

Dec. 5, 1973, 87 Stat. 692; Pub. L. 97-136, §6(a), Dec. 29, 1981, 95 Stat. 1706; Pub. L. 103-206, title II, §205(a), Dec. 20, 1993, 107 Stat. 2422; Pub. L. 103-337, div. A, title XVI, §1677(b)(1), Oct. 5, 1994, 108 Stat. 3019; renumbered §2102, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(a)(14), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c). Pub. L. 116-283 substituted “An individual” for “A person”.

2018—Pub. L. 115-282 renumbered section 41a of this title as this section.

1994—Subsec. (a). Pub. L. 103-337 substituted “section 12311 of title 10” for “section 679 of title 10”.

1993—Subsec. (b). Pub. L. 103-206 struck out before period at end of second sentence “, except that the rear admiral serving as Chief of Staff shall be the senior rear admiral for all purposes other than pay”.

1981—Subsec. (a). Pub. L. 97-136, §6(a)(1), substituted “Reserve officers on active duty, other than pursuant to an active duty agreement executed under section 679 of title 10, retired officers, and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not” for “Retired officers and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not be included on the active duty promotion list. Reserve officers on extended active duty, other than those serving in connection with organizing, administering, recruiting, instructing, or training the Reserve components or assigned to the Selective Service System, shall”.

Subsec. (b). Pub. L. 97-136, §6(a)(2), inserted exception that rear admiral serving as Chief of Staff shall be senior rear admiral for all purposes other than pay.

Subsec. (d). Pub. L. 97-136, §6(a)(3), substituted “enters on active duty” for “enters on extended active duty”.

1973—Subsec. (a). Pub. L. 93-174 substituted “Retired officers and officers” for “Retired officers, officers” and struck out “, and officers of the Women’s Reserve” after “Coast Guard Academy”.

1970—Subsec. (a). Pub. L. 91-278 inserted “or assigned to the Selective Service System” after “components” in last sentence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

§ 2103. Number and distribution of commissioned officers on active duty promotion list

(a) MAXIMUM TOTAL NUMBER.—

(1) IN GENERAL.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed—

- (A) 7,100 in fiscal year 2022;
- (B) 7,200 in fiscal year 2023;
- (C) 7,300 in fiscal year 2024; and
- (D) 7,400 in fiscal year 2025 and each subsequent fiscal year.

(2) TEMPORARY INCREASE.—Notwithstanding paragraph (1), the Commandant may temporarily increase the total number of commissioned officers permitted under such paragraph by up to 4 percent for not more than 60 days after the date of the commissioning of a Coast Guard Academy class.

(3) NOTIFICATION.—Not later than 30 days after exceeding the total number of commissioned officers permitted under paragraphs (1) and (2), and each 30 days thereafter until the total number of commissioned officers no longer exceeds the number of such officers permitted under paragraphs (1) and (2), the Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the number of officers on the active duty promotion list on the last day of the preceding 30-day period.

(b) DISTRIBUTION PERCENTAGES BY GRADE.—

(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

(c) COMPUTATIONS.—

(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of vice admiral serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers author-

ized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 497, §42; July 20, 1956, ch. 647, §2, 70 Stat. 588; Pub. L. 86-474, §1(2), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(2), Sept. 24, 1963, 77 Stat. 174; Pub. L. 89-444, §1(2), June 9, 1966, 80 Stat. 195; Pub. L. 90-385, July 5, 1968, 82 Stat. 293; Pub. L. 92-451, §1(2), Oct. 2, 1972, 86 Stat. 755; Pub. L. 93-174, §1(2), Dec. 5, 1973, 87 Stat. 692; Pub. L. 96-23, §4, June 13, 1979, 93 Stat. 68; Pub. L. 97-417, §2(2), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 97-449, §5(b), Jan. 12, 1983, 96 Stat. 2442; Pub. L. 98-557, §25(a)(1), Oct. 30, 1984, 98 Stat. 2872; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 103-206, title II, §201, Dec. 20, 1993, 107 Stat. 2420; Pub. L. 108-293, title II, §214, Aug. 9, 2004, 118 Stat. 1037; Pub. L. 111-281, title II, §204(a), Oct. 15, 2010, 124 Stat. 2910; Pub. L. 113-281, title II, §201, Dec. 18, 2014, 128 Stat. 3024; renumbered §2103, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8217, Jan. 1, 2021, 134 Stat. 4653; Pub. L. 117-263, div. K, title CXII, §11236(a), Dec. 23, 2022, 136 Stat. 4035.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §6a (July 23, 1947, ch. 301, §1, 61 Stat. 409).

