

TITLE 14.—COAST GUARD

This title was enacted into positive law by act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 495. The complete title as so enacted into positive law is set out herein.

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POSITIVE LAW; CITATION

This title has been enacted into positive law by section 1 of act Aug. 4, 1949, ch. 393, 63 Stat. 495, which provided in part that: "Title 14 of the United States Code, entitled 'Coast Guard', is hereby revised, codified, and enacted into law, and may be cited as '14 U. S. C., § ———.'"

EFFECTIVE DATE

Section 19 of act Aug. 4, 1949, ch. 393, 63 Stat. 561, provided that: "This Act shall take effect on the first day of the third month after approval by the President but shall not affect any proceedings commenced by or against any person prior to the effective date of this Act."

REPEALS

Act May 5, 1950, ch. 169, § 14 (v), 64 Stat. 148, repealed "Chapter 15. Discipline and Related Matters..... 561" from the analysis. This repeal becomes effective May 31, 1951, by the provisions of section 5 of said Act May 5, 1950, which are set out as a note preceding section 551 of Title 50, War and National Defense.

Section 20 of act Aug. 4, 1949, ch. 393, 63 Stat. 561, repealed the sections or parts of sections of the Revised Statutes or Statutes at large covering provision codified in this act, with a proviso that "any rights or liabilities now existing under such sections or parts thereof shall not be affected by such repeal."

LEGISLATIVE CONSTRUCTION

Section 3 of act Aug. 4, 1949, ch. 393, 63 Stat. 557, provided that: "No inference of a legislative construction is to be drawn by reason of the chapter in Title 14, Coast Guard, as set out in section 1 of this Act, in which any section is placed, nor by reason of the catch lines used in such title."

SEPARABILITY PROVISIONS

Section 2 of act Aug. 4, 1949, ch. 393, 63 Stat. 557, provided that: "If any part of Title 14, United States Code, as enacted by section 1 of this Act, shall be held invalid the remainder of such title shall not be affected thereby."

ORDERS, RULES, AND REGULATIONS

Section 4 of act Aug. 4, 1949, ch. 393, 63 Stat. 558, provided that: "All orders, rules, and regulations of the Coast Guard in effect under provisions of law superseded or amended by this Act shall, to the extent they would have been authorized under this Act, remain in force and effect as the regulations and orders under the provisions of this Act and shall be administered and enforced under this Act as nearly as may be until specifically repealed, amended, or revised."

REDUCTION IN GRADE, RANK, PAY, AND ALLOWANCES AND BENEFITS

Section 5 of act Aug. 4, 1949, ch. 393, 63 Stat. 558, provided that: "Nothing contained in this Act shall operate to abolish or reduce the grade, rank, rating, pay, allowances, or other benefits to which any person in the Coast Guard is entitled on the effective date of this Act."

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Chapter 1.—ESTABLISHMENT AND DUTIES

Sec.

1. Establishment of Coast Guard.
2. Primary duties.
3. Relationship to Navy Department.
4. Operation as a service in the Navy.
5. "Secretary" defined.

§ 1. Establishment of Coast Guard.

The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the Treasury Department, except when operating as a service in the Navy. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 496.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 1 (Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 11, 1941, ch. 290, §§ 5, 6 (a), 55 Stat. 585).

Said section has been divided. Provisions relating to operation under the Navy in time of war are placed in sections 3 and 4 of this title, and the remainder is in this section.

This section continues the Coast Guard as a military service and branch of the armed forces of the United States at all times. By the Act of July 11, 1941, 55 Stat. 585 (title 14, U. S. C., 1946 ed., § 1) the Coast Guard was constituted a branch of the land and naval forces of the United States at all times. This section therefore merely continues an existing agency and codifies existing law on the military status of the Coast Guard, substituting "armed forces" for "land and naval forces" because of the recent establishment of the Department of the Air Force as an "armed force" rather than as a part of the "land and naval forces". The Coast Guard is designated a service in the Treasury Department except when operating as a service in the Navy. This is a better definition of the status of the Coast Guard than one which defines it as a service under the Treasury Department in time of peace, because the President is authorized to place the Coast Guard under the Navy in time of emergency, which could be in time of peace.

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

TRANSFER TO NAVY, AND RETURN TO TREASURY DEPARTMENT

Ex. Ord. No. 8929, Nov. 1, 1941, 6 F. R. 5581, provided that the Coast Guard should operate as a part of the Navy, subject to the orders of the Secretary of the Navy. This order was revoked by Ex. Ord. No. 9666, Dec. 29, 1945, 11 F. R. 1, which provided that the Coast Guard should resume operations under the Treasury Department on and after January 1, 1946.

TRANSFER OF FUNCTIONS BY 1950 REORG. PLAN NO. 26

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

On July 31, 1950, the Secretary of the Treasury issued Treasury Department Order No. 120 directing that officers, employees, and agencies of the Treasury Department shall continue to perform the functions they were authorized to perform prior to the effective date of Reorganization Plan No. 26, 1950, and stipulating that authorized regulations and procedures in effect immediately prior to the effective date of such Plan should continue in effect until changed by appropriate authority.

§ 2. Primary duties.

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 496.)

HISTORICAL AND REVISION NOTES

Reviser's Note. This section defines in general terms, for the first time in any statute, all the primary duties of the Coast Guard. It is derived from title 14, U. S. C., 1946 ed., §§ 45, 50k—50o, 51, 52, 53, 55, 60, 61, 62, 63, 98a, 104, 261, 301, title 33, U. S. C., 1946 ed., §§ 720, 720a, 740, 740a, 740b, title 46, U. S. C., 1946 ed., §§ 1 (footnote), 2 (R. S. 1536, 2747, 2758, 2759, 4249; June 23, 1874, ch. 455, § 1, 18 Stat. 220; June 18, 1878, ch. 265, § 4, 20 Stat. 163; July 5, 1884, ch. 221, § 2, 23 Stat. 118; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Apr. 19, 1906, ch. 1640, §§ 1—3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 17, 1910, ch. 301, §§ 6, 7, 36 Stat. 538; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 24, 1914, ch. 124, 38 Stat. 387; Mar. 3, 1915, ch. 81, § 5, 38 Stat. 927; Aug. 29, 1916, ch. 417, 39 Stat. 1820; May 22, 1926, ch. 371, § 6, 44 Stat. 626; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; Aug. 16, 1937, ch. 665, § 3, 50 Stat. 667; Feb. 19, 1941, ch. 8, §§ 2, 201, 55 Stat. 9, 11; July 11, 1941, ch. 290, § 7, 55 Stat. 585; Nov. 23, 1942, ch. 639, § 2 (2), 56 Stat. 102; Sept. 30, 1944, ch. 453, § 1, 58 Stat. 759; June 22, 1948, ch. 600, 62 Stat. 574; June 26, 1948, ch. 672, 62 Stat. 1050).

This section contains a codification of functions. It sets forth in general language the primary responsibilities of the Coast Guard: enforcement of all Federal laws on waters to which they have application, safety of life and property at sea, aiding navigation, and readiness to function with the Navy. Having been created in 1915 by the consolidation of the Revenue Cutter Service and the Life Saving Service, the Coast Guard has gradually been given additional duties and responsibilities, such as the assignment of law enforcement powers on the high seas and navigable waters in 1936, the transfer of the Lighthouse Service in 1939, and the transfer of the Bureau of Marine Inspection and Navigation in 1942. Existing along with these other duties has been that of maintaining a state of readiness as a specialized service prepared for active participation with the Navy in time of war. These various interdependent functions of the Service have not been expressed collectively in any statute heretofore, but it is believed desirable to do so in this revision in order to have

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ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

On July 31, 1950, the Secretary of the Treasury issued Treasury Department Order No. 120 directing that officers, employees, and agencies of the Treasury Department shall continue to perform the functions they were authorized to perform prior to the effective date of Reorganization Plan No. 26, 1950, and stipulating that authorized regulations and procedures in effect immediately prior to the effective date of such Plan should continue in effect until changed by appropriate authority.

§ 2. Primary duties.

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 496.)

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This section contains a codification of functions. It sets forth in general language the primary responsibilities of the Coast Guard: enforcement of all Federal laws on waters to which they have application, safety of life and property at sea, aiding navigation, and readiness to function with the Navy. Having been created in 1915 by the consolidation of the Revenue Cutter Service and the Life Saving Service, the Coast Guard has gradually been given additional duties and responsibilities, such as the assignment of law enforcement powers on the high seas and navigable waters in 1936, the transfer of the Lighthouse Service in 1939, and the transfer of the Bureau of Marine Inspection and Navigation in 1942. Existing along with these other duties has been that of maintaining a state of readiness as a specialized service prepared for active participation with the Navy in time of war. These various interdependent functions of the Service have not been expressed collectively in any statute heretofore, but it is believed desirable to do so in this revision in order to have

outlined in general terms in one section the broad scope of the functions of the Coast Guard. 81st Congress, House Report No. 557.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

§ 3. Relationship to Navy Department.

Upon the declaration of war or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by executive order, transfers the Coast Guard back to the Treasury Department. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 496.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 1 (Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 11, 1941, ch. 290, §§ 5, 6 (a), 55 Stat. 585).

Said section has been divided. The provisions relating to when the Coast Guard operates as a service in the Navy are in this section. The provisions relating to the establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to appropriations are placed in section 4 of this title.

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

EXCEPTION AS TO TRANSFER OF FUNCTIONS

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under this section, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

§ 4. Operation as a service in the Navy.

Whenever the Coast Guard operates as a service in the Navy:

- (a) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;
- (b) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;
- (c) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;
- (d) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of

honor on the same basis as personnel in the naval service or serving in any capacity with the Navy;

(e) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough; and

(f) Repealed. May 5, 1950, ch. 169, § 14 (u), 64 Stat. 148, eff. May 31, 1951.

(Aug. 4, 1949, ch. 393, § 1, 63 Stat. 497; May 5, 1950, ch. 169, § 14 (u), 64 Stat. 148, eff. May 31, 1951.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Subsections (a) and (b) are based on title 14, U. S. C., 1946 ed., § 1 (Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 11, 1941, ch. 290, §§ 5, 6 (a), 55 Stat. 585).

Said section has been divided. The provisions relating to appropriations are in this section. The provisions relating to establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to when the Coast Guard operates as a service in the Navy are placed in section 3 of this title.

The substantive changes relating to the availability of appropriations when the Coast Guard is transferred to the Navy were suggested by the Bureau of the Budget (July 11, 1941, ch. 290, § 6 (a), 55 Stat. 585).

Subsection (c) is based on title 14, U. S. C., 1946 ed., § 7 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Subsection (d) is derived from title 34, U. S. C., 1946 ed., §§ 355 to 356b (Feb. 4, 1919, ch. 14, §§ 2—5, 40 Stat. 1056; Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743).

Said sections authorized medals for presentation ". . . to any person who, while serving in any capacity with the Navy of the United States . . ."; inasmuch as this language includes the Coast Guard when it is operating under the Navy, this subsection entails no change in existing law.

Subsection (e) is based on title 34, U. S. C., 1946 ed., § 228 (R. S. 1442; Feb. 28, 1942, ch. 11, 59 Stat. 9).

Inasmuch as R. S. 1442 cited above applies to the Navy and Marine Corps as well as the Coast Guard it is not scheduled for repeal but is being amended by section 6 of this act to eliminate reference to the Coast Guard.

Subsection (f) is based on title 14, U. S. C., 1946 ed., § 3 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Said section has been divided. The provisions concerning applicability of Navy laws to Coast Guard personnel are placed in this section. The provisions of the proviso of title 14, U. S. C., 1946 ed., § 3 are placed in section 571 of this title.

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

REPEALS

Subsec. (f), providing that personnel of the Coast Guard should be subject to the laws for the government of the Navy, repealed by act May 5, 1950.

EFFECTIVE DATE OF 1950 REPEALS

Section 5 of act May 5, 1950, provided in part that this repeal should take effect on May 31, 1951. See note set out preceding section 551 of Title 50, War and National Defense.

EXCEPTION AS TO TRANSFER OF FUNCTIONS

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

CROSS REFERENCES

Uniform Code of Military Justice, see section 551 et seq. of Title 50, War and National Defense.

§ 5. "Secretary" defined.

As used in this title, the term "Secretary" means the Secretary of the respective department in which the Coast Guard is operating. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 497.)

HISTORICAL AND REVISION NOTES

Reviser's Note. This section is definitive and is included to obviate the necessity of spelling out in detail in each section of the bill where the Secretary is referred to, "the Secretary of the Treasury when the Coast Guard is operating in the Treasury Department and the Secretary of the Navy when the Coast Guard is operating as a service in the Navy." 81st Congress, House Report No. 557.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

Chapter 3.—COMPOSITION AND ORGANIZATION

Sec.

41. Grades and ratings.
42. Number and distribution of commissioned officers.
43. Relative rank of commissioned officers with respect to Army and Navy.
44. Commandant; appointment.
45. Permanent grade of Commandant on expiration of term.
46. Retirement of Commandant.
47. Assistant Commandant and Engineer in Chief; appointment.
48. Permanent grade of Assistant Commandant and Engineer in Chief on expiration of term.
49. Retirement of Assistant Commandant and Engineer in Chief.

§ 41. Grades and ratings.

In the Coast Guard there shall be a vice admiral, rear admirals, captains, commanders, lieutenant commanders, lieutenants, lieutenants (junior grade), ensigns, commissioned warrant officers, cadets, warrant officers, and enlisted men. Enlisted men shall be distributed in ratings established by the Secretary. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 497.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., §§ 5, 9, 21 (Apr. 12, 1902, ch. 501, § 1, 32 Stat. 100; Jan. 28, 1915, ch. 20, § 2, 38 Stat. 801; May 18, 1920, ch. 190, § 8, 41 Stat. 603; June 5, 1920, ch. 235, § 1, 41 Stat. 879; Jan. 12, 1923, ch. 25, §§ 1, 2, 42 Stat. 1130; July 8, 1926, ch. 742, §§ 3, 9, 10, 44 Stat. 815, 817).

The grades of vice admiral and rear admiral are added to make provision for the commissioned officer personnel structure of the service as provided for in this revision. The entire rating structure for enlisted men is left to the administrative discretion of the Secretary, as in the past, for reasons of flexibility.

The last two paragraphs of said section 5 are obsolete and have been omitted.

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

CROSS REFERENCES

Authorized commissioned strength of Coast Guard and distribution of officers, see section 42 of this title.

§ 42. Number and distribution of commissioned officers.

The total number of commissioned officers, including permanent, temporary, temporary service, and reserve officers on active duty, and excluding commissioned warrant officers, on the active list of the Coast Guard shall not exceed two thousand two hundred and fifty. Included in this number are the extra numbers in grade which under law operate to increase the authorized number of line officers upon separation or retirement of the person holding that number, and the members of the permanent commissioned teaching staff of the Coast Guard Academy, who shall not be considered as extra numbers in grade. The commissioned officers shall be distributed in the grades of rear admiral, captain, commander, lieutenant commander, lieutenant, lieutenant (junior grade), and ensign in the same percentages as prescribed by Act of Congress for the Navy. To determine the authorized number of officers in the various grades as provided in this section the computation shall be based on the actual number of officers on active duty, including permanent, temporary, and reserve officers on active duty, but not including extra numbers in the Coast Guard at the date of making the computation. The Secretary shall, at least once each year, make such a computation, and the resulting numbers in the various grades as so computed shall be held and considered for all purposes as the authorized number in such various grades. The nearest whole number shall be regarded as the authorized number in case fractions result in the computation. The Secretary may, however, as he may from time to time determine the needs of the Coast Guard require, reduce the percentages applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentages applicable to any grade or grades below the grade or grades in which such percentages are so reduced. No officer shall be reduced in permanent grade or pay or removed from the active list of the Coast Guard as the result of any computation or determination made by the Secretary to establish the number of officers in the various grades. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 497.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 6a (July 23, 1947, ch. 301, § 1, 61 Stat. 409).

The only change is in phraseology in the second sentence, it being necessary to include the extra numbers authorized by the Act of July 23, 1947 in the figure given as the present number of extra numbers in the Coast Guard. 81st Congress, House Report No. 557.

REPEALS; SAVINGS PROVISIONS

Act July 23, 1947, ch. 301, § 16, 61 Stat. 413, as amended by act June 3, 1948, ch. 395, 62 Stat. 302, provided: "All Acts or parts of Acts inconsistent with this Act are hereby repealed; but the Act of July 24, 1941, as amended (55 Stat. 603 [sections 350—350j of Title 34]), shall continue to have application to the Coast Guard until such time as the Secretary of the Treasury shall determine that the