

of the Coast Guard until his discharge therefrom. Enlisted members detained under the provisions of clause (1) shall be entitled to the pay and allowances provided for enlisted personnel of the Navy detained under similar circumstances.

(Aug. 4, 1949, ch. 393, 63 Stat. 523, §367; Aug. 3, 1950, ch. 536, §22, 64 Stat. 407; July 24, 1956, ch. 692, §§2(4), 3, 70 Stat. 631; Pub. L. 98-557, §§15(a)(3)(A), (C), 17(b)(4), Oct. 30, 1984, 98 Stat. 2865, 2868; renumbered §2314, 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., §§35, 35a, 35c (May 26, 1906, ch. 2556, §1, 34 Stat. 200; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 30, 1937, ch. 545, §1, 50 Stat. 547; July 11, 1941, ch. 290, §8, 55 Stat. 586; Aug. 18, 1941, ch. 364, §3, 55 Stat. 629; Dec. 13, 1941, ch. 570, §5, 55 Stat. 799).

Section 35 of title 14, U.S.C., 1946 ed., has been divided. The proviso of subsection (a) is covered by subsection (b) of this section. Subsections (c) and (d) are placed in subsection (a) of this section, except that part (3) of subsection (c) is covered in section 366 of this title. The first sentence of subsection (a) is placed in section 351 of this title. Subsection (b) is placed in section 365 of this title.

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

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 367 of this title as this section.

1984—Pub. L. 98-557 struck out subsec. “(a)” designation; in provisions preceding cl. (1) substituted “enlisted member” for “enlisted man”; and in provisions following cl. (4) substituted “member detained” for “person detained”, “Enlisted members” for “Enlisted men”, and “clause (1)” for “(1) of this subsection”.

1956—Subsec. (a). Act July 24, 1956, §§2(4), 3, repealed cl. (3) permitting detention of enlisted members beyond term of their enlistment while waiting disciplinary action or trial and disposition of their case, struck out provisions prohibiting payment of pay or allowances for any period beyond term of enlistment if trial of such members results in conviction, and redesignated cls. (4) and (5) as (3) and (4), respectively. See section 972(a) of Title 10, Armed Forces.

Subsecs. (b), (c). Act July 24, 1956, §2(4), repealed subsecs. (b) and (c) which required enlisted members to make good time lost by unauthorized absence from duty, or by confinement under sentence or pending trial, or by reason of sickness resulting from misconduct. See section 972(a) of Title 10.

1950—Subsec. (c). Act Aug. 3, 1950, added subsec. (c).

Executive Documents

DELEGATION OF AUTHORITY

For delegation of authority under this section, as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, to Secretary of Homeland Security when Coast Guard is not serving as part of Navy, see section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

§ 2315. Inclusion of certain conditions in enlistment contract

The enlistment contract shall contain the substance of sections 2312 to 2314,¹ inclusive, of this title.

¹ See 2018 Amendment note below.

(Aug. 4, 1949, ch. 393, 63 Stat. 524, §369; renumbered §2315 and amended Pub. L. 115-282, title I, §§113(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4221, 4240.)

HISTORICAL AND REVISION NOTES

It is believed desirable to have the provisions specified included in the enlistment contract, as they include certain privileges and obligations that any man should clearly understand before enlisting. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), which directed amendment of this title by striking each reference to a section redesignated by title I of Pub. L. 115-282 and inserting a reference to the redesignated section, was executed by substituting “sections 2312 to 2314” for “sections 365 to 368” to reflect the probable intent of Congress. Sections 365 to 367 of this title were redesignated as sections 2312 to 2314 of this title by title I of Pub. L. 115-282, whereas section 368 of this title had previously been repealed by Pub. L. 97-322, title I, §115(b)(1), Oct. 15, 1982, 96 Stat. 1585.

Pub. L. 115-282, §113(b), renumbered section 369 of this title as this section.

§ 2316. Discharge within three months before expiration of enlistment

Under regulations prescribed by the Secretary, any enlisted member may be discharged at any time within three months before the expiration of his term of enlistment or extended enlistment without prejudice to any right, privilege, or benefit that he would have received, except pay and allowances for the unexpired period not served, or to which he would thereafter become entitled, had he served his full term of enlistment or extended enlistment.

(Added June 8, 1955, ch. 136, §2, 69 Stat. 88, §370; amended Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; renumbered §2316, Pub. L. 115-282, title I, §113(b), Dec. 4, 2018, 132 Stat. 4221.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 370 of this title as this section.

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

§ 2317. Aviation cadets; procurement; transfer

(a) The grade of aviation cadet is established as a special enlisted grade in the Coast Guard. Under such regulations as the Secretary prescribes, citizens in civil life may be enlisted as, and enlisted members of the Coast Guard with their consent may be designated as, aviation cadets.

(b) Except in time of war or national emergency declared by Congress, not less than 20 percent of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Coast Guard.

(c) No individuals may be enlisted or designated as an aviation cadet unless—

(1) the individual agrees in writing that, upon successful completion of the course of