

(2) the member's retired pay base under section 1407 of title 10, when a member's retired pay is computed under section 2504(b) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 521, §357; Aug. 3, 1950, ch. 536, §17, 64 Stat. 407; Pub. L. 88-114, §1(1), Sept. 6, 1963, 77 Stat. 144; Pub. L. 98-557, §15(a)(3)(A), (B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(9), July 1, 1986, 100 Stat. 700; Pub. L. 102-241, §6, Dec. 19, 1991, 105 Stat. 2210; Pub. L. 114-120, title II, §215(a), (b)(1), Feb. 8, 2016, 130 Stat. 45, 46; renumbered §2307 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§185, 185d (May 24, 1939, ch. 146, §§1, 5, 53 Stat. 755).

Subsection (b) is new and implements the preceding subsection; it seems necessary in view of certain statutes enacted as the result of World War II.

Subsection (c) is based on title 14, U.S.C., 1946 ed., §185d (May 24, 1939, ch. 146, §5, 53 Stat. 756). Said section has been divided. The first sentence is incorporated in section 423 of this title. The second provision is incorporated in section 424 of this title. The remainder is placed in this subsection.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282, §113(b), renumbered section 357 of this title as this section.

Par. (1). Pub. L. 115-282, §123(b)(2), substituted "section 2504(a)" for "section 423(a)".

Par. (2). Pub. L. 115-282, §123(b)(2), substituted "section 2504(b)" for "section 423(b)".

2016—Pub. L. 114-120, §215(b)(1), substituted "Retirement of enlisted members: increase in retired pay" for "Involuntary retirement of enlisted members" in section catchline.

Pub. L. 114-120, §215(a), struck out subsec. (i) designation before "An enlisted member" and struck out subsecs. (a) to (h) and (j) which related to procedures and requirements for involuntary retirement of enlisted members.

1991—Pub. L. 102-241 substituted "Involuntary retirement of enlisted members" for "Enlisted Personnel Board" in section catchline and amended text generally. Prior to amendment, text provided that the Commandant assemble annually a Coast Guard Enlisted Personnel Board to recommend enlisted members for retirement, that the recommendations be transmitted to the Commandant for approval, in which event the enlisted members concerned would be notified and given opportunity to file a written protest, which would require a subsequent annual Board determination and approval by the Commandant to effect the involuntary retirement of that member, and further provided that an enlisted member with twenty years' service retired from active duty by the Commandant pursuant to this section was to receive retired pay, and that an enlisted member voluntarily or involuntarily retired by reason of twenty years' service who had been cited for extraordinary heroism was entitled to an increase in retired pay.

1986—Subsec. (b). Pub. L. 99-348, §205(b)(9)(A), substituted "retired pay" for "the retired pay of the grade or rating with which retired".

Subsec. (c). Pub. L. 99-348, §205(b)(9)(B), substituted provision that retired pay be increased by an amount equal to 10 percent of the active-duty pay and permanent additions thereto of the grade or rating with which retired, in the case of a member whose retired pay is computed under 423(a) of this title, or the member's retired pay base under section 1407 of title 10, in the case of a member whose retired pay is computed

under section 423(b) of this title for provision that the retired pay be increased by an amount equal to 10 percent of the active-duty pay and permanent additions thereto of the grade or rating with which retired.

1984—Pub. L. 98-557, §15(a)(3)(A), substituted reference to enlisted member for reference to enlisted man wherever appearing in subsecs. (a) to (c).

Subsec. (a). Pub. L. 98-557, §15(a)(3)(B), substituted reference to enlisted members for reference to enlisted men in two places.

1963—Subsec. (c). Pub. L. 88-114 struck out provisions which entitled enlisted men whose average marks in conduct were not less than 97½ percent of the maximum to a 10-percent increase of their retired pay.

1950—Subsec. (c). Act Aug. 3, 1950, substituted "years" for "years".

#### ENLISTED MEN IN SERVICE ON SEPTEMBER 6, 1963

Pub. L. 88-114, §2, Sept. 6, 1963, 77 Stat. 144, provided that: "The amendment made by subsection (1) of section 1 of this Act [amending this section] does not apply to any enlisted man in service on the effective date of this Act [Sept. 6, 1963]."

#### SERVICE CREDIT FOR CERTAIN ENLISTED PERSONNEL

Act June 3, 1948, ch. 394, 62 Stat. 302, provided for special service credit for enlisted men of the Coast Guard who, in 1940 and 1941, were discharged to accept employment as policemen and guards at the Ivigtut Cryolite Mine, Greenland, and who reenlisted in the Coast Guard within three months after the termination of their service at the mine.

#### § 2308. Recall to active duty during war or national emergency

In times of war or national emergency, the Commandant may order any enlisted member on the retired list to active duty.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §359; Aug. 3, 1950, ch. 536, §18, 64 Stat. 407; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2308, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §185c (May 24, 1939, ch. 146, §4, 53 Stat. 755).

This section was changed so as to make provisions for enlisted men parallel to similar provisions for commissioned and warrant officers (see §§240 and 310 of the revised title). It seems fair and equitable that similar provisions should apply to all classes of personnel insofar as practicable. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 359 of this title as this section.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

1950—Act Aug. 3, 1950, struck out all references to pay.

