

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115–282, §112(b), renumbered section 275 of this title as this section.

Subsec. (i). Pub. L. 115–282, §123(b)(2), substituted “section 2121” for “section 271”.

2006—Subsec. (f). Pub. L. 109–241 substituted “Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.” for “An appointment under this section to a grade above captain shall be made by the President by and with the advice and consent of the Senate. An appointment under this section to grade above lieutenant commander of an officer in the Coast Guard Reserve shall be made by the President, by and with the advice and consent of the Senate.”

1983—Subsec. (d). Pub. L. 97–417 repealed subsec. (d) which had established the grade of commodore in the Coast Guard for the purposes of this section.

1971—Subsec. (f). Pub. L. 92–129 inserted provision covering appointments of officers in the Coast Guard Reserve to grades above lieutenant commander.

**Executive Documents**

## DELEGATION OF AUTHORITY

Authority of President under this section, during a time of war or national emergency, to suspend the operation of any law relating to the selection, promotion, or involuntary separation of officers of the Coast Guard, and to temporarily promote officers serving on active duty and chief warrant officers serving on active duty, delegated to Secretary of Homeland Security without the approval, ratification, or other action by the President by Ex. Ord. No. 14106, §2(a), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of this title.

Authority of President under subsec. (a) of this section, as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, delegated to Secretary of Homeland Security by section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

**§ 2126. Promotion of officers not included on active duty promotion list**

Officers who are not included on the active duty promotion list may be promoted under regulations to be prescribed by the Secretary. These regulations shall, as to officers serving in connection with organizing, administering, recruiting, instructing, or training the reserve components, provide as nearly as practicable, that such officers will be selected and promoted in the same manner and will be afforded equal opportunity for promotion as officers of the corresponding grade on the active duty promotion list.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 183, §276; renumbered §2126, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115–282 renumbered section 276 of this title as this section.

**§ 2127. Recall to active duty during war or national emergency**

In time of war or national emergency, the Secretary may order any regular officer on the retired list to active duty.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §331; renumbered §2127, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115–282 renumbered section 331 of this title as this section.

**Executive Documents**

## DELEGATION OF AUTHORITY

For delegation of authority under this section, as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, to Secretary of Homeland Security when Coast Guard is not serving as part of Navy, see section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

**§ 2128. Recall to active duty with consent of officer**

(a) Any regular officer on the retired list may, with that officer’s consent, be assigned to such duties as that officer may be able to perform.

(b) The number of retired officers on active duty in the grade of lieutenant commander, commander, or captain shall not exceed 2 percent of the authorized number of officers on active duty in each such grade. However, this limitation does not apply to retired officers of these grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

(Added Pub. L. 88–130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §332; amended Pub. L. 89–444, §1(18), June 9, 1966, 80 Stat. 196; Pub. L. 91–278, §1(9), June 12, 1970, 84 Stat. 305; Pub. L. 102–241, §14, Dec. 19, 1991, 105 Stat. 2213; renumbered §2128, Pub. L. 115–282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115–282 renumbered section 332 of this title as this section.

1991—Subsec. (a). Pub. L. 102–241, §14(b), substituted “that officer’s” for “his” and “that officer” for “he”.

Subsec. (b). Pub. L. 102–241, §14(a), substituted “2” for “1”.

1970—Subsec. (a). Pub. L. 91–278 struck out prohibition against recall to duty in time of peace of any officer on retired list who reached age of sixty-two years.

1966—Subsec. (b). Pub. L. 89–444 provided that the percentage limitation on the number of retired officers on active duty in the grade of lieutenant commander, commander, or captain should not apply to retired officers of those grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year.

**§ 2129. Aviation cadets; appointment as Reserve officers**

(a) An aviation cadet designated under section 2317 who fulfills the eligibility requirements of section 2003 of title 10 for designation as a naval aviator may be appointed an ensign in the Coast Guard Reserve and designated a Coast Guard aviator.

(b) Aviation cadets who complete their training at approximately the same time are considered for all purposes to have begun their com-

missioned service on the same date, and the decision of the Secretary in this regard is conclusive.

(Added Pub. L. 89-444, §1(20), June 9, 1966, 80 Stat. 197, §373; amended Pub. L. 94-546, §1(28), Oct. 18, 1976, 90 Stat. 2521; renumbered §2129 and amended Pub. L. 115-282, title I, §112(b), title III, §313, Dec. 4, 2018, 132 Stat. 4216, 4249.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282, §112(b), renumbered section 373 of this title as this section.

Subsec. (a). Pub. L. 115-282, §313, inserted “designated under section 2317” after “cadet”.

1976—Subsec. (a). Pub. L. 94-546 substituted reference to section 2003 of title 10 for reference to section 6023(b) of title 10.

#### § 2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant

(a) IN GENERAL.—An officer in the grade of lieutenant (junior grade), lieutenant, lieutenant commander, or commander who is described in subsection (b) may be temporarily promoted to the grade of lieutenant, lieutenant commander, commander, or captain under regulations prescribed by the Secretary. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

(1) has a skill in which the Coast Guard has a critical shortage of personnel (as determined by the Secretary); and

(2) is serving in a position (as determined by the Secretary) that—

(A) is designated to be held by a lieutenant, lieutenant commander, commander, or captain; and

(B) requires that an officer serving in such position have the skill possessed by such officer.

(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—

(1) The temporary positions authorized under this section shall not be counted among or included in the list of positions on the active duty promotion list.

(2) An appointment under this section does not change the position on the active duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary for the purpose of recommending officers for such promotions.

(e) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member

so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section beginning on the date the appointment is made.

(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant, lieutenant commander, commander, or captain;

(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of lieutenant, lieutenant commander, commander, or captain, in which case the appointment terminates on the date the officer is promoted to that grade;

(3) when the appointment officer determines that the officer who received the appointment has engaged in misconduct or has displayed substandard performance; or

(4) when otherwise determined by the Commandant to be in the best interests of the Coast Guard.

(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary for the purposes of this section. The number of positions so designated may not exceed the following percentages of the respective grades:

(1) As lieutenant, 0.5 percent.

(2) As lieutenant commander, 3.0 percent.

(3) As commander, 2.6 percent.

(4) As captain, 2.6 percent.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8203(a), Jan. 1, 2021, 134 Stat. 4643.)

#### § 2131. College student pre-commissioning initiative

(a) IN GENERAL.—There is authorized within the Coast Guard a college student pre-commissioning initiative program (in this section referred to as the “Program” ) for eligible undergraduate students to enlist and receive a guaranteed commission as an officer in the Coast Guard.

(b) CRITERIA FOR SELECTION.—To be eligible for the Program a student must meet the following requirements upon submitting an application:

(1) AGE.—A student must be not less than 19 years old and not more than 27 years old as of September 30 of the fiscal year in which the Program selection panel selecting such student convenes.

(2) CHARACTER.—

(A) ALL APPLICANTS.—All applicants must be of outstanding moral character and meet other character requirements as set forth by the Commandant.

(B) COAST GUARD APPLICANTS.—An applicant serving in the Coast Guard may not be commissioned if in the 36 months prior to the first Officer Candidate School class convening date in the selection cycle, such applicant was convicted by a court-martial or awarded nonjudicial punishment, or did not meet performance or character requirements set forth by the Commandant.