

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.

A prior section 216, added Pub. L. 109-241, title II, §215(a), July 11, 2006, 120 Stat. 525, provided that the initial appointment of the Director of the Boating Safety Office would be in the grade of Captain, prior to repeal by Pub. L. 111-281, title II, § 209, Oct. 15, 2010, 124 Stat. 2912.

Prior sections 221 to 248 were repealed by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

Section 221, act Aug. 4, 1949, ch. 393, 63 Stat. 512, authorized filling of vacancies in active list of regular commissioned officers.

Section 222, acts Aug. 4, 1949, ch. 393, 63 Stat. 512; May 14, 1960, Pub. L. 86-474, §1(16), 74 Stat. 146, related to promotion to flag rank.

Section 223, act Aug. 4, 1949, ch. 393, 63 Stat. 512, related to methods and criteria used in filling of vacancies by promotion.

Section 224, act Aug. 4, 1949, ch. 393, 63 Stat. 512, authorized filling of vacancies by appointment.

Section 225, act Aug. 4, 1949, ch. 393, 63 Stat. 513, authorized President to make permanent appointments. See section 571 et seq. of Title 10, Armed Forces.

Section 226, act Aug. 4, 1949, ch. 393, 63 Stat. 513, authorized appointment of temporary commissioned officers.

Section 227, acts Aug. 4, 1949, ch. 393, 63 Stat. 514; May 5, 1950, ch. 169, §15, 64 Stat. 148, related to promotion and discharge of temporary commissioned officers.

Section 228, act Aug. 4, 1949, ch. 393, 63 Stat. 514, authorized appointment of commissioned warrant officers. See section 571 et seq. of Title 10, Armed Forces.

Section 229, act Aug. 4, 1949, ch. 393, 63 Stat. 514, related to revocation of commissions during first three years of service.

Section 230, acts Aug. 4, 1949, ch. 393, 63 Stat. 514; May 29, 1954, ch. 249, §19(h), 68 Stat. 167, related to compulsory retirement of commissioned officers, with exception of commissioned warrant officers, at age 62.

Section 231, act Aug. 4, 1949, ch. 393, 63 Stat. 514, related to voluntary retirement after 30 years service.

Section 232, acts Aug. 4, 1949, ch. 393, 63 Stat. 514; Aug. 4, 1955, ch. 553, §2, 69 Stat. 493, related to voluntary retirement after 20 years service.

Section 233, act Aug. 4, 1949, ch. 393, 63 Stat. 515, related to retirement for disabilities incident to service. See sections 1204 and 1376 of Title 10, Armed Forces. Section had previously been repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 234, acts Aug. 4, 1949, ch. 393, 63 Stat. 515; Aug. 3, 1950, ch. 536, §5, 64 Stat. 406, related to retirement for failure in physical examination for promotion.

Section 235, act Aug. 4, 1949, ch. 393, 63 Stat. 515, related to designation and assembly of a personnel board, its procedure and its recommendations.

Section 236, act Aug. 4, 1949, ch. 393, 63 Stat. 516, related to involuntary retirement after 30 years' service.

Section 237, act Aug. 4, 1949, ch. 393, 63 Stat. 516, related to involuntary retirement after 10 years' service.

Section 238, act Aug. 4, 1949, ch. 393, 63 Stat. 516, related to voluntary retirement when out of line of promotion.

Section 239, acts Aug. 4, 1949, ch. 393, 63 Stat. 516; Aug. 3, 1950, ch. 536, §6, 64 Stat. 406, authorized advancement to a higher grade upon retirement in case of special commendation. Section had previously been repealed by Pub. L. 86-155, §10(a)(1), (b), Aug. 11, 1959, 73 Stat. 338, effective Nov. 1, 1959.

Section 240, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §7, 64 Stat. 407, authorized recall of retired officers in time of war or national emergency.

Section 241, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §8, 64 Stat. 407, related to recall to active duty with the consent of the officer.

Section 242, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §9, 64 Stat. 407, related to relief of retired officers promoted while on active duty.

Section 243, acts Aug. 4, 1949, ch. 393, 63 Stat. 517; Aug. 3, 1950, ch. 536, §10, 64 Stat. 407; Aug. 14, 1957, Pub. L. 85-144, §1, 71 Stat. 366, related to retirement in cases where a higher grade has been held.

Section 244, act Aug. 4, 1949, ch. 393, 63 Stat. 517, related to resignation when out of line of promotion.

