

§ 2145 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 285 of this title as this section.

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

2002—Pub. L. 107–295 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

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

1974—Pub. L. 93–283 substituted “if he has completed at least 20 years of active service or is eligible” for “if eligible” 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.

§ 2146. Discharge in lieu of retirement; separation pay

(a) Each officer who is retained on active duty under section 2143(a)(4), 2143(b), or 2145 of this title may, if he so requests, with the approval of the Secretary, be honorably discharged at any time prior to the date otherwise specified for his retirement or discharge.

(b) An officer of the Regular Coast Guard who is discharged under this section or section 2142, 2143, or 2144 of this title and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

(c) An officer of the Regular Coast Guard who is discharged under section 2164 of this title and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

(d) Notwithstanding subsections (a) and (b), an officer discharged under this chapter for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer requested in writing or otherwise sought not to be selected for promotion, or requested removal from the list of selectees.

(Added Pub. L. 88–130, § 1(10)(C), Sept. 24, 1963, 77 Stat. 185, § 286; amended Pub. L. 107–295, title IV, § 416(a)(3), Nov. 25, 2002, 116 Stat. 2121; renum-

bered § 2146 and amended Pub. L. 115–282, title I, §§ 112(b), 123(b)(2), (c)(2)(A), Dec. 4, 2018, 132 Stat. 4216, 4240.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, § 112(b), renumbered section 286 of this title as this section.

Subsec. (a). Pub. L. 115–282, § 123(b)(2), substituted “section 2143(a)(4), 2143(b), or 2145” for “section 283(a)(4), 283(b), or 285”.

Subsec. (b). Pub. L. 115–282, § 123(b)(2), substituted “section 2142, 2143, or 2144” for “section 282, 283, or 284”.

Subsec. (c). Pub. L. 115–282, § 123(b)(2), substituted “section 2164” for “section 327”.

Subsec. (d). Pub. L. 115–282, § 123(c)(2)(A), substituted “this chapter” for “chapter 11 of this title”.

2002—Pub. L. 107–295 substituted “separation” for “severance” in section catchline, added subsecs. (b) to (d), and struck out former subsec. (b) which read as follows: “Each officer discharged under this section or under section 282, 283, or 284 of this title is entitled to a lump-sum payment computed by multiplying his years of active commissioned service, but not more than twelve, by two months’ basic pay of the grade in which he is serving on the date of his discharge. In determining the total number of years of active service to be used as a multiplier in computing this payment, a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded. The acceptance of a lump-sum payment under this section does not deprive a person of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received payment under this section until the total amount deducted equals the amount of the lump-sum payment.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–295, title IV, § 416(c), Nov. 25, 2002, 116 Stat. 2122, provided that: “The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) [amending this section and sections 283, 286a, and 327 of this title] shall take effect 4 years after the date of enactment of this Act [Nov. 25, 2002], except that subsection (d) of section 286 [now 2146] of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section, shall take effect on the date of enactment of this Act and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of [former] chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect 4 years after the date of enactment of this Act.”

§ 2147. Regular warrant officers: separation pay

(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

(c) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.

(d) The acceptance of separation pay under this section does not deprive an individual of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received separation pay under this section, until the total deductions equal the amount of such separation pay.

(Added Pub. L. 96-513, title V, §505(a)(1), Dec. 12, 1980, 94 Stat. 2918, §286a; amended Pub. L. 102-190, div. A, title XI, §1125(b)(1), Dec. 5, 1991, 105 Stat. 1505; Pub. L. 103-337, div. A, title V, §541(f)(2), Oct. 5, 1994, 108 Stat. 2766; Pub. L. 105-383, title II, §201(a), (b), Nov. 13, 1998, 112 Stat. 3414; Pub. L. 107-295, title IV, §416(a)(4), Nov. 25, 2002, 116 Stat. 2121; Pub. L. 112-213, title II, §217(4), Dec. 20, 2012, 126 Stat. 1557; renumbered §2147, 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)(17), Jan. 1, 2021, 134 Stat. 4748.)

Editorial Notes

AMENDMENTS

2021—Subsec. (d). Pub. L. 116-283 substituted “an individual” for “a person”.

2018—Pub. L. 115-282 renumbered section 286a of this title as this section.

2012—Subsec. (d). Pub. L. 112-213 substituted “separation pay” for “severance pay” wherever appearing.

2002—Pub. L. 107-295 substituted “separation” for “severance” in section catchline, added subsecs. (a) to (c), and struck out former subsecs. (a) to (c) which related to, in subsec. (a), severance pay of a regular warrant officer of the Coast Guard who is separated under section 580(a)(4)(A) of title 10, in subsec. (b), severance pay of a regular warrant officer of the Coast Guard who is separated under section 1166 of title 10, and, in subsec. (c), the calculation of part of the year of service for the purposes of this section.

1998—Subsec. (b). Pub. L. 105-383, §201(b), inserted before period at end “, unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay”.

Subsec. (d). Pub. L. 105-383, §201(a), struck out at end “However, no person is entitled to severance pay under this section in an amount that is more than \$15,000.”

1994—Subsec. (a). Pub. L. 103-337 substituted “section 580(a)(4)(A) of title 10” for “section 564(a)(3) of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act)”.

1991—Subsec. (a). Pub. L. 102-190 inserted “(as in effect on the day before the effective date of the Warrant Officer Management Act)” after “section 564(a)(3) of title 10”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-295 effective 4 years after Nov. 25, 2002, see section 416(c) of Pub. L. 107-295, set out as a note under section 2146 of this title.

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 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of Title 10, Armed Forces.

EFFECTIVE DATE

Section effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of Title 10, Armed Forces.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513, and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of Title 10, Armed Forces.

§ 2148. Separation for failure of selection for promotion or continuation; time of

If, under section 2142, 2143, 2144, 2145, 2150, or 2151 of this title, the discharge or retirement of any officer would be required less than six months following approval of the report of the board which considered but did not select him for promotion or continuation, the discharge or retirement of such officer shall be deferred until the last day of the sixth calendar month after such approval.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 185, §287; amended Pub. L. 92-451, §1(6), Oct. 2, 1972, 86 Stat. 755; renumbered §2148 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 2142, 2143, 2144, 2145, 2150, or 2151” for “section 282, 283, 284, 285, 289, or 290”.

Pub. L. 115-282, §112(b), renumbered section 287 of this title as this section.

1972—Pub. L. 92-451 inserted reference to section 290.

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.

§ 2149. Regular captains; retirement

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral (lower half) shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection