

lations promulgated by the Secretary the condition under which the officer is discharged does not warrant an honorable discharge.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §327; amended Pub. L. 97-295, §2(10), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 99-348, title II, §205(b)(6), July 1, 1986, 100 Stat. 700; Pub. L. 105-383, title II, §201(c), Nov. 13, 1998, 112 Stat. 3414; Pub. L. 107-295, title IV, §416(a)(5), Nov. 25, 2002, 116 Stat. 2122; renumbered §2164 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 327 of this title as this section.

Subsec. (a). Pub. L. 115-282, §123(b)(2), substituted “section 2159 or 2160” for “section 322 or 323” in introductory provisions.

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

Subsec. (b). Pub. L. 115-282, §123(b)(2), substituted “section 2163” for “section 326” in introductory provisions.

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

2002—Pub. L. 107-295, §416(a)(5)(A), substituted “separation” for “severance” in section catchline.

Subsec. (a)(2). Pub. L. 107-295, §416(a)(5)(B), added par. (2) and struck out former par. (2) which read as follows: “for honorable discharge with severance benefits under subsection (b) in those cases arising under clause (1) of section 321 of this title; or”.

Subsec. (a)(3). Pub. L. 107-295, §416(a)(5)(C), struck out par. (3) which read as follows: “for discharge with severance benefits under subsection (b) in those cases arising under clause (2) of section 321 of this title.”

Subsec. (b)(2). Pub. L. 107-295, §416(a)(5)(D), added par. (2) and struck out former par. (2) which read as follows: “if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than twelve, by one month’s basic pay of that grade, in those cases arising under clause (1) of section 321 of this title; or”.

Subsec. (b)(3). Pub. L. 107-295, §416(a)(5)(E), struck out par. (3) which read as follows: “if on that date the officer is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than twelve, by one month’s basic pay of that grade, in those cases arising under clause (2) of section 321 of this title, 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.”

1998—Subsec. (b)(3). Pub. L. 105-383 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”.

1986—Subsec. (b)(1). Pub. L. 99-348 struck out “, and with the pay” after “in the grade”.

1982—Pub. L. 97-295 inserted “of this title” after “section 322 or 323” and “section 321” wherever appearing.

#### 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.

#### § 2165. Relief of retired officer promoted while on active duty

Any regular officer on the retired list recalled to active duty who during such active duty is advanced to a higher grade under an appointment shall, upon relief from active duty, if his performance of duty under such appointment has been satisfactory, be advanced on the retired list to the highest grade held while on such active duty.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 189, §333; renumbered §2165, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 333 of this title as this section.

#### § 2166. Continuation on active duty; Coast Guard officers with certain critical skills

(a) IN GENERAL.—The Commandant may authorize an officer in a grade above grade O-2 to remain on active duty after the date otherwise provided for the retirement of such officer in section 2154 of this title, if the officer possesses a critical skill, or specialty, or is in a career field designated pursuant to subsection (b).

(b) CRITICAL SKILLS, SPECIALTY, OR CAREER FIELD.—The Commandant shall designate any critical skill, specialty, or career field eligible for continuation on active duty as provided in subsection (a).

(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

(d) POLICY.—The Commandant shall carry out this section by prescribing policy which shall specify the criteria to be used in designating any critical skill, specialty, or career field for purposes of subsection (b).

(Added Pub. L. 117-263, div. K, title CXII, §11235(a), Dec. 23, 2022, 136 Stat. 4035.)

#### SUBCHAPTER III—GENERAL PROVISIONS

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282, title I, §112(c)(5), Dec. 4, 2018, 132 Stat. 4221, inserted subchapter III designation and heading.

#### § 2181. Physical fitness of officers

The Secretary shall prescribe regulations under which the physical fitness of officers to perform their duties shall be periodically determined.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 190, §335; renumbered §2181, Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 335 of this title as this section.