

Commandant before being eligible for retirement with the grade of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant.

Subsec. (d). Pub. L. 89-444, §1(5), repealed subsec. (d) which provided that a Commandant who retired within 2½ years of the date of his original appointment as Commandant would retire in his permanent grade and with the retired pay of that grade.

1963—Subsecs. (a) to (c). Pub. L. 88-130 substituted “of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant” for “and retired pay of admiral”.

1960—Pub. L. 86-474 authorized any Commandant who is not reappointed at the expiration of his term to be retired with the grade and retired pay of admiral, directed placement on the retired list with the grade and retired pay of admiral for a Commandant who is retired for physical disability, reduced from three to two and one-half years the period that the Commandant must serve before he may voluntarily apply retirement without regard to total length of service, and provided that any Commandant who retires within two and one-half years of the date of his original appointment as Commandant shall retire in his permanent grade and with the retired pay of that grade.

### § 304. Vice Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Vice Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Vice Commandant shall be selected from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendation for such appointment. The Vice Commandant shall, while so serving, have the grade of admiral with pay and allowances of that grade. The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 306(d) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 499, §47; Pub. L. 86-474, §1(6), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(5), (6), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(6), (7), June 9, 1966, 80 Stat. 195; Pub. L. 92-451, §1(4), Oct. 2, 1972, 86 Stat. 755; Pub. L. 97-295, §2(2), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, §205(b)(2), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §204(b)(1), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 111-281, title V, §511(f)(1), (g), Oct. 15, 2010, 124 Stat. 2952, 2953; Pub. L. 114-120, title II, §§201(b), 209(3), Feb. 8, 2016, 130 Stat. 33, 40; renumbered §304 and amended Pub. L. 115-282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§11a, 12 (Apr. 16, 1908, ch. 145, §§1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; Jan. 12, 1923, ch. 25, §2, 42 Stat. 1130; May 24, 1939, ch. 148, §§2, 3, 53 Stat. 757; June 6, 1940, ch. 257, §§1(b), 3, 54 Stat. 246; July 23, 1947, ch. 301, §2, 61 Stat. 410; May 19, 1948, ch. 305, 62 Stat. 239).

Said sections have been divided. The provisions of the proviso of title 14, U.S.C., 1946 ed., §11a, and the first proviso of title 14, U.S.C., 1946 ed., §12, are placed in section 48 of this title and the remainder is placed in this section.

The provisions regarding appointment of the Assistant Commandant and Engineer in Chief are coordinated, inasmuch as these positions are about equal in the Coast Guard organization. The qualification that the Engineer in Chief be appointed from the active list of engineering officers is changed to the active list of officers who have qualified for engineering duty, because there is no longer any provision for a corps of engineering officers. 81st Congress, House Report No. 557.

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 304, act Aug. 4, 1949, ch. 393, 63 Stat. 518, provided for voluntary retirement of warrant officers after thirty years' service, with retired pay of grade with which retired, prior to repeal by act May 29, 1954, ch. 249, §20(o), 68 Stat. 167, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

##### AMENDMENTS

2018—Pub. L. 115-282, §123(b)(2), substituted “section 306(d)” for “section 51(d)”.

Pub. L. 115-282, §104(b), renumbered section 47 of this title as this section.

2016—Pub. L. 114-120, §209(3), substituted “Commandant” for “commandant” in section catchline.

Pub. L. 114-120, §201(b), substituted “grade of admiral” for “grade of vice admiral”.

2010—Pub. L. 111-281 substituted “Vice commandant; appointment” for “Vice Commandant; assignment” in section catchline and “section 51(d)” for “subsection 51(d)” in text.

1993—Pub. L. 103-206 struck out “; retirement” after “assignment” in section catchline, struck out “(a)” before “The President may appoint”, substituted “The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.” for “The appointment of a Vice Commandant shall be effective on the date the officer assumes such duty, and shall terminate on the date he is detached from such duty.”, and struck out subsecs. (b) to (d) which read as follows:

“(b) A Vice Commandant, while so serving, who is retired for physical disability shall be placed on the retired list with the grade of vice admiral.

“(c) An officer who is retired while serving as Vice Commandant, or who, after serving at least two and one-half years as Vice Commandant, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade of vice admiral.

