

The words “notwithstanding any other provision of law” and “or reenlisted” are omitted as surplusage. 34 U.S.C. 188 (proviso) is omitted as executed.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 351 of this title as this section.

Subsec. (a). Pub. L. 115-232 inserted “the duration of their” before “minority”.

2004—Subsec. (a). Pub. L. 108-293 substituted “a period of at least two years but not more than six years.” for “terms of full years not exceeding six years.”

1984—Subsec. (a). Pub. L. 98-557 substituted reference to persons for reference to men.

1956—Act Aug. 10, 1956, repealed and reenacted section by general amendment thereby designating existing provisions as subsec. (a) and adding subsec. (b), relating to grades or ratings of enlistees.

1950—Act Aug. 3, 1950, struck out references to two types of enlistments that were deemed necessary prior to the enactment of the Career Compensation Act.

§ 2303. Promotion

Enlisted members shall be advanced in rating by the Commandant under regulations prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 520, §352; Pub. L. 98-557, §15(a)(3)(C), Oct. 30, 1984, 98 Stat. 2865; renumbered §2303, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Derived from title 14, U.S.C., 1946 ed., §23 (Apr. 16, 1908, ch. 145, §8, 35 Stat. 62).

Inasmuch as all phases of promotion of enlisted men, except the points covered by title 14, U.S.C., 1946 ed., §23, have been left to administrative control heretofore, and this has proved most satisfactory, the entire promotion of enlisted men is delegated to administrative control by this section. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 352 of this title as this section.

1984—Pub. L. 98-557 substituted “Enlisted members” for “Enlisted men”.

§ 2304. Compulsory retirement at age of sixty-two

Any enlisted member who has reached the age of sixty-two shall be retired from active service.

(Aug. 4, 1949, ch. 393, 63 Stat. 520, §353; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2304, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §173 (Apr. 12, 1902, ch. 501, §4, 32 Stat. 100).

Section 173 of title 14, U.S.C., 1946 ed., has been divided. That part dealing with enlisted men is placed in this section. That part dealing with commissioned officers is placed in section 230 of this title. That part dealing with warrant officers is placed in section 303 of this title.

The compulsory retirement age is changed from 64 to 62 in order to make it the same for enlisted men as for officers. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 353 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “active service”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

§ 2305. Voluntary retirement after thirty years' service

Any enlisted member who has completed thirty years' service may, upon his own application, in the discretion of the Commandant, be retired from active service.

(Aug. 4, 1949, ch. 393, 63 Stat. 521, §354; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2305, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §175 (Jan. 28, 1915, ch. 20, §3, 38 Stat. 801).

Said section has been divided. That part dealing with retirement of enlisted men is placed in this section. That part dealing with retirement of commissioned officers is placed in section 231 of this title. That part dealing with retirement of warrant officers is placed in section 304 of this title. That part providing for retired pay is incorporated in section 423 of this title. That part providing for assignment of duties to retired personnel is incorporated in sections 241, 311, and 360 of this title.

The authority to approve was granted to the Commandant in lieu of the Secretary. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 354 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “active service”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

§ 2306. Voluntary retirement after twenty years' service

Any enlisted member who has completed twenty years' service may, upon his own application, in the discretion of the Commandant, be retired from active service.

(Aug. 4, 1949, ch. 393, 63 Stat. 521, §355; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(8), July 1, 1986, 100 Stat. 700; renumbered §2306, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §185a (May 24, 1939, ch. 146, §2, 53 Stat. 755).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 355 of this title as this section.

1986—Pub. L. 99-348 struck out “, with retired pay of the grade or rating with which retired” after “active service”.

1984—Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

§ 2307. Retirement of enlisted members: increase in retired pay

An enlisted member voluntarily or involuntarily retired after twenty years of service who was cited for extraordinary heroism in the line of duty shall be entitled to an increase in retired pay. The retired pay shall be increased by 10 percent of—

(1) the active-duty pay and permanent additions thereto of the grade or rating with which retired when the member's retired pay is computed under section 2504(a) of this title; or

(2) the member's retired pay base under section 1407 of title 10, when a member's retired pay is computed under section 2504(b) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 521, §357; Aug. 3, 1950, ch. 536, §17, 64 Stat. 407; Pub. L. 88-114, §1(1), Sept. 6, 1963, 77 Stat. 144; Pub. L. 98-557, §15(a)(3)(A), (B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, §205(b)(9), July 1, 1986, 100 Stat. 700; Pub. L. 102-241, §6, Dec. 19, 1991, 105 Stat. 2210; Pub. L. 114-120, title II, §215(a), (b)(1), Feb. 8, 2016, 130 Stat. 45, 46; renumbered §2307 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§185, 185d (May 24, 1939, ch. 146, §§1, 5, 53 Stat. 755).

