

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”.

Statutory Notes and Related Subsidiaries

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.

§ 104. Removing restrictions

Any law removing for the duration of a war or national emergency proclaimed by the President any restriction contained in any then-existing law as applied to the Navy, including, but not limited to, restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel, shall, in the same manner and to the same extent, remove such restrictions as applied to the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 550, §652; renumbered §104, Pub. L. 115–282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

HISTORICAL AND REVISION NOTES

This section is new and provides that any law removing for the duration of a war or national emergency any restriction contained in any then-existing law as applied to the Navy shall operate in the same manner to remove such restrictions as applied to the Coast Guard. Included are restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel. This provision is designed to enable the Coast Guard to operate as efficiently as the Navy Department in time of war or during a national emergency and would permit the Coast Guard more effectively to maintain itself in a state of military readiness during periods of emergency. Since the Coast Guard operates as part of the Navy in time of war, it is essential that its operations be as flexible and as efficient as those of the Department of which it is to be a part. This section would prevent inadvertent failures specifically to mention the Coast Guard in legislation of the type described in this section from hindering service operations. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 104 was renumbered section 528 of this title.

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 652 of this title as this section.

§ 105. 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, §4; 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; renumbered §105, Pub. L. 115–282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 4 of this title as this section.

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 subssecs. (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.

Statutory Notes and Related Subsidiaries

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.

§ 106. Commandant defined

In this title, the term “Commandant” means the Commandant of the Coast Guard.

(Added Pub. L. 115–232, div. C, title XXXV, §3531(a), Aug. 13, 2018, 132 Stat. 2320, §5; renumbered §106, Pub. L. 115–282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

Editorial Notes

PRIOR PROVISIONS

For redesignation of prior sections 141 to 296 not listed below as having been previously repealed or renumbered, see Table Showing Redesignations Made by Title I of Pub. L. 115-282 preceding section 101 of this title.

A prior section 182, Aug. 4, 1949, ch. 393, 63 Stat. 508; Pub. L. 88-276, §5(b), Mar. 3, 1964, 78 Stat. 153; Pub. L. 89-444, §1(8), June 9, 1966, 80 Stat. 195; Pub. L. 91-278, §1(4), June 12, 1970, 84 Stat. 304; Pub. L. 94-572, §1, Oct. 21, 1976, 90 Stat. 2708; Pub. L. 97-295, §2(8), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 100-448, §12, Sept. 28, 1988, 102 Stat. 1843; Pub. L. 109-163, div. A, title VI, §687(d), Jan. 6, 2006, 119 Stat. 3336; Pub. L. 111-281, title IX, §903(b)(4), Oct. 15, 2010, 124 Stat. 3011; Pub. L. 115-91, div. A, title VI, §618(a)(2), Dec. 12, 2017, 131 Stat. 1426, related to cadets' appointment to the Academy and agreement to serve, prior to repeal by Pub. L. 115-282, title I, §110(c)(2), Dec. 4, 2018, 132 Stat. 4215.

A prior section 193, act Aug. 4, 1949, ch. 393, 63 Stat. 510; Pub. L. 94-546, §1(16), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 97-322, title I, §118(b), Oct. 15, 1982, 96 Stat. 1586; Pub. L. 100-448, §9, Sept. 28, 1988, 102 Stat. 1842; Pub. L. 102-241, §15, Dec. 19, 1991, 105 Stat. 2213, provided for an Advisory Committee to the Academy, prior to repeal by Pub. L. 112-213, title II, §216(e), Dec. 20, 2012, 126 Stat. 1555.

A prior section 198, added Pub. L. 109-241, title II, §209(a), July 11, 2006, 120 Stat. 522, provided for fellowships in Coast Guard history, prior to repeal by Pub. L. 112-213, title II, §216(f), Dec. 20, 2012, 126 Stat. 1555.

A prior section 200 was renumbered section 199 of this title and subsequently renumbered section 1948 of this title.

Prior sections 212 and 213 were repealed by Pub. L. 103-337, div. A, title V, §541(f)(5)(A), (h), Oct. 5, 1994, 108 Stat. 2767, effective on the first day of the fourth month beginning after Oct. 5, 1994.

Section 212, added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 177; amended Pub. L. 98-557, §15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865, related to original appointment of permanent commissioned warrant officers in Coast Guard. See section 571 et seq. of Title 10, Armed Forces.

Section 213, added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 178; amended Pub. L. 98-557, §15(a)(3)(B), 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.

Statutory Notes and Related Subsidiaries

DEFINITION OF COMMANDANT

Pub. L. 116-283, div. G, § 8002, Jan. 1, 2021, 134 Stat. 4633, provided that: “In this division [div. G of Pub. L. 116-283, see Tables for classification], the term ‘Commandant’ means the Commandant of the Coast Guard.”

CHAPTER 3—COMPOSITION AND ORGANIZATION

- Sec. 301. Grades and ratings.
302. Commandant; appointment.
303. Retirement of Commandant or Vice Commandant.
304. Vice Commandant; appointment.
305. Vice admirals.
306. Retirement.
307. Vice admirals and admiral, continuity of grade.
308. Chief Acquisition Officer.
309. Office of the Coast Guard Reserve; Director.
310. Chief of Staff to President; appointment.
311. Captains of the port.
312. Prevention and response workforces.
313. Centers of expertise for Coast Guard prevention and response.
314. Marine industry training program.
315. Training course on workings of Congress.
316. National Coast Guard Museum.
317. United States Coast Guard Band; composition; director.
318. Environmental Compliance and Restoration Program.
319. Land-based unmanned aircraft system program.
320. Coast Guard Junior Reserve Officers' Training Corps.
321. Congressional affairs; Director.
322. Redistricting notification requirement.

Editorial Notes

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

2021—Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8211(b), title LVXXXV [LXXXV], § 8501(b)(1), Jan. 1, 2021, 134 Stat. 4649, 4746, added items 321 and 322.

2019—Pub. L. 116-92, div. A, title V, § 519(b), Dec. 20, 2019, 133 Stat. 1351, added item 320.

2018—Pub. L. 115-282, title I, § 104(a), title III, § 304(c)(1), Dec. 4, 2018, 132 Stat. 4196, 4245, inserted chap-

ter 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

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 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.

Editorial Notes

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.