“(d) An officer who, after serving less than two and one-half years as Vice Commandant, is retired after completion of that service while serving in a lower rank or grade, shall be retired in his permanent grade.”

1986—Subsecs. (b), (c). Pub. L. 99-348, §205(b)(2)(A), struck out “and retired pay” after “with the grade”.

Subsec. (d). Pub. L. 99-348, §205(b)(2)(B), struck out “and with the retired pay of that grade” after “permanent grade”.

1982—Subsec. (a). Pub. L. 97-295 substituted “a” for “an” before “Vice Commandant”.

1972—Subsec. (a). Pub. L. 92-451 substituted “Vice Commandant” for “Assistant Commandant” in four places, and “above the grade of captain” for “in the grade of captain or above” in second sentence.

Subsec. (b). Pub. L. 92-451 substituted “A Vice Commandant” for “An Assistant Commandant”.

Subsecs. (c), (d). Pub. L. 92-451 substituted “Vice Commandant” for “Assistant Commandant” wherever appearing.

1966—Subsec. (c). Pub. L. 89-444, §1(6), struck out requirement that Assistant Commandant serve 2½ years as Assistant Commandant before becoming eligible for retirement with the grade and pay of vice admiral.

Subsec. (d). Pub. L. 89-444, §1(7), struck out provision that section 334 of this title, which covers cases of re-

tirement when a higher grade has been held, shall not apply to an officer retiring within 2½ years of the date of his original assignment as Assistant Commandant.

1963—Subsec. (a). Pub. L. 88-130, §1(5), substituted “officers on the active duty promotion list serving in the grade of captain or above” for “active list of officers who hold a permanent commission as captain or above”.

Subsec. (d). Pub. L. 88-130, §1(6), substituted “section 334” for “section 243”.

1960—Pub. L. 86-474 amended section generally, and, among other changes, required Assistant Commandant to be appointed from the active list of officers who hold a permanent commission as captain or above, raised grade of Assistant Commandant from rear admiral to vice admiral, increased his pay and allowances from that of a rear admiral (upper half) to that of a vice admiral, struck out provisions which related to an Engineer in Chief, and added subsecs. (b) to (d).

#### 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.

##### EFFECTIVE DATE OF HIGHER GRADE AND INCREASED PAY AND ALLOWANCES

The increased grade of vice admiral for the Vice Commandant, including the pay and allowances applicable to such grade, effective on the first day of the month following May 14, 1960, see section 2 of Pub. L. 86-474, set out as a note under section 302 of this title.

### § 305. Vice admirals

(a)(1) The President may—

(A) designate, within the Coast Guard, no more than five positions of importance and responsibility that shall be held by officers who, while so serving—

(i) shall have the grade of vice admiral, with the pay and allowances of that grade; and

(ii) shall perform such duties as the Commandant may prescribe, except that if the President designates five such positions, one position shall be the Chief of Staff of the Coast Guard; and

(B) designate, within the executive branch, other than within the Coast Guard or the National Oceanic and Atmospheric Administration, positions of importance and responsibility that shall be held by officers who, while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade.

(2) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

(3)(A) Except as provided in subparagraph (B), one of the vice admirals designated under paragraph (1)(A) must have at least 10 years experience in vessel inspection, marine casualty investigations, mariner licensing, or an equivalent technical expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit car-

rying out marine safety functions and shall serve as the principal advisor to the Commandant on these issues.

(B) The requirements of subparagraph (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewardship possesses that experience.

(4) Prior to making a recommendation to the President for the nomination of an officer for appointment to a position of importance and responsibility under this section, which appointment would result in the initial appointment of the officer concerned in the grade of vice admiral, the Commandant shall consider all officers determined to be among the best qualified for such position.

(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 306(d) of this title, shall terminate on the date the officer is detached from that duty.

(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days;

(C) at the discretion of the Secretary, while awaiting orders after being relieved from the position, beginning on the day the officer is relieved from the position, but not for more than 60 days; and

(D) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755, §50; amended Pub. L. 103-206, title II, §204(c), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 111-281, title V, §511(a), Oct. 15, 2010, 124 Stat. 2951; Pub. L. 111-330, §1(5), Dec. 22, 2010, 124 Stat. 3569; Pub. L. 114-120, title II, §202, Feb. 8, 2016, 130 Stat. 33; renumbered §305 and amended Pub. L. 115-282, title I, §§104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196,