

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.

(d) For the purposes of this section, the term “original”, with respect to the appointment of a member of the Coast Guard, refers to that member’s most recent appointment in the Coast Guard that is neither a promotion nor a demotion.

(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; Pub. L. 112-213, title II, § 206, Dec. 20, 2012, 126 Stat. 1546.)

AMENDMENTS

2012—Subsec. (d). Pub. L. 112-213 added subsec. (d).

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, 284, 285, or 288 of title 14, United States Code, is effective if made prior to the first day of the third month following the month in which this Act is enacted [September 1963].”

[[§ 212, 213. Repealed. Pub. L. 103-337, div. A, title V, § 541(f)(5)(A), Oct. 5, 1994, 108 Stat. 2767]

Section 212, added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 177; amended Pub. L. 98-557, § 15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865, related to original appointment of permanent commissioned warrant officers in Coast Guard. See section 571 et seq. of Title 10, Armed Forces.

Section 213, added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 178; amended Pub. L. 98-557, § 15(a)(3)(B),

Oct. 30, 1984, 98 Stat. 2865, related to original appointment of permanent warrant officers (W-1) in Coast Guard. See section 571 et seq. of Title 10.

EFFECTIVE DATE OF REPEAL

Repeal 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 an Effective Date of 1994 Amendment note under section 571 of Title 10, Armed Forces.

§ 214. Appointment of temporary officers

(a) The president may appoint temporary commissioned officers—

(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.

(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of persons so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person who is appointed under this section may not suffer any reduction in the rate of pay and allowances to which he would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade.

(c) An appointment under this section, or a subsequent promotion appointment of a temporary officer, may be vacated by the appointing officer at any time. Each officer whose appointment is so vacated shall revert to his permanent status.

(d) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. Appointees whose dates of appointment 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. 178; amended Pub. L. 89-444, §1(12)-(14), June 9, 1966, 80 Stat. 196; Pub. L. 93-283, §1(5), May 14, 1974, 88 Stat. 140; Pub. L. 96-376, §6, Oct. 3, 1980, 94 Stat. 1509; Pub. L. 98-557, §15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 103-337, div. A, title V, §541(f)(6), Oct. 5, 1994, 108 Stat. 2767; Pub. L. 104-324, title II, §211(a), Oct. 19, 1996, 110 Stat. 3915; Pub. L. 111-281, title II, §211, Oct. 15, 2010, 124 Stat. 2914.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-281 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The President may appoint temporary commissioned officers in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted

members of the Coast Guard, and from licensed officers of the United States merchant marine.”

1996—Pub. L. 104-324, §211(a)(1), substituted “Appointment” for “Original appointment” in section catchline.

Subsec. (b). Pub. L. 104-324, §211(a)(2), redesignated subsec. (d) as (b).

Subsec. (c). Pub. L. 104-324, §211(a)(2), (3), redesignated subsec. (e) as (c) and inserted “, or a subsequent promotion appointment of a temporary officer,” after “section”.

Subsecs. (d) to (f). Pub. L. 104-324, §211(a)(2), redesignated subsecs. (d) to (f) as (b) to (d), respectively.

1994—Subsecs. (b), (c). Pub. L. 103-337 struck out subsecs. (b) and (c) which read as follows:

“(b) The President may appoint temporary commissioned warrant officers in the Regular Coast Guard, as the needs of the Coast Guard may require, from among the warrant officers and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.

“(c) The Secretary may appoint temporary warrant officers (W-1) in the Regular Coast Guard, as the needs of the Coast Guard require, from among the enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.”

1984—Subsecs. (a) to (c). Pub. L. 98-557 substituted reference to enlisted members for reference to enlisted men wherever appearing.

1980—Subsec. (d). Pub. L. 96-376 substituted prohibition against any reduction in rate of pay and allowances of temporary officer appointee to which appointee would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade for prior prohibition against reduction in pay and allowances to which appointee was entitled because of his permanent status at the time of his temporary appointment, or any reduction in pay and allowances to which appointee was entitled under a prior temporary appointment in a lower grade.

1974—Subsec. (d). Pub. L. 93-283 prohibited any reduction in the pay and allowances to which a temporary officer was entitled under a prior temporary appointment in a lower grade.

1966—Subsec. (a). Pub. L. 89-444, §1(12), added licensed officers of the United States merchant marine to the group from which the President may appoint temporary commissioned officers for the Regular Coast Guard not above lieutenant.

Subsec. (b). Pub. L. 89-444, §1(13), added licensed officers of the United States merchant marine to the group from which the President may appoint temporary commissioned warrant officers for the Regular Coast Guard.

Subsec. (c). Pub. L. 89-444, §1(14), added licensed officers of the United States merchant marine to the group from which the Secretary may appoint temporary warrant officers (W-1) in the Regular Coast Guard.

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 1974 AMENDMENT

Pub. L. 93-283, §2, May 14, 1974, 88 Stat. 141, provided that: “Paragraphs (5) and (8) of section 1 of this Act [amending this section and section 288 of this title] are effective as of the original date of enactment [Sept. 24, 1963] of the sections thereby amended.”

TEMPORARY APPOINTMENTS PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(e) of Pub. L. 88-130 considering officers appointed with temporary commissions prior to Sept. 24, 1963, as appointed under this section, are set out as a note under section 211 of this title.