

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.

(3) **CITIZENSHIP.**—A student must be a United States citizen.

(4) **CLEARANCE.**—A student must be eligible for a secret clearance.

(5) **DEPENDENCY.**—

(A) **IN GENERAL.**—A student may not have more than 2 dependents.

(B) **SOLE CUSTODY.**—A student who is single may not have sole or primary custody of dependents.

(6) **EDUCATION.**—

(A) **INSTITUTION.**—A student must be an undergraduate sophomore or junior—

(i) at a historically Black college or university described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

(ii) an undergraduate sophomore or junior enrolled at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that, at the time of application of the sophomore or junior, has had for 3 consecutive years an enrollment of undergraduate full-time equivalent students (as defined in section 312(e) of such Act (20 U.S.C. 1058(e))) that is a total of at least 50 percent Black American, Hispanic, Asian American (as defined in section 371(c) of such Act (20 U.S.C. 1067q(c))), Native American Pacific Islander (as defined in such section), or Native American (as defined in such section), among other criteria, as determined by the Commandant.

(B) **LOCATION.**—The institution at which such student is an undergraduate must be within 100 miles of a Coast guard¹ unit or Coast Guard Recruiting Office unless otherwise approved by the Commandant.

(C) **RECORDS.**—A student must meet credit and grade point average requirements set forth by the Commandant.

(7) **MEDICAL AND ADMINISTRATIVE.**—A student must meet other medical and administrative requirements as set forth by the Commandant.

(c) **ENLISTMENT AND OBLIGATION.**—Individuals selected and accept to participate in the Program shall enlist in the Coast Guard in pay grade E-3 with a 4-year duty obligation and 4-year inactive Reserve obligation.

(d) **MILITARY ACTIVITIES PRIOR TO OFFICER CANDIDATE SCHOOL.**—Individuals enrolled in the Program shall participate in military activities each month, as required by the Commandant, prior to attending Officer Candidate School.

(e) **PARTICIPATION IN OFFICER CANDIDATE SCHOOL.**—Each graduate of the Program shall attend the first enrollment of Officer Candidate School that commences after the date of such graduate's graduation.

(f) **COMMISSIONING.**—Upon graduation from Officer Candidate School, Program graduates shall be discharged from enlisted status and commissioned as an O-1 with an initial 3-year duty obligation.

¹ So in original. Probably should be "Guard".

(g) **BRIEFING.**—

(1) **IN GENERAL.**—Not later than August 15 of each year, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the Program.

(2) **CONTENTS.**—The briefing required under paragraph (1) shall describe—

(A) outreach and recruitment efforts over the previous year; and

(B) demographic information of enrollees including—

- (i) race;
- (ii) ethnicity;
- (iii) gender;
- (iv) geographic origin; and
- (v) educational institution.

(Added Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8276(a), Jan. 1, 2021, 134 Stat. 4685.)

SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE

Editorial Notes

PRIOR PROVISIONS

A prior subchapter B of chapter 21 designation and accompanying heading "COMMISSIONED OFFICERS" were repealed by Pub. L. 115-282, title I, § 112(c)(1), Dec. 4, 2018, 132 Stat. 4220.

AMENDMENTS

2018—Pub. L. 115-282, title I, § 112(c)(4), Dec. 4, 2018, 132 Stat. 4221, inserted subchapter II designation and heading.

§ 2141. Revocation of commissions during first five years of commissioned service

The Secretary, under such regulations as he may prescribe, may revoke the commission of any regular officer on active duty who, at the date of such revocation, has had less than five years of continuous service as a commissioned officer in the Regular Coast Guard.

(Added Pub. L. 88-130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 183, § 281; amended Pub. L. 107-295, title IV, § 416(a)(1), Nov. 25, 2002, 116 Stat. 2121; renumbered § 2141, Pub. L. 115-282, title I, § 112(b), Dec. 4, 2018, 132 Stat. 4216.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 281 of this title as this section.

2002—Pub. L. 107-295 substituted "five" for "three" in section catchline and text.

§ 2142. Regular lieutenants (junior grade); separation for failure of selection for promotion

Each officer of the Regular Coast Guard appointed under section 2101 of this title who is serving in the grade of lieutenant (junior grade) and who has failed of selection for promotion to the grade of lieutenant for the second time, shall:

- (1) be honorably discharged on June 30 of the promotion year in which his second failure of selection occurs; or