

1966—Subsec. (b). Pub. L. 89-444 provided that the percentage limitation on the number of retired officers on active duty in the grade of lieutenant commander, commander, or captain should not apply to retired officers of those grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

**§ 2129. Aviation cadets; appointment as Reserve officers**

(a) An aviation cadet designated under section 2317 who fulfills the eligibility requirements of section 2003 of title 10 for designation as a naval aviator may be appointed an ensign in the Coast Guard Reserve and designated a Coast Guard aviator.

(b) Aviation cadets who complete their training at approximately the same time are considered for all purposes to have begun their commissioned service on the same date, and the decision of the Secretary in this regard is conclusive.

(Added Pub. L. 89-444, §1(20), June 9, 1966, 80 Stat. 197, §373; amended Pub. L. 94-546, §1(28), Oct. 18, 1976, 90 Stat. 2521; renumbered §2129 and amended Pub. L. 115-282, title I, §112(b), title III, §313, Dec. 4, 2018, 132 Stat. 4216, 4249.)

AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 373 of this title as this section.

Subsec. (a). Pub. L. 115-282, §313, inserted “designated under section 2317” after “cadet”.

1976—Subsec. (a). Pub. L. 94-546 substituted reference to section 2003 of title 10 for reference to section 6023(b) of title 10.

**SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE**

PRIOR PROVISIONS

A prior subchapter B of chapter 21 designation and accompanying heading “COMMISSIONED OFFICERS” were repealed by Pub. L. 115-282, title I, §112(c)(1), Dec. 4, 2018, 132 Stat. 4220.

AMENDMENTS

2018—Pub. L. 115-282, title I, §112(c)(4), Dec. 4, 2018, 132 Stat. 4221, inserted subchapter II designation and heading.

**§ 2141. Revocation of commissions during first five years of commissioned service**

The Secretary, under such regulations as he may prescribe, may revoke the commission of any regular officer on active duty who, at the date of such revocation, has had less than five years of continuous service as a commissioned officer in the Regular Coast Guard.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 183, §281; amended Pub. L. 107-295, title IV, §416(a)(1), Nov. 25, 2002, 116 Stat. 2121; renumbered §2141, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 281 of this title as this section.

2002—Pub. L. 107-295 substituted “five” for “three” in section catchline and text.

**§ 2142. Regular lieutenants (junior grade); separation for failure of selection for promotion**

Each officer of the Regular Coast Guard appointed under section 2101 of this title who is serving in the grade of lieutenant (junior grade) and who has failed of selection for promotion to the grade of lieutenant for the second time, shall:

(1) be honorably discharged on June 30 of the promotion year in which his second failure of selection occurs; or

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he is eligible for retirement under any law, be retired on that date.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 184, §282; amended Pub. L. 94-546, §1(21), Oct. 18, 1976, 90 Stat. 2520; renumbered §2142 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2101” for “section 211” in introductory provisions.

Pub. L. 115-282, §112(b), renumbered section 282 of this title as this section.

1976—Pub. L. 94-546 substituted “promotion year” for “fiscal year” in cl. (1).

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

EFFECTIVENESS OF ELECTION, CHANGE, OR REVOCATION OF ELECTION OF ANNUITY

Savings provisions in section 5(h) of Pub. L. 88-130 providing that notwithstanding section 1431 of Title 10, Armed Forces, an election, change or revocation thereof affecting an annuity, by an officer retired under this section, is effective if made prior to the first day of the third month following September 1963, are set out as a note under section 2101 of this title.

**§ 2143. Regular lieutenants; separation for failure of selection for promotion; continuation**

(a) Each officer of the Regular Coast Guard appointed under section 2101 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander for the second time shall:

(1) be honorably discharged on June 30 of the promotion year in which his second failure of selection occurs; or

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date; or

(4) if, on the date specified for his discharge in clause (1), he has completed at least eighteen years of active service, be retained on active duty and retired on the last day of the month in which he completes twenty years of