

listed member” for “enlisted man”; and in provisions following cl. (4) substituted “member detained” for “person detained”, “Enlisted members” for “Enlisted men”, and “clause (1)” for “(1) of this subsection”.

1956—Subsec. (a). Act July 24, 1956, §§2(4), 3, repealed cl. (3) permitting detention of enlisted members beyond term of their enlistment while waiting disciplinary action or trial and disposition of their case, struck out provisions prohibiting payment of pay or allowances for any period beyond term of enlistment if trial of such members results in conviction, and redesignated cls. (4) and (5) as (3) and (4), respectively. See section 972(a) of Title 10, Armed Forces.

Subsecs. (b), (c). Act July 24, 1956, §2(4), repealed subsecs. (b) and (c) which required enlisted members to make good time lost by unauthorized absence from duty, or by confinement under sentence or pending trial, or by reason of sickness resulting from misconduct. See section 972(a) of Title 10.

1950—Subsec. (c). Act Aug. 3, 1950, added subsec. (c).

#### 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.

#### § 2315. Inclusion of certain conditions in enlistment contract

The enlistment contract shall contain the substance of sections 2312 to 2314,<sup>1</sup> inclusive, of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 524, §369; renumbered §2315 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

#### HISTORICAL AND REVISION NOTES

It is believed desirable to have the provisions specified included in the enlistment contract, as they include certain privileges and obligations that any man should clearly understand before enlisting. 81st Congress, House Report No. 557.

#### AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), which directed amendment of this title by striking each reference to a section redesignated by title I of Pub. L. 115-282 and inserting a reference to the redesignated section, was executed by substituting “sections 2312 to 2314” for “sections 365 to 368” to reflect the probable intent of Congress. Sections 365 to 367 of this title were redesignated as sections 2312 to 2314 of this title by title I of Pub. L. 115-282, whereas section 368 of this title had previously been repealed by Pub. L. 97-322, title I, §115(b)(1), Oct. 15, 1982, 96 Stat. 1585.

Pub. L. 115-282, §113(b), renumbered section 369 of this title as this section.

#### § 2316. Discharge within three months before expiration of enlistment

Under regulations prescribed by the Secretary, any enlisted member may be discharged at any time within three months before the expiration of his term of enlistment or extended enlistment without prejudice to any right, privilege, or benefit that he would have received, except pay and allowances for the unexpired period not served, or to which he would thereafter become entitled, had he served his full term of enlistment or extended enlistment.

<sup>1</sup> See 2018 Amendment note below.

(Added June 8, 1955, ch. 136, §2, 69 Stat. 88, §370; amended Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2316, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 370 of this title as this section.

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

#### § 2317. Aviation cadets; procurement; transfer

(a) The grade of aviation cadet is established as a special enlisted grade in the Coast Guard. Under such regulations as the Secretary prescribes, citizens in civil life may be enlisted as, and enlisted members of the Coast Guard with their consent may be designated as, aviation cadets.

(b) Except in time of war or national emergency declared by Congress, not less than 20 percent of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Coast Guard.

(c) No persons may be enlisted or designated as an aviation cadet unless—

(1) the person agrees in writing that, upon successful completion of the course of training as an aviation cadet, the person will accept a commission as an ensign in the Coast Guard Reserve and will serve on active duty as such for at least three years, unless sooner released; and

(2) if under twenty-one years of age, the person has the consent of the person’s parent or guardian to the agreement.

(d) Under such regulations as the Secretary prescribes, an aviation cadet may be transferred to another enlisted grade or rating in the Coast Guard, released from active duty, or discharged.

(Added Pub. L. 89-444, §1(20), June 9, 1966, 80 Stat. 196, §371; amended Pub. L. 97-295, §2(11), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98-557, §15(a)(1), Oct. 30, 1984, 98 Stat. 2864; renumbered §2317, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

#### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 371 of this title as this section.

1984—Subsec. (a). Pub. L. 98-557, §15(a)(1)(A), struck out “male” before “citizens” and “enlisted members”.

Subsec. (c)(1). Pub. L. 98-557, §15(a)(1)(B), substituted “the person” for “he” in two places and struck out “his” after “upon”.

Subsec. (c)(2). Pub. L. 98-557, §15(a)(1)(C), substituted “the person” for “he”, “the person’s” for “his”, and “the agreement” for “his agreement”.

1982—Subsec. (b). Pub. L. 97-295 substituted “percent” for “per centum”.

