

tive commissioned service and deleted the alternative seven year permanent grade service.

Subsec. (g). Pub. L. 92-451 incorporated provisions of former subsec. (b) in provisions designated as subsec. (g), and among other changes, substituted officer for rear admiral.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-451, §3, Oct. 2, 1972, 86 Stat. 757, provided that: "This Act [enacting sections 50 and 51 of this title, and amending this section, sections 41, 42, 44, 47, and 287 of this title, and section 202 of Title 37, Pay and Allowances of the Uniformed Services] is effective upon enactment [Oct. 2, 1972] except that continuation boards, pursuant to subsection (a) of section 290 [now 2151] of title 14, United States Code, as amended by this Act [subsec. (a) of this section], may not be held until one year following enactment hereof [Oct. 2, 1972]. During the period of one year following enactment hereof the Secretary of the Department in which the Coast Guard is operating shall convene a board consisting of not less than three Coast Guard officers serving in the grade of vice admiral to recommend for continuation on active duty Coast Guard officers on the active duty promotion list serving in the grade of rear admiral, who during the fiscal year in which the board meets will complete not less than five years' service in that grade. Subsections (b) through (g) of section 290 [now 2151] and other sections of title 14, United States Code, as amended by this Act [sections 41, 42, 44, 47, 50, 51, and 287 of this title], apply to continuation board action taken pursuant to this section. No officer who is entitled to the basic pay of a rear admiral of the upper half may have his basic pay reduced because of the reduction which results from this Act in the number of officers entitled to the basic pay of a rear admiral of the upper half."

##### 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.

#### § 2152. Voluntary retirement after twenty years' service

Any regular commissioned officer who has completed twenty years' active service in the Coast Guard, Navy, Army, Air Force, Marine Corps, or Space Force, or the Reserve components thereof, including active duty for training, at least ten years of which shall have been active commissioned service, may, upon his own application, in the discretion of the President, be retired from active service.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §291; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700; renumbered §2152, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216; Pub. L. 116-283, div. A, title IX, §927(b)(1), Jan. 1, 2021, 134 Stat. 3831.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116-283 substituted "Marine Corps, or Space Force" for "or Marine Corps".

2018—Pub. L. 115-282 renumbered section 291 of this title as this section.

1986—Pub. L. 99-348 struck out "with retired pay of the grade with which retired" after "from active service".

#### 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.

#### § 2153. Voluntary retirement after thirty years' service

Any regular commissioned officer who has completed thirty years' service may, upon his own application, in the discretion of the Secretary, be retired from active service.<sup>1</sup>

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §292; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700; renumbered §2153, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 292 of this title as this section.

1986—Pub. L. 99-348 which directed that "with retired pay of the grade with which retired" be struck out was executed by striking out that phrase after "from active service" as the probable intent of Congress even though there was no comma before "with retired".

#### 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.

#### § 2154. Compulsory retirement

(a) REGULAR COMMISSIONED OFFICERS.—Any regular commissioned officer, except a commissioned warrant officer, serving in a grade below rear admiral (lower half) shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

(b) FLAG-OFFICER GRADES.—(1) Except as provided in paragraph (2), any regular commissioned officer serving in a grade of rear admiral (lower half) or above shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(2) The retirement of an officer under paragraph (1) may be deferred—

(A) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

(B) by the Secretary of the department in which the Coast Guard is operating, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

(Added Pub. L. 111-281, title II, §215(a), Oct. 15, 2010, 124 Stat. 2916, §293; renumbered §2154, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

<sup>1</sup> See 1986 Amendment note below.

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 293 of this title as this section.

**§ 2155. Retirement for physical disability after selection for promotion; grade in which retired**

An officer whose name appears on an approved list of officers selected for promotion to the next higher grade and who is retired for physical disability under the provisions of chapter 61 of title 10 prior to being promoted shall be retired in the grade to which he was selected for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §294; renumbered §2155, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 294 of this title as this section.

**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.

**§ 2156. Deferment of retirement or separation for medical reasons**

(a) Subject to subsection (b), the Secretary may defer the retirement or separation of a commissioned officer, other than a commissioned warrant officer, if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization, medical observation, or other physical disability processing that cannot be completed before the date on which the officer would otherwise be retired or separated.

(b) A deferment under subsection (a)—

(1) may only be made with the consent of the officer involved; and

(2) if the Secretary receives written notice from the officer withdrawing that consent, shall end not later than the end of the sixty-day period beginning on the date the Secretary receives that notice.

(Added Pub. L. 98-557, §17(b)(2)(A), Oct. 30, 1984, 98 Stat. 2867, §295; renumbered §2156, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 295 of this title as this section.

**§ 2157. Flag officers**

During any period in which the Coast Guard is not operating as a service in the Navy, section 1216(d) of title 10 does not apply with respect to flag officers of the Coast Guard.

(Added Pub. L. 113-281, title II, §212(a), Dec. 18, 2014, 128 Stat. 3029, §296; renumbered §2157, Pub.

L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 296 of this title as this section.

**§ 2158. Review of records of officers**

The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether he shall be required to show cause for his retention on active duty—

(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

(2) because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187, §321; renumbered §2158, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 321 of this title as this section.

**§ 2159. Boards of inquiry**

(a) Boards of inquiry shall be convened at such places as the Secretary may prescribe to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under section 2158 of this title should be retained on active duty.

(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

(c) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the record of its proceedings to a board of review.

(d) If a board of inquiry determines that the officer has established that he should be retained, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of section 2158 of this title, and at any time after the date of the determination in a case arising under clause (2) of that section, an officer may again be required to show cause for retention.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 188, §322; amended Pub. L. 97-295, §2(10), Oct. 12, 1982, 96 Stat. 1302; renumbered §2159 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 322 of this title as this section.

Subsecs. (a), (d). Pub. L. 115-282, §123(b)(2), substituted "section 2158" for "section 321".

1982—Subsec. (d). Pub. L. 97-295 inserted "of this title" after "section 321".