#### DELEGATION OF AUTHORITY

For delegation of authority under this section, as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, to Secretary of Homeland Security when Coast Guard is not serving as part of Navy, see section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

#### § 2309. Recall to active duty with consent of member

Any enlisted member on the retired list may, with his consent, be assigned to such duties as he may be able to perform, except that no en-

listed member on the retired list who has reached the age of sixty-two years shall be recalled in time of peace.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §360; Aug. 3, 1950, ch. 536, §19, 64 Stat. 407; Pub. L. 98-557, §15(a)(3)(A), (4)(B)(i), Oct. 30, 1984, 98 Stat. 2865; renumbered §2309, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §185c (May 24, 1939, ch. 146, §4, 53 Stat. 755).

This section was changed so as to make provisions for enlisted men parallel to similar provisions for commissioned and warrant officers (see §§241 and 311 of the revised title). It seems fair and equitable that similar provisions should apply to all classes of personnel insofar as practicable. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 360 of this title as this section.

1984—Pub. L. 98-557 substituted “member” for “man” in section catchline, and in text substituted reference to enlisted member for reference to enlisted man in two places.

1950—Act Aug. 3, 1950, struck out all references to pay.

### § 2310. Relief of retired enlisted member promoted while on active duty

Any enlisted member on the retired list recalled to active duty who during such active duty is advanced to a higher grade or rating under a permanent or temporary appointment or promotion shall, upon relief from active duty be advanced on the retired list to the highest grade or rating held while on active duty. In case the appointment or promotion was temporary the advancement on the retired list shall be made only to such grade or rating in which the member served satisfactorily on active duty.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §361; Aug. 3, 1950, ch. 536, §20, 64 Stat. 407; Pub. L. 98-557, §15(a)(3)(A), (G), (4)(C)(i), Oct. 30, 1984, 98 Stat. 2865; renumbered §2310, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

#### HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., §§3501(a) and (b), 350j(b) (July 24, 1941, ch. 320, §10, 55 Stat. 605; Feb. 21, 1946, ch. 34, §8(a), 60 Stat. 28).

Said sections have application to officers only, but in accord with the general plan to make as many provisions as possible applicable both to officers and men, it seems highly desirable to provide similarly for enlisted men—a fortiori because there are cases in the Coast Guard in which enlisted men are suffering inequitably because there is no provision for advancing men on the retired list after they have been advanced in rating while serving on active duty after recall from the retired list. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 361 of this title as this section.

1984—Pub. L. 98-557 in section catchline substituted “enlisted member” for “man”, and in two places in text substituted “member” for “man”.

1950—Act Aug. 3, 1950, struck out all references to pay.

### § 2311. Retirement in cases where higher grade or rating has been held

Any enlisted member who is retired under any provision of section 2304, 2305, 2306, or 2307 of

this title shall be retired from active service with the highest grade or rating held by him while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, but not lower than his permanent grade or rating.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §362; Aug. 3, 1950, ch. 536, §21, 64 Stat. 407; Pub. L. 97-295, §2(9), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2311 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

#### HISTORICAL AND REVISION NOTES

Based on title 34, U.S.C., 1946 ed., §3501(e) (July 24, 1941, ch. 320, §10, 55 Stat. 605; Feb. 21, 1946, ch. 34, §8(a), 60 Stat. 28).

The requirement that the higher grade or rating be held prior to June 30, 1946, has been eliminated; this seems to be in line with the intent of Congress as expressed in section 303 of the act of June 29, 1948, ch. 708, 62 Stat. 1081. The act of July 24, 1941, 55 Stat. 605, was enacted primarily for application to Navy personnel but it is made applicable to Coast Guard personnel by its own terms (see title 34, U.S.C., 1946 ed., §350j(b)). 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2304, 2305, 2306, or 2307” for “section 353, 354, 355, or 357”.

Pub. L. 115-282, §113(b), renumbered section 362 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “permanent grade or rating”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

1982—Pub. L. 97-295 substituted “of this title” for “of this chapter” after “357”.

1950—Act Aug. 3, 1950, struck out reference to section 356.

### § 2312. Extension of enlistments

Under regulations prescribed by the Secretary, the term of enlistment of any enlisted member may, by voluntary written agreement, be extended and re-extended for a period not exceeding six full years from the date of expiration of the then-existing term of enlistment, and subsequent to such date an enlisted member who so extends his term of enlistment shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of his term of enlistment. However, the total of all such extensions of an enlistment may not exceed six years. No such extension shall operate to deprive the enlisted member concerned, upon discharge at the termination thereof, of any right, privilege, or benefit to which he would have been entitled if his term of enlistment had not been so extended.

(Aug. 4, 1949, ch. 393, 63 Stat. 523, §365; Pub. L. 86-474, §1(18), May 14, 1960, 74 Stat. 146; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2312, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §35 (May 26, 1906, ch. 2556, §1, 34 Stat. 200; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 30, 1937, ch. 545, §1, 50 Stat. 547; July 11, 1941, ch. 290, §8, 55 Stat. 586).