

Stat. 2002; Pub. L. 112-213, title II, § 204, Dec. 20, 2012, 126 Stat. 1543.)

AMENDMENTS

2012—Subsec. (c). Pub. L. 112-213 substituted “foreign national” for “person” in two places and “pay, allowances, and emoluments” for “pay and allowances” in two places.

Subsec. (d). Pub. L. 112-213, § 204(1), substituted “foreign national” for “person” in introductory provisions.

1976—Pub. L. 94-468 substituted “foreign nationals” for “foreigners” in section catchline.

Subsec. (a). Pub. L. 94-468 substituted provision barring foreign nationals from receiving instruction at the Academy unless authorized by this section, for provision which authorized the Secretary to permit four persons at a time from the Republic of the Philippines, as designated by the President, to attend the Academy.

Subsec. (b). Pub. L. 94-468 substituted provision authorizing the President to designate not more than thirty-six foreign nationals whom the Secretary may permit to attend the Academy, for provision which authorized foreign nationals to receive the same pay and allowances as cadets at the Academy.

Subsec. (c). Pub. L. 94-468 substituted provision authorizing a foreign national to receive the same pay and allowances as a cadet providing his country agree in advance to reimburse the United States and directing the Secretary to credit any funds so received to the appropriations for pay and allowances, for provision which required that foreign nationals be subject to the same rules and regulations as cadets.

Subsec. (d). Pub. L. 94-468 added subsec. (d).

§ 196. Participation in Federal, State, or other educational research grants

Notwithstanding any other provision of law, the United States Coast Guard Academy may compete for and accept Federal, State, or other educational research grants, subject to the following limitations:

- (1) No award may be accepted for the acquisition or construction of facilities.
- (2) No award may be accepted for the routine functions of the Academy.

(Added Pub. L. 103-206, title III, § 305(a), Dec. 20, 1993, 107 Stat. 2424.)

§ 197. Cadets: charges and fees for attendance; limitation

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.

(Added Pub. L. 108-375, div. A, title V, § 545(d)(1), Oct. 28, 2004, 118 Stat. 1909; amended Pub. L. 113-281, title II, § 222(2), Dec. 18, 2014, 128 Stat. 3038.)

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-281 struck out “of Homeland Security” after “Secretary”.

[§ 198. Repealed. Pub. L. 112-213, title II, § 216(f), Dec. 20, 2012, 126 Stat. 1555]

Section, added Pub. L. 109-241, title II, § 209(a), July 11, 2006, 120 Stat. 522, provided for fellowships in Coast Guard history.

§ 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.

§ 200. Policy on sexual harassment and sexual violence

(a) REQUIRED POLICY.—The Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims of sexual harassment or sexual violence, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

(3) Procedures that cadets and other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the victim chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims that explains how the Coast Guard and the Academy will protect the confidentiality of victims;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

(5) Sanctions authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel, including with respect to rape, acquaintance rape, or other criminal sexual offense, whether forcible or nonforcible.

(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

(c) ASSESSMENT.—

(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets or other Academy personnel.

(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to an official of the Academy; and

(B) to assess the perceptions of the cadets and other Academy personnel with respect to—

(i) the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets or other Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving cadets or other Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

(d) REPORT.—

(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or

other Academy personnel that have been reported to Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant's comments on the report, to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(5) FOCUS GROUPS.—

(A) IN GENERAL.—For each Academy program year with respect to which the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the next transmitted Commandant's report under this subsection.

(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under the authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.

(Added Pub. L. 112-213, title II, §205(a), Dec. 20, 2012, 126 Stat. 1543.)

PRIOR PROVISIONS

A prior section 200 was renumbered section 199 of this title.

APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO COAST GUARD ACADEMY

Pub. L. 113-291, div. A, title V, §552(b), Dec. 19, 2014, 128 Stat. 3377, provided that: "The Secretary of the Department in which the Coast Guard is operating shall ensure that the provisions of title XVII of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 950) [see Tables for classification], including amendments made by that title, and the provisions of subtitle D [§§531-547 of title V of div. A of Pub. L. 113-291; see Tables for classification], including amendments made by such subtitle, apply to the Coast Guard Academy."

CHAPTER 11—PERSONNEL

OFFICERS

A. APPOINTMENTS

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211. Original appointment of permanent commissioned officers.
[212, 213. Repealed.]
214. Appointment of temporary officers.
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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.
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257. Eligibility of officers for consideration for promotion.
258. Selection boards; information to be furnished boards.
259. Officers to be recommended for promotion.
260. Selection boards; reports.
261. Selection boards; submission of reports.
262. Failure of selection for promotion.
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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.
296. Flag officers.
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Sec.

E. SEPARATION FOR CAUSE

321. Review of records of officers.
322. Boards of inquiry.
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326. Removal of officer from active duty; action by Secretary.
327. Officers considered for removal; retirement or discharge; separation benefits.

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332. Recall to active duty with consent of officer.
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336. United States Coast Guard Band; composition; director.

ENLISTED MEMBERS

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351. Enlistments; term, grade.
352. Promotion.
353. Compulsory retirement at age of sixty-two.
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.
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[368. Repealed.]
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SPECIAL PROVISIONS

- [431. Repealed.]
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[433 to 440. Repealed.]

HISTORICAL AND REVISION NOTES

This chapter, dealing with the appointment, enlistment, promotion, retirement and recall of all military