

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1956—Act Aug. 10, 1956, repealed and reenacted section by general amendment thereby substituting “chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2” for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”.

Statutory Notes and Related Subsidiaries

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.

The grade of the Commandant is fixed as vice admiral rather than that prescribed for Bureau Chiefs of the Navy. The additional qualifications that an officer appointed Commandant must have at least 10 years commissioned service in the Coast Guard has been inserted. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 302, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to temporary appointments of warrant offi-

cers, prior to repeal by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 44 of this title as this section.

2014—Pub. L. 113-281 inserted after first sentence “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.”

1972—Pub. L. 92-451 substituted “above the grade of captain” for “in the grade of captain or above” in second sentence.

1966—Pub. L. 89-444 struck out provision that the position of an officer appointed Commandant be filled by promotion according to law.

1963—Pub. L. 88-130 substituted “officers on the active duty promotion list serving in the grade of” for “active list of officers who hold a permanent commission as”, required qualifying period of 10 years commissioned service to be “active” service, and struck out “, pay, and allowances” before “of admiral”.

1960—Pub. L. 86-474 substituted “active list of officers” for “active list of line officers”, “captain or above” for “commander or above”, and “allowances of admiral” for “allowances of vice admiral”.

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE OF HIGHER GRADE AND INCREASED PAY AND ALLOWANCES

Pub. L. 86-474, §2, May 14, 1960, 74 Stat. 146, provided that: “The increased grade of admiral for the Commandant and vice admiral for the Assistant Commandant [now Vice Commandant], including the pay and allowances applicable to such grades, shall be effective on the first day of the month following enactment of this Act [May 14, 1960].”

SAVINGS PROVISION

Pub. L. 86-474, §3, May 14, 1960, 74 Stat. 146, provided that: “Except as provided by section 2 [set out as a note under this section], the amendments by section 1 [amending sections 41, 42, 44, 46, 47, 186 to 191, 222, 247(c), 365, and 462 of this title, and repealing sections 45, 48, and 49 of this title] shall not operate to change or deprive the present incumbents serving as Commandant, Assistant Commandant [now Vice Commandant], and Engineer in Chief of any rights, benefits and privileges appertaining to such offices on the day preceding the date of enactment of this Act [May 14, 1960], nor to divest them of their offices for the terms appointed.”

§ 303. Retirement of Commandant or Vice Commandant

(a)(1) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d) of this title.

(2) A Vice Commandant who is not reappointed or appointed Commandant shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d).

(b) A Commandant or Vice Commandant who is retired for physical disability shall be placed on the retired list with the grade of admiral.

(c) An officer who is retired prior to the expiration of the officer's term, while serving as Commandant or Vice Commandant, may, in the discretion of the President, be retired with the grade of admiral.

(d) Retirement under this section is subject to section 2501(a) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 499, §46; Pub. L. 86-474, §1(5), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(4), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(4), (5), June 9, 1966, 80 Stat. 195; Pub. L. 97-295, §2(1), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, §205(b)(1), July 1, 1986, 100 Stat. 699; Pub. L. 103-206, title II, §204(a), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 114-120, title II, §209(2), Feb. 8, 2016, 130 Stat. 40; Pub. L. 115-232, div. C, title XXXV, §3528(a), Aug. 13, 2018, 132 Stat. 2318; renumbered §303 and amended Pub. L. 115-282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8201(a), Jan. 1, 2021, 134 Stat. 4641.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §161 (Jan. 12, 1923, ch. 25, §2, 42 Stat. 1130; June 25, 1936, ch. 808, 49 Stat. 1924; June 9, 1937, ch. 309, §1, 50 Stat. 252; June 6, 1940, ch. 257, §1(a), 54 Stat. 246).

Provision is added for retirement of the Commandant with the grade and pay of vice admiral after 3 years service, in the discretion of the President, regardless of total length of service. Provision is also added for retirement with the grade and pay of vice admiral in case of physical disability. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 303, act Aug. 4, 1949, ch. 393, 63 Stat. 518, required compulsory retirement of warrant officers reaching age of sixty-two years, with retired pay of grade with which retired, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

AMENDMENTS

2021—Subsec. (d). Pub. L. 116-283 added subsec. (d).

2018—Pub. L. 115-282, §104(b), renumbered section 46 of this title as this section.

Pub. L. 115-232, §3528(a)(1), inserted "or Vice Commandant" after "Commandant" in section catchline.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted "section 306(d)" for "section 51(d)" in pars. (1) and (2).

Pub. L. 115-232, §3528(a)(2), (3), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 115-232, §3528(a)(4), inserted "or Vice Commandant" after "Commandant".

Subsec. (c). Pub. L. 115-232, §3528(a)(4), (5), inserted "or Vice Commandant" after "Commandant" and substituted "the officer's" for "his".

2016—Subsec. (a). Pub. L. 114-120 substituted "section" for "subsection".

1993—Subsec. (a). Pub. L. 103-206 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Any Commandant who is not reappointed shall, at the expiration of his term, be retired with the grade of admiral."

1986—Pub. L. 99-348 struck out "and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant" after "admiral" in subsections (a) to (c).

1982—Subsec. (a). Pub. L. 97-295 substituted "Commandant" for "commandant".

1966—Subsec. (c). Pub. L. 89-444, §1(4), removed requirement that the Commandant serve 2½ years as Commandant before being eligible for retirement with

the grade of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant.

Subsec. (d). Pub. L. 89-444, §1(5), repealed subsec. (d) which provided that a Commandant who retired within 2½ years of the date of his original appointment as Commandant would retire in his permanent grade and with the retired pay of that grade.

1963—Subsecs. (a) to (c). Pub. L. 88-130 substituted "of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant" for "and retired pay of admiral".

1960—Pub. L. 86-474 authorized any Commandant who is not reappointed at the expiration of his term to be retired with the grade and retired pay of admiral, directed placement on the retired list with the grade and retired pay of admiral for a Commandant who is retired for physical disability, reduced from three to two and one-half years the period that the Commandant must serve before he may voluntarily apply retirement without regard to total length of service, and provided that any Commandant who retires within two and one-half years of the date of his original appointment as Commandant shall retire in his permanent grade and with the retired pay of that grade.

§ 304. Vice Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Vice Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Vice Commandant shall be selected from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendation for such appointment. The Vice Commandant shall, while so serving, have the grade of admiral with pay and allowances of that grade. The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 306(d) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 499, §47; Pub. L. 86-474, §1(6), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(5), (6), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(6), (7), June 9, 1966, 80 Stat. 195; Pub. L. 92-451, §1(4), Oct. 2, 1972, 86 Stat. 755; Pub. L. 97-295, §2(2), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, §205(b)(2), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §204(b)(1), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 111-281, title V, §511(f)(1), (g), Oct. 15, 2010, 124 Stat. 2952, 2953; Pub. L. 114-120, title II, §§201(b), 209(3), Feb. 8, 2016, 130 Stat. 33, 40; renumbered §304 and amended Pub. L. 115-282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§11a, 12 (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; May 24, 1939, ch. 148, §§2, 3, 53 Stat. 757; June 6, 1940, ch. 257, §§1(b), 3, 54 Stat. 246; July 23, 1947, ch. 301, §2, 61 Stat. 410; May 19, 1948, ch. 305, 62 Stat. 239).

Said sections have been divided. The provisions of the proviso of title 14, U.S.C., 1946 ed., §11a, and the first proviso of title 14, U.S.C., 1946 ed., §12, are placed in section 48 of this title and the remainder is placed in this section.