

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 [LXXXXV], §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.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 254 of this title as this section.

Par. (2). Pub. L. 115-282, §123(b)(2), substituted “section 931” for “section 635”.

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “Each member of a selection board shall swear that he 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 him.”

**§ 2110. Number of officers to be selected for promotion**

Before convening a board under section 2106 of this title to recommend officers for promotion to any grade, the Secretary shall determine the total number of officers to be selected for promotion to that grade. This number shall be equal to the number of vacancies existing in the grade, plus the number of additional vacancies estimated for the next twelve months, less the number of officers on the selection list for the grade.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §255; renumbered §2110 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 255 of this title as this section.

**§ 2111. Promotion zones**

(a) Before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade) and below rear admiral (lower half), the Secretary shall establish a promotion zone for the grade to be considered. The promotion zone for each grade shall consist of the most senior officers of that grade on the active duty promotion list who are eligible for consideration for promotion to the next higher grade and who have not previously been placed in a promotion zone for selection for promotion to the next higher grade. The number of officers in each zone shall be determined after considering—

- (1) the needs of the service;
- (2) the estimated numbers of vacancies available in future years to provide comparable opportunity for promotion of officers in successive year groups; and
- (3) the extent to which current terms of service in that grade conform to a desirable career promotion pattern.

However, such number of officers shall not exceed the number to be selected for promotion divided by one-half.

(b) Promotion zones from which officers will be selected for promotion to the grade of rear admiral (lower half) shall be established by the Secretary as the needs of the service require.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179, §256; amended Pub. L. 89-444, §1(16),

June 9, 1966, 80 Stat. 196; Pub. L. 97-417, §2(3), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 99-661, div. A, title XIII, §1343(c), Nov. 14, 1986, 100 Stat. 3995; renumbered §2111 and amended Pub. L. 115-282, title I, §112(b), title III, §312, Dec. 4, 2018, 132 Stat. 4216, 4249.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 256 of this title as this section.

Subsec. (a). Pub. L. 115-282, §312, substituted “one-half.” for “six-tenths.” in concluding provisions.

1986—Subsec. (b). Pub. L. 99-661 substituted “rear admiral (lower half)” for “commodore”.

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

1983—Subsecs. (a), (b). Pub. L. 97-417 substituted “commodore” for “rear admiral”.

1966—Subsec. (a). Pub. L. 89-444 limited promotion zone by requiring that list of officers under consideration be officers eligible for consideration for promotion to next higher grade.

**§ 2112. Promotion year; defined**

For the purposes of this chapter, “promotion year” means the period which commences on July 1 of each year and ends on June 30 of the following year.

(Added Pub. L. 94-546, §1(17), Oct. 18, 1976, 90 Stat. 2520, §256a; renumbered §2112, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 256a of this title as this section.

**§ 2113. Eligibility of officers for consideration for promotion**

(a) An officer on the active duty promotion list becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

- (1) two years in the grade of lieutenant (junior grade);
- (2) three years in the grade of lieutenant;
- (3) four years in the grade of lieutenant commander;
- (4) four years in the grade of commander; and
- (5) three years in the grade of captain.

(b) For the purpose of this section, service in a grade includes all qualifying service in that grade or a higher grade, under either a temporary or permanent appointment. However, service in a grade under a temporary service appointment under section 2125 of this title is considered as service only in the grade that the officer concerned would have held had he not been so appointed.

(c) No officer may become eligible for consideration for promotion until all officers of his grade senior to him are so eligible.