

§ 152. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services

The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the Coast Guard Exchange System or that morale, welfare, and recreation system.

(Added Pub. L. 108-293, title II, §202(a), Aug. 9, 2004, 118 Stat. 1031.)

§ 153. Appointment of judges

The Secretary may appoint civilian employees of the department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.

(Added Pub. L. 111-281, title II, §201(a), Oct. 15, 2010, 124 Stat. 2909.)

CHAPTER 9—COAST GUARD ACADEMY

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AMENDMENTS

2012—Pub. L. 112-213, title II, §§205(b), 216(e), (f), Dec. 20, 2012, 126 Stat. 1545, 1555, struck out items 193 “Advisory Committee” and 198 “Coast Guard history fellowships” and added item 200.

2010—Pub. L. 111-281, title IX, §903(b)(3), Oct. 15, 2010, 124 Stat. 3011, inserted period at end of item 198.

Pub. L. 111-281, title V, §525(b), Oct. 15, 2010, 124 Stat. 2959, as amended by Pub. L. 111-330, §1(7)(B), Dec. 22, 2010, 124 Stat. 3569, added item 199.

¹ So in original. Does not conform to section catchline.

2006—Pub. L. 109-241, title II, §209(b), July 11, 2006, 120 Stat. 523, added item 198.

2004—Pub. L. 108-375, div. A, title V, §545(d)(2), Oct. 28, 2004, 118 Stat. 1909, added item 197.

1993—Pub. L. 103-206, title III, §305(b), Dec. 20, 1993, 107 Stat. 2425, added item 196.

1984—Pub. L. 98-557, §24(b), Oct. 30, 1984, 98 Stat. 2872, added item 181a.

1982—Pub. L. 97-295, §2(7)(A), Oct. 12, 1982, 96 Stat. 1301, substituted “Civilian teaching staff” for “Civilian instructors” in item 186.

Pub. L. 97-295, §2(7)(B), Oct. 12, 1982, 96 Stat. 1301, substituted “foreign nationals” for “foreigners” in item 195.

1970—Pub. L. 91-278, §1(7), June 12, 1970, 84 Stat. 305, added item 195.

1960—Pub. L. 86-474, §1(15), May 14, 1960, 74 Stat. 146, substituted “member of civilian teaching staff” for “civilian instructor” in item 191.

§ 181. Administration of Academy

The immediate government and military command of the Coast Guard Academy shall be in the Superintendent of the Academy, subject to the direction of the Commandant under the general supervision of the Secretary. The Commandant may select a superintendent from the active list of the Coast Guard who shall serve in the pleasure of the Commandant.

(Aug. 4, 1949, ch. 393, 63 Stat. 508.)

HISTORICAL AND REVISION NOTES

This section does not change the present method of administration of the Academy. It makes statutory what has been administrative regulation heretofore, and it is believed highly desirable to make the control of an institution of such national interest as the Academy the subject of a statute.

This section is new. There is no provision in existing law which establishes the Academy and sets it up as an operating unit. Nor is there any provision which creates the office of Superintendent of the Academy, or prescribes his duties and functions. Heretofore this has been accomplished by regulations, and the laws which deal with the Academy assume its existence as a going institution and assume the existence of the Superintendent with certain defined functions and duties. This section continues the Academy as previously established, provides for the appointment of the Superintendent by the Commandant, and defines in general terms his functions. The Academy would thus be placed on a definite statutory basis, and the office of Superintendent would be a statutory position, but the present administration of the Academy would in no way be interfered with. 81st Congress, House Report No. 557.

§ 181a. Cadet applicants; preappointment travel to Academy

The Secretary is authorized to expend appropriated funds for selective preappointment travel to the Academy for orientation visits of cadet applicants.

(Added Pub. L. 98-557, §24(a), Oct. 30, 1984, 98 Stat. 2872.)

