Public Law 97-417
97th Congress

An Act

To provide subsistence allowances for members of the Coast Guard officer candidate program, and for other purposes.

Jan. 4, 1983
[H.R. 6804]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 705 of title 14, United States Code, is amended by adding a new subsection (f) as follows:

Coast Guard officer candidates, subsistence allowances.

"(f) A member of the Coast Guard Reserve not on active duty who is enrolled in an officer candidate program authorized by section 600 of title 10 leading to a commission in the Coast Guard Reserve, and is a full-time student in an accredited college curriculum leading to a bachelor's degree may be paid a subsistence allowance for each month of the member's academic year at the same rate as that prescribed by section 209(a) of title 37.".

SEC. 2. That title 14, United States Code, is amended as follows:

(1) Section 41 is amended by inserting "commodores;" after "rear admirals;". 14 USC 41.

(2) Subsection (b) of section 42 is amended by striking out "0.75;" and inserting in lieu thereof ".375; commodore .375;". 14 USC 42.

(3) Subsections (a) and (b) of section 256 are each amended by striking out "rear admiral" and inserting in lieu thereof "commodore". 14 USC 256.

(4) Subsection (b) of section 259 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore". 14 USC 259.

(5) Section 271 is amended— 14 USC 271.

(A) by inserting a comma after "may" in subsection (c);

(B) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(C) by adding after subsection (c) the following new subsection:

"(d) When a vacancy in the grade of rear admiral occurs, the senior commodore serving on the active duty promotion list shall be appointed by the President, by and with the advice and consent of the Senate, to fill the vacancy. The appointment shall be effective on the date the vacancy occurred.".

(6) Subsection (d) of section 275 is repealed. 14 USC 275.

(7) Subsection (a) of section 288 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore". 14 USC 288.

(8) Subsection (a) of section 289 is amended to read as follows: 14 USC 289.

"(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of commodore or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of commodore. Officers who are subject to

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14 USC 288. retirement under section 288 of this title during the promotion year in which the board meets shall not be considered by this board.".

14 USC 290. (9)(A) Section 290 is amended—

(i) by amending the catch line thereof to read as follows:

"§ 290. Rear admirals and commodores; continuation on active duty; involuntary retirement";

and

(ii) by amending subsection (a) to read as follows:

"(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of commodore or rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral or in the position of Chief of Staff are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Board shall be convened frequently enough to assure that each officer serving in the grade of commodore or rear admiral is subject to consideration for continuation during a promotion year in which he completes not less than four or more than five years combined service in the grades of commodore and rear admiral.".

(B) The item relating to section 290 in the table of sections at the beginning of chapter 11 is amended to read as follows:

"290. Rear admirals and commodores; continuation on active duty; involuntary retirement.".

14 USC 421. (10) Subsection (b) of section 421 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

Repeal. 14 USC 462a. (11) Section 462a is repealed.

14 USC 724. (12) Subsection (b) of section 724 is amended—

(A) by striking "rear admiral" in the first sentence and inserting in lieu thereof "commodore"; and

(B) by striking "grade of rear admiral" in the last sentence and inserting in lieu thereof "combined grades of commodore and real admiral".

14 USC 729. (13) Subsection (e) of section 729 is amended—

(A) by striking "the grade of rear admiral" and substituting "the grades of commodore and rear admiral"; and

(B) by inserting "for promotion to the grade of commodore" after "consideration".

14 USC 736. (14) Subsection (b) of section 736 is amended to read as follows:

"(b) Notwithstanding any other law, when the running mate of a reserve officer serving in the grade of commodore is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade.".

14 USC 740. (15) Subsection (a)(2) of section 740 is amended by striking "rear admiral" and substituting "commodore".

14 USC 742. (16) Subsection (b) of section 742 is amended by inserting "or commodore" after "rear admiral".

14 USC 743. (17)(A) Section 743 is amended to read as follows:

"§ 743. Rear admiral and commodore; maximum service in grade

"Unless retained in or removed from an active status under any other law, a Reserve rear admiral or commodore shall be removed from an active status on the day that officer completes four years combined service in the grades of rear admiral and commodore.".

(B) The item relating to section 743 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"743. Rear admiral and commodore; maximum service in grade.".

SEC. 3. (a) Section 202 of title 37, United States Code, is amended to read as follows:

"§ 202. Pay grades: commodores, retired list

"An officer of the Coast Guard holding a permanent appointment in the grade of commodore on the retired list, and who in time of war or national emergency has served satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when on active duty to the basic pay of a rear admiral.".

(b) The item relating to section 202 in the table of sections at the beginning of chapter 3 of title 37 is amended to read as follows:

"202. Pay grades; commodores, retired list.".

SEC. 4. (a) An officer of the Coast Guard who on the day before the effective date of this Act— 14 USC 271 note.

(1) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half; or

(2) was serving on active duty in the grade of admiral or vice admiral,

shall after that date hold the permanent grade of rear admiral.

(b) An officer who on the day before the effective date of this Act was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half shall after that date hold the permanent grade of commodore, but shall retain the title of rear admiral.

(c) An officer who on the day before the effective date of this Act was on an approved list of officers recommended for promotion to the grade of rear admiral shall, upon promotion, hold the grade of commodore with the title of rear admiral.

(d) An officer who on the day before the effective date of this Act—

(1) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half; or

(2) was on an approved list of officers recommended for promotion to the grade of rear admiral,

shall, on and after the effective date of this Act, or in the case of an officer on such a list, upon promotion to the grade of commodore, be entitled to wear the uniform and insignia of a rear admiral.

(e) An officer of the Coast Guard who on the day before the effective date of this Act held the grade of rear admiral on the retired list retains the grade of rear admiral and is entitled after that date to wear the uniform and insignia of a rear admiral. Such an officer, when ordered to active duty—

(1) holds the grade and has the right to wear the uniform and insignia of a rear admiral; and

(2) ranks among commissioned officers of the Armed Forces as and is entitled to the basic pay of—

(A) a commodore, if his retired pay was based on the basic pay of a rear admiral of the lower half on the day before the effective date of this Act; or

(B) a rear admiral, if his retired pay was based on the basic pay of a rear admiral of the upper half on the day before the effective date of this Act.

(f) Unless entitled to a higher grade under another provision of law, an officer who on the day before the effective date of this Act—

(1) was serving on active duty, and

(2) held the grade of rear admiral;

and who retires on or after the effective date of this Act, retires in the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral. If such an officer is ordered to active duty after his retirement, he is considered, for the purposes of determining his pay, uniform, insignia, and rank among other commissioned officers, as having held the grade of rear admiral on the retired list on the day before the effective date of this Act.

Approved January 4, 1983.

LEGISLATIVE HISTORY—H.R. 6804:

HOUSE REPORT No. 97-789 (Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 14, considered and passed House.
Dec. 16, considered and passed Senate.