

2006—Pub. L. 109-241 inserted “if Congress so directs in the declaration” after “Upon the declaration of war”.

2002—Pub. L. 107-296 substituted “Department of Homeland Security” for “Department of Transportation”.

1976—Pub. L. 94-546 substituted “Executive” for “executive” and “Department of Transportation” for “Treasury Department”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### § 4. Secretary defined

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; May 5, 1950, ch. 169, §14(u), 64 Stat. 148; Pub. L. 89-444, §1(1), June 9, 1966, 80 Stat. 195; Pub. L. 112-213, title II, §217(1), Dec. 20, 2012, 126 Stat. 1557.)

#### 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

2012—Pub. L. 112-213 amended section generally. Prior to amendment, section related to operation of Coast Guard as a service in the Navy.

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

Act May 5, 1950, ch. 169, §5, 64 Stat. 145, provided that the amendment made by that section is effective May 31, 1951.

#### § 5. Omitted

#### CODIFICATION

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 497, which defined the term “Secretary” for purposes of this title, was omitted in the general amendment of this chapter by Pub. L. 112-213, title II, §217(1), Dec. 20, 2012, 126 Stat. 1555. See section 4 of this title.

#### 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.
[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.	Repealed.]
56.	Chief Acquisition Officer.
57.	Prevention and response workforces.
58.	Centers of expertise for Coast Guard prevention and response.
59.	Marine industry training programs. <sup>1</sup>
60.	Training course on workings of Congress.

#### AMENDMENTS

2016—Pub. L. 114-120, title II, §214(b)(2), Feb. 8, 2016, 130 Stat. 45, added item 60.

2012—Pub. L. 112-213, title II, §216(a), Dec. 20, 2012, 126 Stat. 1555, struck out item 55 “District Ombudsmen”.

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; re-

<sup>1</sup> So in original. Does not conform to section catchline.