§ 182. Cadets; number, appointment, obligation to serve

(a) The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred. Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall deter-

mine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. In the administration of this chapter, the Secretary shall take such action as may be necessary and appropriate to insure that female individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals. The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

(b) Each cadet shall sign an agreement with respect to the cadet's length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

(2) That upon graduation from the Coast Guard Academy the cadet—

(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Guard; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet—

(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

(c)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (b). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (b) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

(d) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include—

(1) standards for determining what constitutes, for the purpose of subsection (c), a breach of an agreement under subsection (b);

(2) procedures for determining whether such a breach has occurred; and

(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (c).

(e) In this section, "commissioned service obligation", with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

(f)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (b) only with the consent of the parent or guardian.

(g) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (b), or the alternative obligation imposed under subsection (c), shall be subject to the repayment provisions of section 303a(e) of title 37.

(Aug. 4, 1949, ch. 393, 63 Stat. 508; Pub. L. 88-276, § 5(b), Mar. 3, 1964, 78 Stat. 153; Pub. L. 89-444, § 1(8), June 9, 1966, 80 Stat. 195; Pub. L. 91-278, § 1(4), June 12, 1970, 84 Stat. 304; Pub. L. 94-572, § 1, Oct. 21, 1976, 90 Stat. 2708; Pub. L. 97-295, § 2(8), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 100-448, § 12, Sept. 28, 1988, 102 Stat. 1843; Pub. L. 109-163, div. A, title VI, § 687(d), Jan. 6, 2006, 119 Stat. 3336; Pub. L. 111-281, title IX, § 903(b)(4), Oct. 15, 2010, 124 Stat. 3011.)

HISTORICAL AND REVISION NOTES

Based on the proviso under the heading "Revenue Cutter Service" of act Feb. 25, 1903, ch. 755, 32 Stat. 869, and on title 14, U.S.C., 1946 ed., §§ 15, 15a-1, 25 (June 23, 1906, ch. 3520, § 2, 34 Stat. 452; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 3, 1926, ch. 742, § 6, 44 Stat. 816; July 30, 1937, ch. 545, § 5, 50 Stat. 549; May 25, 1943, ch. 99, 57 Stat. 84).

Section 15 of title 14, U.S.C., 1946 ed., has been divided. That part dealing with clothing allowance for cadets is placed in section 183 of this title and the other parts are incorporated with the proviso of title 14, U.S.C., 1946 ed., § 15a-1 to form this section.

Section 15a-1 of title 14, U.S.C., 1946 ed., has been divided. That part dealing with the appointment of cadets to the grade of ensign is placed in section 185 of this title, and the proviso is placed in this section.

The length of term of service as a cadet prior to graduation is added to the list of matters specifically determined by the Secretary.

The period of required service after graduation is increased from 3 to 4 years, to attain uniformity with the other service academies. 81st Congress, House Report No. 557.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-281 struck out "All such appointments shall be made without regard to the sex, race, color, or religious beliefs of an applicant." before "In the administration".

2006—Subsec. (g). Pub. L. 109-163 added subsec. (g).

1988—Subsec. (a). Pub. L. 100-448, §12(1), struck out before last sentence "Previous to his admission each cadet shall obligate himself, in such manner as the Secretary shall prescribe, to complete the course of instruction at the Coast Guard Academy and to serve at least five years as an officer in the Coast Guard after graduation, if his service be so long required."

Subsecs. (b) to (f). Pub. L. 100-448, §12(2), added subsecs. (b) to (f) and struck out former subsec. (b) which read as follows: "A cadet who does not fulfill his obligation to complete the course of instruction or refuses to accept an appointment as an officer in the Coast Guard may be transferred by the Secretary to the Coast Guard Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of title 10, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes, but not for more than four years."

1982—Subsec. (b). Pub. L. 97-295 struck out "United States Code," after "title 10,".

1976—Subsec. (a). Pub. L. 94-572 inserted provisions for nondiscriminatory appointment of cadets to the Coast Guard Academy.

1970—Pub. L. 91-278 substituted "six hundred" for "four hundred" in first sentence, required each cadet to obligate himself to complete the course of instruction at the Academy, designated existing provisions as subsec. (a), and added subsec. (b).

