

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

officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

(2) in the Coast Guard Reserve 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 officers of the Coast Guard Reserve.

(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of individuals so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. An individual who is appointed under this section may not suffer any reduction in the rate of pay and allowances to which he would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade.

(c) An appointment under this section, or a subsequent promotion appointment of a temporary officer, may be vacated by the appointing officer at any time. Each officer whose appointment is so vacated shall revert to his permanent status.

(d) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. Appointees whose dates of appointment are the same shall take precedence with each other as the Secretary shall determine.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 178, §214; amended Pub. L. 89-444, §1(12)-(14), June 9, 1966, 80 Stat. 196; Pub. L. 93-283, §1(5), May 14, 1974, 88 Stat. 140; Pub. L. 96-376, §6, Oct. 3, 1980, 94 Stat. 1509; Pub. L. 98-557, §15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 103-337, div. A, title V, §541(f)(6), Oct. 5, 1994, 108 Stat. 2767; Pub. L. 104-324, title II, §211(a), Oct. 19, 1996, 110 Stat. 3915; Pub. L. 111-281, title II, §211, Oct. 15, 2010, 124 Stat. 2914; renumbered §2104, 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)(15), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “individuals” for “persons” and “An individual” for “A person”.

2018—Pub. L. 115-282 renumbered section 214 of this title as this section.

2010—Subsec. (a). Pub. L. 111-281 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The President may appoint temporary commissioned officers 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 officers, warrant officers, and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.”

1996—Pub. L. 104-324, §211(a)(1), substituted “Appointment” for “Original appointment” in section catchline.

Subsec. (b). Pub. L. 104-324, §211(a)(2), redesignated subsec. (d) as (b).

Subsec. (c). Pub. L. 104-324, §211(a)(2), (3), redesignated subsec. (e) as (c) and inserted “, or a subsequent

promotion appointment of a temporary officer,” after “section”.

Subsecs. (d) to (f). Pub. L. 104-324, §211(a)(2), redesignated subsecs. (d) to (f) as (b) to (d), respectively.

1994—Subsecs. (b), (c). Pub. L. 103-337 struck out subsecs. (b) and (c) which read as follows:

“(b) The President may appoint temporary commissioned warrant officers in the Regular Coast Guard, as the needs of the Coast Guard may require, from among the warrant officers and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.

“(c) The Secretary may appoint temporary warrant officers (W-1) in the Regular Coast Guard, as the needs of the Coast Guard require, from among the enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.”

1984—Subsecs. (a) to (c). Pub. L. 98-557 substituted reference to enlisted members for reference to enlisted men wherever appearing.

1980—Subsec. (d). Pub. L. 96-376 substituted prohibition against any reduction in rate of pay and allowances of temporary officer appointee to which appointee would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade for prior prohibition against reduction in pay and allowances to which appointee was entitled because of his permanent status at the time of his temporary appointment, or any reduction in pay and allowances to which appointee was entitled under a prior temporary appointment in a lower grade.

1974—Subsec. (d). Pub. L. 93-283 prohibited any reduction in the pay and allowances to which a temporary officer was entitled under a prior temporary appointment in a lower grade.

1966—Subsec. (a). Pub. L. 89-444, §1(12), added licensed officers of the United States merchant marine to the group from which the President may appoint temporary commissioned officers for the Regular Coast Guard not above lieutenant.

Subsec. (b). Pub. L. 89-444, §1(13), added licensed officers of the United States merchant marine to the group from which the President may appoint temporary commissioned warrant officers for the Regular Coast Guard.

Subsec. (c). Pub. L. 89-444, §1(14), added licensed officers of the United States merchant marine to the group from which the Secretary may appoint temporary warrant officers (W-1) in the Regular Coast Guard.

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 1974 AMENDMENT

Pub. L. 93-283, §2, May 14, 1974, 88 Stat. 141, provided that: “Paragraphs (5) and (8) of section 1 of this Act [amending this section and section 288 of this title] are effective as of the original date of enactment [Sept. 24, 1963] of the sections thereby amended.”

TEMPORARY APPOINTMENTS PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(e) of Pub. L. 88-130 considering officers appointed with temporary commissions prior to Sept. 24, 1963, as appointed under this section, are set out as a note under section 2101 of this title.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section to make temporary appointments not above lieu-

tenant in the Regular Coast Guard and Coast Guard Reserve delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, §1(e), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

§ 2105. Rank of warrant officers

(a) Among warrant officer grades, warrant officers of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

(b) Warrant officers shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in the Coast Guard in such grade. Precedence among warrant officers of the same grade who have the same date of commission shall be determined by regulations prescribed by the Secretary.

(Added Pub. L. 103-337, div. A, title V, §541(e)(1), Oct. 5, 1994, 108 Stat. 2766, §215; renumbered §2105, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 215 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 1994 Amendment note under section 571 of Title 10, Armed Forces.

§ 2106. Selection boards; convening of boards

At least once a year and at such other times as the needs of the service require, the Secretary shall convene selection boards to recommend for promotion to the next higher grade officers on the active duty promotion list in each grade from lieutenant (junior grade) through captain, with separate boards for each grade. However, the Secretary is not required to convene a board to recommend officers for promotion to a grade when no vacancies exist in the grade concerned, and he estimates that none will occur in the next twelve months.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 178, §251; renumbered §2106, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 251 of this title as this section.

§ 2107. Selection boards; composition of boards

A board convened under section 2106 of this title shall consist of five or more officers on the active duty promotion list who are serving in or above the grade to which the board may recommend officers for promotion. No officer may be a member of two successive boards convened to consider officers of the same grade for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §252; renumbered §2107 and amended

Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251”.

Pub. L. 115-282, §112(b), renumbered section 252 of this title as this section.

§ 2108. Selection boards; notice of convening; communication with board

(a) Before a board is convened under section 2106 of this title, notice of the convening date, the promotion zone to be considered, and the officers eligible for consideration shall be given to the service at large.

(b) Each officer eligible for consideration by a selection board convened under section 2106 of this title may send a communication through official channels to the board, to arrive not later than the date the board convenes, inviting attention to any matter of record in the armed forces concerning such officer. A communication sent under this section may not criticize any officer or reflect upon the character, conduct, or motive of any officer.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §253; amended Pub. L. 89-444, §1(15), June 9, 1966, 80 Stat. 196; Pub. L. 111-281, title II, §212(1), Oct. 15, 2010, 124 Stat. 2914; renumbered §2108 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8506(b), Jan. 1, 2021, 134 Stat. 4752.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “such officer” for “himself”.

2018—Pub. L. 115-282, §112(b), renumbered section 253 of this title as this section.

Subsecs. (a), (b). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251”.

2010—Subsec. (a). Pub. L. 111-281 inserted “and” after “zone to be considered,” and struck out “, and the number of officers the board may recommend for promotion” after “eligible for consideration”.

1966—Subsec. (a). Pub. L. 89-444 added officers eligible for consideration to list of items for which notice must be given to the service at large before a board is convened under section 251 of this title.

§ 2109. Selection boards; oath of members

Each member of a selection board shall swear—

(1) that the member will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon the member; and

(2) an oath in accordance with section 931.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §254; amended Pub. L. 112-213, title II, §207, Dec. 20, 2012, 126 Stat. 1546; renumbered §2109 and amended Pub. L. 115-282, title I, §§112(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4216, 4240.)