Section 245, act Aug. 4, 1949, ch. 393, 63 Stat. 517, related to retiring or dropping for disabilities not incident to service. See section 1207 of Title 10, Armed Forces. Section had previously been repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 246, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to dropping for disabilities due to vicious habits. See section 1207 of Title 10. Section had previously been repealed by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408.

Section 247, added act Aug. 9, 1955, ch. 684, §1(2), 69 Stat. 620; amended May 14, 1960, Pub. L. 86-474, §1(17), 74 Stat. 146, related to involuntary retirement of rear admirals and to their retention on active list.

Section 248, added act Aug. 9, 1955, ch. 684, §1(2), 69 Stat. 620, related to involuntary retirement of captains and to their retention on active list.

A prior section 277, added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 183, provided that warrant officers could be temporarily promoted to higher warrant officer grades under regulations prescribed by Secretary, prior to repeal by Pub. L. 104-324, title II, §210(a), Oct. 19, 1996, 110 Stat. 3915, with such repeal not to be construed to affect the status of any warrant officer then serving under a temporary promotion.

A prior section 293, added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700, mandated retirement of any regular commissioned officer, except a commissioned warrant officer, at age 62, prior to repeal by Pub. L. 111-281, title II, §215(a), Oct. 15, 2010, 124 Stat. 2916.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 5 of this title as this section.

### CHAPTER 3—COMPOSITION AND ORGANIZATION

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#### PRIOR PROVISIONS

A prior analysis for chapter 3 “COMPOSITION AND ORGANIZATION” consisted of items 41 “Grades and ratings”, 41a “Active duty promotion list”, 42 “Number and distribution of commissioned officers on active duty promotion list”, 44 “Commandant; appointment”, 46 “Retirement of Commandant or Vice Commandant”,

47 “Vice Commandant; appointment”, 50 “Vice admirals”, 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”, 56 “Chief Acquisition Officer”, 57 “Prevention and response workforces”, 58 “Centers of expertise for Coast Guard prevention and response”, 59 “Marine industry training programs”, and 60 “Training course on workings of Congress”, prior to repeal by Pub. L. 115-282, title I, §104(a), Dec. 4, 2018, 132 Stat. 4196.

AMENDMENTS

2018—Pub. L. 115-282, title I, §104(a), title III, §304(c)(1), Dec. 4, 2018, 132 Stat. 4196, 4245, inserted chapter 3 designation and heading and added items 301 to 319.

§ 301. Grades and ratings

In the Coast Guard there shall be admirals (two); 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, §41; 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; Pub. L. 114-120, title II, §201(a), Feb. 8, 2016, 130 Stat. 33; renumbered §301, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

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.

PRIOR PROVISIONS

A prior section 301, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to permanent appointment of warrant officers, prior to repeal by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177. See section 571 et seq. of Title 10, Armed Forces.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 41 of this title as this section.

2016—Pub. L. 114-120 substituted “admirals (two);” for “an admiral;”.

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 one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

§ 302. Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Commandant for a period of four years, who may be reappointed for further periods of four years, who shall act as Chief of the Coast Guard. The term of an appointment, and any reappointment, shall begin on June 1 of the appropriate year and end on May 31 of the appropriate year, except that, in the event of death, retirement, resignation, or reassignment, or when the needs of the Service demand, the Secretary may alter the date on which a term begins or ends if the alteration does not result in the term exceeding a period of 4 years. The Commandant shall be appointed from the officers on the active duty promotion list serving above the grade of captain who have completed at least ten years of active service as a commissioned officer in the Coast Guard. The Commandant while so serving shall have the grade of admiral.

(Aug. 4, 1949, ch. 393, 63 Stat. 498, §44; Pub. L. 86-474, §1(3), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(3), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(3), June 9, 1966, 80 Stat. 195; Pub. L. 92-451, §1(3), Oct. 2, 1972, 86 Stat. 755; Pub. L. 113-281, title II, §202, Dec. 18, 2014, 128 Stat. 3024; renumbered §302, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §11 (Apr. 16, 1908, ch. 145, §§1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; Jan. 12, 1923, ch. 25, §2, 42 Stat. 1130; Apr. 23, 1930, ch. 211, 46 Stat. 253; June 9, 1937, ch. 309, §1, 50 Stat. 252; June 6, 1940, ch. 257, §1(a), 54 Stat. 246).

Said section has been divided. The provisions of the first proviso are placed in section 45 of this title, and the remainder is placed in this section.