The only change is in phraseology in the second sentence, it being necessary to include the extra numbers authorized by the act of July 23, 1947, in the figure given as the present number of extra numbers in the Coast Guard. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263 amended subsec. (a) generally. Prior to amendment, text read as follows: “The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,900; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.”

2021—Subsec. (c)(3). Pub. L. 116-283 substituted “vice admiral” for “rear admiral (lower half)”.

2018—Pub. L. 115-282 renumbered section 42 of this title as this section.

2014—Subsec. (a). Pub. L. 113-281 substituted “6,900” for “7,200”.

2010—Pub. L. 111-281 amended section generally. Prior to amendment, section consisted of subssecs. (a) to (e) relating to number and distribution of commissioned officers.

2004—Subsec. (a). Pub. L. 108-293, §214(1), substituted “6,700 in each fiscal year 2004, 2005, and 2006” for “6,200”.

Subsec. (b). Pub. L. 108-293, §214(2), substituted “commander 15.0; lieutenant commander 22.0” for “commander 12.0; lieutenant commander 18.0”.

1993—Subsec. (a). Pub. L. 103-206 substituted “6,200” for “6,000”.

1985—Subsec. (b). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Subsec. (b). Pub. L. 98-557 substituted “.375” for “.375” in two places.

1983—Subsec. (b). Pub. L. 97-417 substituted “.375; commodore .375;” for “.075;” after “rear admiral”.

Subsec. (e). Pub. L. 97-449 substituted “section 324(d) of title 49” for “section 9(d)(1) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657)”.

1979—Subsec. (a). Pub. L. 96-23 substituted “6,000” for “five thousand”.

1973—Subsec. (e). Pub. L. 93-174 substituted “Coast Guard Academy and of the” for “Coast Guard Academy, of the” and struck out “. and of the Women’s Reserve” after “training and reserve components”.

1972—Subsec. (e). Pub. L. 92-451 inserted provision that officers excluded under section 1657(d)(1) of Title 49 shall not be counted in determining authorized strengths.

1968—Subsec. (a). Pub. L. 90-385 substituted “five thousand” for “four thousand”.

1966—Subsec. (a). Pub. L. 89-444 substituted “four thousand” for “three thousand five hundred”.

1963—Pub. L. 88-130 specified percentage of distribution of commissioned officers from rear admiral to lieutenant commander, authorized Secretary to prescribe percentages for lieutenant, lieutenant (junior grade), and ensign, required number in each grade to be computed by applying the applicable percentage to the total number of officers serving on active duty on the date the computation is made, provided that officers not on the active duty promotion list, officers serving as extra numbers in grade, and officers serving with other departments or agencies on a reimbursable basis shall not be counted in determining authorized strengths and that the number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy, of the Reserve, and of the Women’s Reserve shall be prescribed by the Secretary, and struck out provisions which included in the number of commissioned officers the extra numbers in grade which increase the authorized number of line officers upon separation or retirement of the person holding such number, and the members of the permanent commissioned teaching staff of the Coast Guard Academy, distributed commissioned officers in grades in the same percentages as prescribed for the Navy, determined authorized number of officers in the various grades by the actual number on active duty, including permanent, temporary, and reserve officers, but not including extra numbers in the Coast Guard at the date of making the computation, and which provided that no officer be reduced in permanent grade or pay or removed from the active list as a result of any computation of the number of officers in grade.

1960—Pub. L. 86-474 substituted “three thousand five hundred” for “three thousand”.

1956—Act July 20, 1956, substituted “three thousand” for “two thousand two hundred and fifty” and inserted “except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason”.

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.

§ 2104. Appointment of temporary officers

(a) The president may appoint temporary commissioned officers—

(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant