

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,

4240; Pub. L. 116-283, div. A, title V, §551(b)(2), Jan. 1, 2021, 134 Stat. 3630.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 305, act Aug. 4, 1949, ch. 393, 63 Stat. 518, provided for voluntary retirement after twenty 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

2021—Subsec. (a)(4). Pub. L. 116-283 added par. (4).

2018—Pub. L. 115-282, §104(b), renumbered section 50 of this title as this section.

Subsec. (b)(1). Pub. L. 115-282, §123(b)(2), substituted “section 306(d)” for “section 51(d)”.

2016—Subsec. (a)(1). Pub. L. 114-120, §202(1)(A), added par. (1) and struck out former par. (1) which read as follows: “The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

“(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

“(B) shall perform such duties as the Commandant may prescribe.”

Subsec. (a)(3)(A). Pub. L. 114-120, §202(1)(B), substituted “under paragraph (1)(A)” for “under paragraph (1)”.

Subsec. (b)(2)(C), (D). Pub. L. 114-120, §202(2), added subpar. (C) and redesignated former subpar. (C) as (D).

2010—Pub. L. 111-281, §511(a), as amended by Pub. L. 111-330, amended section generally. Prior to amendment, section provided for the appointment of a Commander, Atlantic Area, and a Commander, Pacific Area, each having the grade of vice admiral with pay and allowances of that grade.

1993—Subsec. (b). Pub. L. 103-206 substituted “The appointment and grade of an area commander 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 an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.”

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(5) is effective with the enactment of Pub. L. 111-281.

#### EFFECTIVE DATE

Section 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 an Effective Date of 1972 Amendment note under section 2151 of this title.

#### TREATMENT OF INCUMBENTS; TRANSITION

Pub. L. 111-281, title V, §511(h)(1), Oct. 15, 2010, 124 Stat. 2953, provided that:

“Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act [Oct. 15, 2010], is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

“(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; or

“(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of

enactment of this Act, to perform the duties of the officer's former position and any other such duties that the Commandant prescribes.”

### § 306. Retirement

(a) An officer, other than the Commandant or Vice Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served satisfactorily, as determined under section 2501 of this title.

(b) An officer, other than the Commandant or Vice Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served satisfactorily, as determined under section 2501 of this title.

(c) An officer, other than the Commandant or Vice Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade if performance of duties in such grade is determined to have been satisfactory pursuant to section 2501 of this title.

(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, or Vice Admiral and ending on the day before the officer's retirement, but not for more than 60 days.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755, §51; amended Pub. L. 99-348, title II, §205(b)(3), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §§204(d), 205(c), Dec. 20, 1993, 107 Stat. 2421, 2422; Pub. L. 111-281, title V, §511(c), Oct. 15, 2010, 124 Stat. 2952; Pub. L. 114-120, title II, §201(c), Feb. 8, 2016, 130 Stat. 33; Pub. L. 115-232, div. C, title XXXV, §3528(b), Aug. 13, 2018, 132 Stat. 2318; renumbered §306, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8201(b), Jan. 1, 2021, 134 Stat. 4641.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 306, act Aug. 4, 1949, ch. 393, 63 Stat. 519, related to retirement for disabilities incident to service, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177. See sections 1204 and 1376 of Title 10, Armed Forces.

#### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §8201(b)(1), inserted “satisfactorily, as determined under section 2501 of this title” before period at end.

Subsec. (b). Pub. L. 116-283, §8201(b)(2), inserted “satisfactorily, as determined under section 2501 of this title” before period at end.