 86–474, §1(1), May 14, 1960, 74 Stat. 144; Pub. L. 92–451, §1(1), Oct. 2, 1972, 86 Stat. 755; Pub. L. 97–417, §2(1), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 98–557, §15(a)(3)(B), (C), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99–145, title V, §514(a)(2), Nov. 8, 1985, 99 Stat. 628; Pub. L. 103–337, div. A, title V, §541(f)(4), Oct. 5, 1994, 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