1966—Pub. L. 89-444 substituted "four hundred" for "three hundred" in first sentence.

1964—Pub. L. 88-276 substituted "five" for "four" in fourth sentence.

EFFECTIVE DATE OF 1964 AMENDMENT; OBLIGATED PERIOD OF SERVICE

Amendment by Pub. L. 88-276 effective only with respect to cadets and midshipmen appointed to the service academies and the Coast Guard Academy after Mar. 3, 1964, see section 5(c) of Pub. L. 88-276, set out as a note under section 4348 of Title 10, Armed Forces.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(d) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of Title 10, Armed Forces.

§ 183. Cadets; initial clothing allowance

The Secretary may prescribe a sum which shall be credited to each new cadet upon first admission to the Academy, to cover the cost of his initial clothing and equipment issue, which sum shall be deducted subsequently from his pay. Each cadet discharged prior to graduation who is indebted to the United States on account of advances of pay to purchase required clothing and equipment shall be required to turn in to the Academy all clothing and equipment of a distinctively military nature to the extent required to discharge such indebtedness; and, if the value of such clothing and equipment so turned in does not cover the indebtedness incurred, then such indebtedness shall be canceled.

(Aug. 4, 1949, ch. 393, 63 Stat. 508; Aug. 22, 1951, ch. 340, §3, 65 Stat. 196.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15 (June 23, 1906, ch. 3520, §2, 34 Stat. 452; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 3, 1926, ch. 742, §6, 44 Stat. 816; July 30, 1937, ch. 545, §5, 50 Stat. 549).

Said section has been divided. That part dealing with clothing allowance for cadets is placed in this section and the other parts are incorporated in section 182 of this title.

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

AMENDMENTS

1951—Act Aug. 22, 1951, substituted provision that the Secretary may prescribe the sum to be credited for the former prescribed sum of \$250, and inserted second sentence.

§ 184. Cadets; degree of bachelor of science

The Superintendent of the Academy may, under such rules and regulations as the Secretary shall prescribe, confer the degree of bachelor of science upon all graduates of the Academy and may, in addition, confer the degree of bachelor of science upon such other living graduates of the Academy as shall have met the requirements of the Academy for such degree.

(Aug. 4, 1949, ch. 393, 63 Stat. 508.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15a (May 25, 1933, ch. 37, 48 Stat. 73; July 8, 1937, ch. 447, 50 Stat. 477; Aug. 9, 1946, ch. 928, 60 Stat. 961).

Changes in phraseology were made inasmuch as the Academy is now accredited by the Association of American Universities. It was not so accredited when the section was enacted.

Inasmuch as the acts cited above apply equally to the Military Academy and the Naval Academy, as well as the Coast Guard Academy, they are not scheduled for repeal but are being amended by section 13 of this act to eliminate reference to the Coast Guard. 81st Congress, House Report No. 557.

§ 185. Cadets; appointment as ensign

The President may, by and with the advice and consent of the Senate, appoint as ensigns in the Coast Guard all cadets who shall graduate from the Academy. Ensigns so commissioned on the same date shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

(Aug. 4, 1949, ch. 393, 63 Stat. 508.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15a-1 (May 25, 1943, ch. 99, 57 Stat. 84).

Said section has been divided. The proviso is incorporated in section 182 of this title. The other part is incorporated in this section.

The last sentence of this section is new as a statute; it makes statutory what has been the practice of years, and is similar to the third sentence of title 34, U.S.C., 1946 ed., §1057, applicable to graduates of the Naval Academy. 81st Congress, House Report No. 557.

§ 186. Civilian teaching staff

(a) The Secretary may appoint in the Coast Guard such number of civilian faculty members at the Academy as the needs of the Service may require. They shall have such titles and perform duties as prescribed by the Secretary. Leaves of absence and hours of work for civilian faculty members shall be governed by regulations promulgated by the Secretary, without regard to the provisions of title 5.

(b) The compensation of persons employed under this section is as prescribed by the Secretary.