

training as an aviation cadet, the individual 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 individual has the consent of the individual'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; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(20), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c). Pub. L. 116-283, §8505(a)(20)(A), substituted “individuals” for “persons” in introductory provisions.

Subsec. (c)(1). Pub. L. 116-283, §8505(a)(20)(B), substituted “individual” for “person” in two places.

Subsec. (c)(2). Pub. L. 116-283, §8505(a)(20)(B), (C), substituted “individual” for “person” and “individuals” for “persons”.

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.)

Editorial Notes

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.)

Editorial Notes

AMENDMENTS

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

CHAPTER 25—PERSONNEL; GENERAL PROVISIONS

SUBCHAPTER I—GENERAL PROVISIONS

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SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

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SUBCHAPTER III—LIGHTHOUSE SERVICE

2531.	Personnel of former Lighthouse Service.
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Editorial Notes

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

2021—Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §§8204(b), 8215(c)(3), title LVXXXV [LXXXV], §§8510(c),

8511(c), Jan. 1, 2021, 134 Stat. 4648, 4652, 4758, 4759, added item 2514, substituted “ADVISORY BOARD ON WOMEN IN THE COAST GUARD” for “LIGHTHOUSE SERVICE” in item for subchapter II and added item 2521, inserted item for subchapter III before item 2531, and added items 2532 to 2534. Item 2514 was added to the analysis for this chapter to reflect the probable intent of Congress, notwithstanding directory language adding that item to the analysis for subchapter I of this chapter.

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

Editorial Notes

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) COMMISSIONED OFFICERS.—

(1) IN GENERAL.—A commissioned officer who is retired under any provision of this title, shall be retired from active service with the highest grade held by the commissioned officer for not less than six months while on active duty in which, as determined by the Secretary, the commissioned officer’s performance of duty was satisfactory.

(2) CONDITIONAL DETERMINATION.—When a commissioned officer is under investigation for alleged misconduct at the time of retirement—

(A) the Secretary may conditionally determine the highest grade of satisfactory service of the commissioned officer pending completion of the investigation; and

(B) the grade under subparagraph (A) is subject to resolution under subsection (c)(2).

(b) WARRANT OFFICERS.—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 the warrant officer for not less than six months on active duty in which, as determined by the Secretary, the warrant officer’s performance of duty was satisfactory.

(c) RETIREMENT IN LOWER GRADE.—

(1) MISCONDUCT IN LOWER GRADE.—In the case of a commissioned officer whom the Secretary determines committed misconduct in a lower grade, the Secretary may determine the commissioned officer has not served satisfactorily in any grade equal to or higher than that lower grade.

(2) ADVERSE FINDINGS.—A determination of the retired grade of a commissioned officer shall be resolved following a conditional determination under subsection (a)(2) if the investigation of or personnel action against the commissioned officer results in adverse findings.

(3) RECALCULATION OF RETIRED PAY.—If the retired grade of a commissioned officer is reduced pursuant to this subsection, the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any

modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

(d) FINALITY OF RETIRED GRADE DETERMINATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a determination of the retired grade of a commissioned officer under this section is administratively final on the day the commissioned officer is retired, and may not be reopened.

(2) REOPENING DETERMINATIONS.—A determination of the retired grade of a commissioned officer may be reopened if—

(A) the retirement or retired grade of the commissioned officer was procured by fraud;

(B) substantial evidence comes to light after the retirement that could have led to a lower retired grade under this section and such evidence was not known by competent authority at the time of retirement;

(C) a mistake of law or calculation was made in the determination of the retired grade;

(D) in the case of a retired grade following a conditional determination under subsection (a)(2), the investigation of or personnel action against the commissioned officer results in adverse findings; or

(E) the Secretary determines, under regulations prescribed by the Secretary, that good cause exists to reopen the determination.

(3) REQUIREMENTS.—If a determination of the retired grade of a commissioned officer is reopened under paragraph (2), the Secretary—

(A) shall notify the commissioned officer of the reopening; and

(B) may not make an adverse determination on the retired grade of the commissioned officer until the commissioned officer has had a reasonable opportunity to respond regarding the basis of the reopening.

(4) RECALCULATION OF RETIRED PAY.—If the retired grade of a commissioned officer is reduced through the reopening of the commissioned officer’s retired grade under paragraph (2), the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

(e) INAPPLICABILITY TO COMMISSIONED WARRANT OFFICERS.—This section, including subsection (b), shall not apply to commissioned warrant officers.

(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; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8201(c), Jan. 1, 2021, 134 Stat. 4641.)