Subsection (b) is new and implements the preceding subsection; it seems necessary in view of certain statutes enacted as the result of World War II.

Subsection (c) is based on title 14, U.S.C., 1946 ed., §185d (May 24, 1939, ch. 146, §5, 53 Stat. 756). Said section has been divided. The first sentence is incorporated in section 423 of this title. The second proviso is incorporated in section 424 of this title. The remainder is placed in this subsection.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §113(b), renumbered section 357 of this title as this section.

Par. (1). Pub. L. 115-282, §123(b)(2), substituted “section 2504(a)” for “section 423(a)”.

Par. (2). Pub. L. 115-282, §123(b)(2), substituted “section 2504(b)” for “section 423(b)”.

2016—Pub. L. 114-120, §215(b)(1), substituted “Retirement of enlisted members: increase in retired pay” for “Involuntary retirement of enlisted members” in section catchline.

Pub. L. 114-120, §215(a), struck out subsec. (i) designation before “An enlisted member” and struck out subsecs. (a) to (h) and (j) which related to procedures and requirements for involuntary retirement of enlisted members.

1991—Pub. L. 102-241 substituted “Involuntary retirement of enlisted members” for “Enlisted Personnel Board” in section catchline and amended text generally. Prior to amendment, text provided that the Commandant assemble annually a Coast Guard Enlisted Personnel Board to recommend enlisted members for retirement, that the recommendations be transmitted to the Commandant for approval, in which event the enlisted members concerned would be noti-

fied and given opportunity to file a written protest, which would require a subsequent annual Board determination and approval by the Commandant to effect the involuntary retirement of that member, and further provided that an enlisted member with twenty years' service retired from active duty by the Commandant pursuant to this section was to receive retired pay, and that an enlisted member voluntarily or involuntarily retired by reason of twenty years' service who had been cited for extraordinary heroism was entitled to an increase in retired pay.

1986—Subsec. (b). Pub. L. 99-348, §205(b)(9)(A), substituted “retired pay” for “the retired pay of the grade or rating with which retired”.

Subsec. (c). Pub. L. 99-348, §205(b)(9)(B), substituted provision that retired pay be increased by an amount equal to 10 percent of the active-duty pay and permanent additions thereto of the grade or rating with which retired, in the case of a member whose retired pay is computed under 423(a) of this title, or the member's retired pay base under section 1407 of title 10, in the case of a member whose retired pay is computed under section 423(b) of this title for provision that the retired pay be increased by an amount equal to 10 percent of the active-duty pay and permanent additions thereto of the grade or rating with which retired.

1984—Pub. L. 98-557, §15(a)(3)(A), substituted reference to enlisted member for reference to enlisted man wherever appearing in subsecs. (a) to (c).

Subsec. (a). Pub. L. 98-557, §15(a)(3)(B), substituted reference to enlisted members for reference to enlisted men in two places.

1963—Subsec. (c). Pub. L. 88-114 struck out provisions which entitled enlisted men whose average marks in conduct were not less than 97½ percent of the maximum to a 10-percent increase of their retired pay.

1950—Subsec. (c). Act Aug. 3, 1950, substituted “years” for “years”.

Statutory Notes and Related Subsidiaries

ENLISTED MEN IN SERVICE ON SEPTEMBER 6, 1963

Pub. L. 88-114, §2, Sept. 6, 1963, 77 Stat. 144, provided that: “The amendment made by subsection (1) of section 1 of this Act [amending this section] does not apply to any enlisted man in service on the effective date of this Act [Sept. 6, 1963].”

SERVICE CREDIT FOR CERTAIN ENLISTED PERSONNEL

Act June 3, 1948, ch. 394, 62 Stat. 302, provided for special service credit for enlisted men of the Coast Guard who, in 1940 and 1941, were discharged to accept employment as policemen and guards at the Ivigtut Cryolite Mine, Greenland, and who reenlisted in the Coast Guard within three months after the termination of their service at the mine.

§ 2308. Recall to active duty during war or national emergency

In times of war or national emergency, the Commandant may order any enlisted member on the retired list to active duty.

(Aug. 4, 1949, ch. 393, 63 Stat. 522, §359; Aug. 3, 1950, ch. 536, §18, 64 Stat. 407; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2308, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §185c (May 24, 1939, ch. 146, §4, 53 Stat. 755).

This section was changed so as to make provisions for enlisted men parallel to similar provisions for commissioned and warrant officers (see §§240 and 310 of the revised title). It seems fair and equitable that similar provisions should apply to all classes of personnel insofar as practicable. 81st Congress, House Report No. 557.