#### § 2318. Aviation cadets; benefits

Except as provided in section 402(c) of title 37, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits as are provided for enlisted members in pay grade E-4. While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.

(Added Pub. L. 89-444, §1(20), June 9, 1966, 80 Stat. 197, §372; renumbered §2318, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 372 of this title as this section.

**§ 2319. Critical skill training bonus**

(a) The Secretary may provide a bonus, not to exceed \$20,000, to an enlisted member who completes training in a skill designated as critical, if at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

(b) If an enlisted member voluntarily or because of misconduct does not complete the member's term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary may charge interest on the amount repaid at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the calendar quarter preceding the date on which the amount to be repaid is determined.

(Added Pub. L. 108-293, title II, §204(a), Aug. 9, 2004, 118 Stat. 1032, §374; renumbered §2319, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 374 of this title as this section.

**CHAPTER 25—PERSONNEL; GENERAL PROVISIONS**

**SUBCHAPTER I—GENERAL PROVISIONS**

- Sec. 2501. Grade on retirement.
- 2502. Retirement.
- 2503. Status of recalled personnel.
- 2504. Computation of retired pay.
- 2505. Limitations on retirement and retired pay.
- 2506. Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution.
- 2507. Board for Correction of Military Records deadline.
- 2508. Emergency leave retention authority.
- 2509. Prohibition of certain involuntary administrative separations.
- 2510. Sea service letters.
- 2511. Investigations of flag officers and Senior Executive Service employees.
- 2512. Leave policies for the Coast Guard.
- 2513. Computation of length of service.

**SUBCHAPTER II—LIGHTHOUSE SERVICE**

- 2531. Personnel of former Lighthouse Service.

**PRIOR PROVISIONS**

A prior analysis for chapter 25 "GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY" consisted of items 891 "Flags; pennants; uniforms and insignia", 892 "Penalty", 893 "Limitation on rights of members of the Auxiliary and temporary members of the Reserve", and 894 "Availability of facilities and appropriations", prior to repeal by Pub. L. 115-282, title I, §114(a), Dec. 4, 2018, 132 Stat. 4223.

AMENDMENTS

2018—Pub. L. 115-282, title I, §114(a), Dec. 4, 2018, 132 Stat. 4223, inserted chapter 25 designation and heading and added items 2501 to 2531.

**SUBCHAPTER I—GENERAL PROVISIONS**

AMENDMENTS

2018—Pub. L. 115-282, title I, §114(c)(1), Dec. 4, 2018, 132 Stat. 4224, inserted subchapter I designation and heading.

**§ 2501. Grade on retirement**

(a) Any commissioned officer, other than a commissioned warrant officer, who is retired under any provision of this title, shall be retired from active service with the highest grade held by him for not less than six months while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory.

(b) Any warrant officer who is retired under any provision of section 580, 1263, 1293, or 1305 of title 10, shall be retired from active service with the highest commissioned grade above chief warrant officer, W-4, held by him for not less than six months on active duty in which, as determined by the Secretary, his performance of duty was satisfactory.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 190, §334; amended Pub. L. 89-444, §1(19), June 9, 1966, 80 Stat. 196; Pub. L. 99-348, title II, §205(b)(7), July 1, 1986, 100 Stat. 700; Pub. L. 102-190, div. A, title XI, §1125(b)(2), Dec. 5, 1991, 105 Stat. 1505; Pub. L. 103-337, div. A, title V, §541(f)(3), Oct. 5, 1994, 108 Stat. 2766; renumbered §2501, Pub. L. 115-282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223.)

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 334 of this title as this section.

1994—Subsec. (b). Pub. L. 103-337 substituted "section 580," for "section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or".

1991—Subsec. (b). Pub. L. 102-190 substituted "section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or 1263, 1293, or 1305 of title 10" for "section 564, 1263, 1293, or 1305 of title 10".

1986—Subsec. (a). Pub. L. 99-348, §205(b)(7)(A), struck out ", with retired pay of the grade with which retired" after "satisfactory".

Subsec. (b). Pub. L. 99-348, §205(b)(7), struck out ", with retired pay of the grade with which retired" after "satisfactory" and struck out provision that when the rate of pay of such highest grade is less than the pay of the warrant grade with which the officer would otherwise be retired under section 1371 of title 10, the retired pay was to be based on the higher rate of pay.

1966—Pub. L. 89-444 substituted "Grade on retirement" for "Retirement in cases where higher grade has been held" in section catchline.

**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 1991 AMENDMENT**

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of Title 10, Armed Forces.