

(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 guard<sup>1</sup> 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.

(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

<sup>1</sup> So in original. Probably should be “Guard”.

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he is eligible for retirement under any law, be retired on that date.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 184, §282; amended Pub. L. 94-546, §1(21), Oct. 18, 1976, 90 Stat. 2520; renumbered §2142 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 2101” for “section 211” in introductory provisions.

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

1976—Pub. L. 94-546 substituted “promotion year” for “fiscal year” in cl. (1).

#### Statutory Notes and Related Subsidiaries

##### RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 2101 of this title.

##### EFFECTIVENESS OF ELECTION, CHANGE, OR REVOCATION OF ELECTION OF ANNUITY

Savings provisions in section 5(h) of Pub. L. 88-130 providing that notwithstanding section 1431 of Title 10, Armed Forces, an election, change or revocation thereof affecting an annuity, by an officer retired under this section, is effective if made prior to the first day of the third month following September 1963, are set out as a note under section 2101 of this title.

#### § 2143. Regular lieutenants; separation for failure of selection for promotion; continuation

(a) Each officer of the Regular Coast Guard appointed under section 2101 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander 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

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date; or

(4) if, on the date specified for his discharge in clause (1), he has completed at least eighteen years of active service, be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

(b)(1) When the needs of the service require, the Secretary may direct a selection board, which has been convened under section 2106 of this title, to recommend for continuation on active duty for terms of not less than two nor

more than four years a designated number of officers of the grade of lieutenant who would otherwise be discharged or retired under this section. When so directed, the board shall recommend for continuation on active duty those officers under consideration who are, in the opinion of the board, best qualified for continuation. Each officer so recommended may, with the approval of the Secretary, and notwithstanding subsection (a), be continued on active duty for the term recommended.

(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

(A) except as provided in subparagraph (B), be honorably discharged with separation pay computed under section 2146 of this title;

(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

(C) if, on the date specified for the officer's discharge under this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.

(c) Each officer who has been continued on active duty under subsection (b) shall, unless earlier removed from active duty, be retired on the last day of the month in which he completes twenty years of active service.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 184, §283; amended Pub. L. 93-283, §1(6), May 14, 1974, 88 Stat. 140; Pub. L. 94-546, §1(22), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 97-295, §2(9), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 104-324, title II, §205, Oct. 19, 1996, 110 Stat. 3907; Pub. L. 107-295, title IV, §416(a)(2), Nov. 25, 2002, 116 Stat. 2121; renumbered §2143 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 283 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2101” for “section 211” in introductory provisions.

Subsec. (b)(1). Pub. L. 115-282, §123(b)(2), substituted “section 2106” for “section 251”.

Subsec. (b)(2)(A). Pub. L. 115-282, §123(b)(2), substituted “section 2146” for “section 286”.

2002—Subsec. (b)(2)(A). Pub. L. 107-295 substituted “separation” for “severance”.

1996—Subsec. (b). Pub. L. 104-324 designated existing provisions as par. (1), struck out “Upon the completion of such a term he shall, unless selected for further continuation, be honorably discharged with severance pay computed under section 286 of this title, or, if eligible for retirement under any law, be retired.” at end of par. (1), and added par. (2).

1982—Subsec. (b). Pub. L. 97-295 substituted “of this title” for “of this chapter” after “section 251”.

1976—Subsec. (a)(1). Pub. L. 94-546 substituted “promotion year” for “fiscal year”.

1974—Subsec. (a)(3). Pub. L. 93-283 substituted “he has completed at least 20 years of active service or is eligible” for “he is eligible”.