

which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

(Aug. 4, 1949, ch. 393, 63 Stat. 496, §3; Pub. L. 94-546, §1(2), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-241, title II, §211, July 11, 2006, 120 Stat. 523; Pub. L. 112-213, title II, §217(1), Dec. 20, 2012, 126 Stat. 1556; renumbered §103, Pub. L. 115-282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

HISTORICAL AND REVISION NOTES

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 when the Coast Guard operates as a service in the Navy are in this section. The provisions relating to the establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to appropriations are placed in section 4 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 103 was renumbered section 563 of this title.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 3 of this title as this section.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations.”

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 subsecs. (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, § 5, 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 spe-